

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTTITRUST
LITIGATION

Case No. 18-cv-1776 (JRT/HB)

This Document Relates To:

COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFF ACTION

**DECLARATION OF DAVID CIALKOWSKI IN SUPPORT OF
COMMERCIAL AND INSTITUTIONAL INDIRECT PURCHASER
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF LITIGATION EXPENSES, SET ASIDE
FOR FUTURE LITIGATION EXPENSES, AND CLASS
REPRESENTATIVE SERVICE AWARDS**

I, David Cialkowski, declare as follows:

1. I am an attorney admitted to practice in the District of Minnesota in the above-captioned lawsuit. I have practiced law since 1998 and am a partner with the firm of Zimmerman Reed, LLP in Minneapolis, Minnesota. I have litigated class actions and other complex matters most of my career. This declaration is submitted in support of Commercial and Institutional Indirect Purchaser Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Litigation Expenses, Set Aside for Future Expenses, and Class Representative Service Awards.

2. The Court appointed my firm to serve on the Plaintiffs' Steering Committee for the Commercial Institutional Indirect Purchaser Plaintiffs. We have worked in

coordination with other co-counsel for the CIIPPs. Work assignments in this case have been made by Interim Co-Lead Counsel (Larson • King, LLP and Cuneo Gilbert & LaDuca, LLP) to avoid duplicative efforts and my firm has worked efficiently on behalf of our named representative clients and the absent class members.

3. The schedule attached to this declaration as Exhibit A, and incorporated herein, is a summary of the amount of time spent by my firm's partners, attorneys, and professional support staff who were involved in this litigation through the end of July 2021. The lodestar calculation is based on my firm's current billing rates for antitrust class action litigation. Exhibit A was prepared from contemporaneous time records regularly prepared and maintained by my firm. The hourly rates for my firm's partners, attorneys, and professional support staff included in Exhibit A are the customary hourly rates charged for their services in similar complex litigation. In addition, my firm has submitted fee petitions in other cases that have reported hourly rates at amounts comparable to those sought here, and courts have approved an award of attorneys' fees in such cases.

4. The total number of hours reasonably expended on this litigation by my firm from inception through July 31, 2021 is 596.30. The total lodestar for my firm at current rates is \$406,041.00. Expense items are billed separately and are not duplicated in my firm's lodestar.

5. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, check records, and other source materials and accurately reflect the expenses incurred.

6. My firm incurred a total of \$2,868.47 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. A summary of those expenses by category is attached as Exhibit B. Assessments my firm paid to a litigation expense fund for this case are not included in Exhibit B and will be addressed separately in another declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 28, 2021

/s/ David Cialkowski

David Cialkowski