

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE LIPITOR ANTITRUST
LITIGATION

This Document Relates To:

All End-Payor Class Actions

MDL No. 2332

Case No. 3:12-cv-2389-ZNQ-JBD

**DECLARATION OF KENNETH A. WEXLER IN SUPPORT OF END-
PAYOR CLASS COUNSEL'S AMENDED REQUEST FOR
REIMBURSEMENT OF LITIGATION EXPENSES**

I, Kenneth A. Wexler, hereby declare under penalty of perjury and pursuant to 18 U.S.C. § 1746 as follows:

1. I have personal knowledge of the matters described below, and if called to testify upon them, would be competent to do so.

2. I am managing partner in the law firm Wexler Boley & Elgersma LLP, and I submit this Declaration in support of End-Payor Class Counsel's Amended Request for Reimbursement of Litigation Expenses.

3. On August 27, 2024, I and the other Co-Lead Counsel for the End-Payor Plaintiffs filed a Motion for an Award of Attorneys' Fees, Reimbursement of Expenses, and Grant of Service Awards to the Class Representatives ("Motion for Fees and Expenses"). In that Motion, Co-Lead Counsel requested, *inter alia*, reimbursement of \$2,202,611.05 in expenses that were reasonable and necessarily

incurred in connection with the prosecution of the Classes' claims from the inception of this case through May 31, 2024.¹

4. Included in Co-Lead Counsel's request for reimbursement of expenses were expenses related to each firm's respective contributions to the litigation fund maintained and utilized for common expenses in this Action.

5. My firm is responsible for maintaining the End-Payor Plaintiffs' litigation fund. As part of those duties, my firm has maintained contemporaneous records of each firm's contributions to the fund.

6. In preparation for the reply submission in this matter, my firm cross-referenced our litigation-fund records with the individual litigation-fund contributions detailed in the Motion for Fees and Expenses. We discovered during this review that certain firms did not seek reimbursement for litigation-fund assessments paid in the early stages of this protracted litigation. We also discovered an instance in which another firm's assessment was incorrectly attributed to my firm.

7. The following table depicts each of the omitted litigation-fund contributions and the correction related to my firm's contributions to the fund:

¹ This amount was calculated by adding together expenses incurred and paid, outstanding expenses invoiced but not yet paid, and a modest holdback for possible future administrative expenses, then subtracting the amount remaining in the litigation fund.

Firm	Total Contribution to Litigation Fund by Certain Firms, as Requested in August 27, 2024 Motion for Fees and Expenses	Corrected Amount of Contribution to Litigation Fund Based on Co-Lead Counsel's Audit	Difference Requested for Reimbursement
Heins Mills & Olson, P.L.C.	\$15,000.00	\$31,000.00	\$16,000.00
Branstetter, Stranch & Jennings, PLLC	\$0.00	\$10,000.00	\$10,000.00
Joseph Smith	\$0.00	\$3,000.00	\$3,000.00
Shaheen & Gordon	\$0.00	\$3,000.00	\$3,000.00
Bonsignore Trial Lawyers, PLLC	\$0.00	\$3,000.00	\$3,000.00
Glancy Binkow & Goldberg	\$0.00	\$3,000.00	\$3,000.00
Gross Belsky & Alonso	\$0.00	\$3,000.00	\$3,000.00
Pastor Law Office	\$0.00	\$3,000.00	\$3,000.00
Jasper Smith Olson	\$0.00	\$3,000.00	\$3,000.00
Wayne Parsons Law	\$0.00	\$3,000.00	\$3,000.00
Wexler Boley & Elgersma LLP	\$454,125.00	\$439,125.00	(\$15,000.00)

TOTALS:	\$469,125.00	\$504,125.00	\$35,000.00
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8. The above expenses were all reasonably incurred and necessary to the representation of the Classes. Such expenses were critical to achieving the result obtained for the Classes and were fully reasonable given the demands of this complex antitrust case. Class Counsel thus respectfully request that their request for reimbursement of litigation expenses be amended to include an additional \$35,000.00 in litigation-fund contributions, such that each of the above-listed firms can be awarded reimbursement for the full and correct amount of their litigation assessments.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on September 24, 2024.

/s/ Kenneth A. Wexler
Kenneth A. Wexler