

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTI-TRUST
LITIGATION

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

This Document Relates To:

COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFF ACTION

**DECLARATION OF MICHAEL J. FLANNERY 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, Michael J. Flannery, declare as follows:

1. I am an attorney admitted to practice *pro hac vice* in the District of Minnesota in the above-captioned lawsuit. I have practiced law since 1991 and am a partner with the firm of Cuneo, Gilbert & LaDuca, LLP in Washington, D.C. 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. I am one of the Interim Co-Lead Class Counsel appointed by the Court to represent the putative litigation and provisionally certified settlement class of commercial institutional indirect purchaser plaintiffs (“CIIPPs”) in this litigation.

3. The law firms representing the CIIPPs have worked on this litigation on a contingent basis since 2018. My law firm, and the law firms representing the CIIPPs under the direction of Interim Co-Lead Counsel for the CIIPPs, have done so without any guarantee of being paid for their time or being reimbursed for the considerable expenses and time devoted in the pursuit of the case involved in the settlement currently before the Court.

4. 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 (my firm and Larson • King, LLP) to avoid duplicative efforts and my firm has worked efficiently on behalf of our named representative clients and the absent class members.

5. 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 October 2024. The lodestar calculation is based on my firm’s current billing rates for antitrust class action litigation. Exhibit A was prepared from computerized 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.

6. The total number of hours reasonably expended on this litigation by my firm from inception through October 31, 2024 is 10,295.2. The total lodestar for my firm at current rates is \$7,551,940.50. Expense items are billed separately and are not duplicated in my firm's lodestar.

7. 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.

8. Since the Court's order in October 2022 (Dkt. 1549) allowing reimbursement of expenses incurred by the CIIPPs, my firm has incurred and paid \$13,026.51 in 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: November 22, 2024

/s/ Michael J. Flannery
Michael J. Flannery

**In Re Pork Antitrust Litigation
Commercial and Institutional Purchaser Plaintiff Action
Case No. 18-cv-1776 (JRT/HB)**

**EXHIBIT A
LODESTAR SUMMARY**

Firm: **Cuneo Gilbert & LaDuca, LLP**
Reporting Period: **Inception – October 31, 2024**

Professional	Status	Hourly Rate	Total Hours To Date	Total Lodestar To Date
Jonathan Cuneo	P	\$1,430.00	528.8	\$756,184.00
Joel Davidow	P	\$1,230.00	186.5	\$229,395.00
Mike Smith	P	\$1,230.00	4.5	\$5,535.00
Michael Flannery	P	\$1,175.00	372.0	\$437,100.00
Monica Miller	P	\$1,175.00	35.7	\$41,947.50
David Noll	OC	\$1,000.00	57.7	\$57,700.00
Daniel Cohen	P	\$980.00	709.6	\$695,408.00
James Wallace	P	\$895.00	54.0	\$48,330.00
Amanda Lewis	P	\$850.00	103.0	\$87,550.00
Victoria Sims	P	\$850.00	2.5	\$2,125.00
Jennifer Kelly	P	\$850.00	293.8	\$249,730.00
Lisa Morgans	P	\$800.00	295.7	\$236,560.00
Evelyn Riley	P	\$800.00	582.9	\$466,320.00
Blaine Finley	P	\$800.00	4337.2	\$3,469,760.00
Peter Gil-Montilor	P	\$800.00	21.5	\$17,200.00
Cody McCracken	A	\$475.00	557.7	\$264,907.50
Claire Esmonde	A	\$475.00	1.0	\$475.00
Aaron Zoellick	LC	\$325.00	23.9	\$7,767.50
Zachary Freed	PL	\$325.00	11.0	\$3,575.00
Kaylah Alexander	LC	\$275.00	58.1	\$15,977.50
Barbara Yuill	LC	\$275.00	184.4	\$50,710.00
John Yuill	LC	\$275.00	194.5	\$53,487.50
Benjamin Apelbaum	PL	\$225.00	36.1	\$8,122.50
Ally Bachart	PL	\$225.00	7.0	\$1,575.00
Noah Bray	PL	\$225.00	537.2	\$120,870.00
Vienna Chan	PL	\$225.00	20.8	\$4,680.00
Momena Haider	PL	\$225.00	89.0	\$20,025.00
Olivia Harwood	PL	\$225.00	416.8	\$93,780.00
Gregory Heeren	PL	\$225.00	0.1	\$22.50
Natasha Vij	PL	\$225.00	6.5	\$1,462.50
Darren Villalobos	PL	\$225.00	137.8	\$31,005.00
Nicholas Hassett	PL	\$225.00	90.6	\$20,385.00
Leena Khan	PL	\$225.00	5.0	\$1,125.00
Adele Krabak	PL	\$225.00	21.0	\$4,725.00
Terra Johns	PL	\$225.00	80.4	\$18,090.00
Jacob Levine	PL	\$225.00	23.0	\$5,175.00
Whitney Powers	PL	\$225.00	41.2	\$9,270.00
Roy Tiefer		\$95.00	123.3	\$11,713.50

Bill Czerwinski		\$50.00	43.4	\$2,170.00
TOTALS			10295.20	\$7,551,940.50

Status:
Partner (P)
Associate (A)
Paralegal (PL)
Of Counsel (OC)
Law Clerk (LC)
Legal Assistant (LA)

**In Re Pork Antitrust Litigation
Commercial and Institutional Purchaser Plaintiff Action
Case No. 18-cv-1776 (JRT/HB)**

**EXHIBIT B
EXPENSE / DISBURSEMENT SUMMARY**

Firm: **Cuneo Gilbert & LaDuca, LLP**
Reporting Period: **August 1, 2022 – October 31, 2024**

EXPENSE	AMOUNT
Federal Express, Local Courier, etc.	\$348.36
Postage Charges	\$0.00
Facsimile Charges	\$0.00
Long Distance	\$0.00
In-House Photocopying	\$0.00
Outside Photocopying	\$0.00
Travel (Transportation, lodging, meals, etc.)	\$10,449.11
Court fees (filing, etc.)	\$0.00
Professional Fees (expert/investigators, etc.)	\$0.00
Witness/Service Fees	\$0.00
Court Reporter/Transcripts	\$1,220.80
Computer Research	\$936.69
Miscellaneous (Consulting, WiFi Service, Dropbox)	\$71.55
TOTAL	\$13,026.51