

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: PROCESSED EGG PRODUCTS ANTITRUST LITIGATION
This document relates to: ALL DIRECT PURCHASER ACTIONS

MDL Docket No. 2002
08-md-02002

DECLARATION OF JAMES E. CECCHI

I, JAMES E. CECCHI, of full age, hereby declare as follows:

1. I am an attorney licensed to practice in New Jersey and am a member of the law firm of Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. I submit this declaration in support of Plaintiffs' application for an award of attorney's fees and reimbursement of expenses.

2. This Declaration pertains to the hours worked by professionals in my firm, and the expenses incurred by this firm, during the period from January 2009 through February 2011. My firm has submitted to Interim Co-Lead Counsel in this case (i) monthly reports setting forth the hours which this firm (by individual) has devoted to work on this case for the foregoing period of time, and (ii) monthly reports setting forth the expenses incurred in connection with this firm's work on the case during that same period. These monthly reports are based upon records of time and expenses regularly maintained by my firm in the normal course of conducting its business.

3. At the direction of Interim Co-Lead Counsel, my firm has performed the following tasks in this litigation: assisted with discovery efforts, litigation strategy, legal

analysis, and case management.

4. Prior to preparing this declaration I reviewed the billing rates of the attorneys working on this matter. I did so to insure that the rates reflected in the lodestar report were reasonable and reflective of the rates charged in similar matters both by my colleagues and by attorney's at other New Jersey firms. The attorneys (both partners and associates) bill out at a variety of rates, depending upon the particular engagement. For the files where I am the originating partner and the billing partner, I set the hourly rates based upon a variety of factors including the type of engagement and client. The rates I charge for my services range from \$550 per hour to \$750 per hour for hourly paying clients. At the top end of the range are large corporate clients.

5. I believe that my firm's rates are fully commensurate with the hourly rates of other large New Jersey firms performing similar work both for plaintiffs and for defendants.

6. Furthermore, I am aware of the billing rates of nationally prominent plaintiffs firms, as well as national defense firms. After considering all of these data points, I have determined that the rates set forth in my lodestar report are reasonable for each of the professionals who worked on this matter.


7. Attached as Exhibit 1 hereto is a chart setting forth, for the January 2009 through February 2011 time period: (i) the individuals from this firm who have worked on this case; (ii) the dates of admission (attorneys) or years of experience (non-attorneys) for each individual that has worked on this case; (iii) the billable rates charged by each such individual, by year, for work performed on this case; (iv) the total number of hours that each individual has worked on this case, by year; (v) the total hours and total lodestar for the firm; and (vi) the total expenses less assessments for the firm.

8. Attached as Exhibit 2 hereto are the monthly lodestar reports which this firm has submitted to Interim Co-Lead Counsel for the Direct Purchaser Class Plaintiffs from January 2009 through February 2011. The lodestar amount reflected in the reports attached hereto is for work assigned by Interim Co-Lead Class Counsel and was performed by professional staff at my law firm for the benefit of the Direct Purchaser Plaintiff Class. I have reviewed the lodestar reports attached hereto and can confirm that they are true and correct. All work reported by individuals (attorneys and non-attorneys) on behalf of the Direct Purchaser Plaintiff Class in this matter was performed on a wholly contingent basis. The rates set forth in the monthly reports attached as Exhibit 2 are the regular, historical hourly rates in effect at the time work was performed. These rates are the same rates charged to hourly clients and, in addition, have been approved by other courts in ruling on fee awards in other class action litigation in which my firm has served as counsel during the relevant time period. Some of the cases in which our January 2009 through February 2011 rates, or substantially similar rates, have been approved by other courts include: *In re: Mercedes-Benz Tele Aid Contract Litigation*, Civil Action No. 07-2720 (DRD) (approving rates when granting fee application and conducting lodestar cross-check), *In re: Vytarin/Zetia Marketing, Sales Practices and Product Liability Litigation*, Master Docket No. 08-0285 (DMC) (granting fee application following lodestar cross-check), *Milliron v. T-Mobile USA, Inc.*, Civil Action No. 08-4149 (JLL) (granting fee application following lodestar cross-check), *McClennan v. LG Electronics, Inc.*, Civil Action No. 10-cv-03604 (WJM) (approving rates when granting fee application and conducting lodestar cross-check), *O'Brien v. LG Electronics USA, Inc.*, Civil Action No. 10-cv-04488 (DMC) (approving rates when granting fee application and conducting lodestar cross-check), in the United States District Court for the District of New Jersey.

9. Attached as Exhibit 3 hereto are monthly charts setting forth the expenses incurred by this firm in connection with this litigation from January 2009 through February 2011. The expenses incurred are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and represent an accurate recordation of the expenses incurred. These costs were incurred on behalf of the Direct Purchaser Plaintiff Class by my firm on a contingent basis, and have not been reimbursed.

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

Executed on September 7, 2012 at Roseland, New Jersey.


A handwritten signature in cursive script, reading "James E. Cecchi". Below the signature is a horizontal line, and underneath the line, the name "JAMES E. CECCHI" is printed in a sans-serif font. To the right of the printed name, there are some handwritten initials or a mark that appear to be "JAE".

JAMES E. CECCHI

EXHIBIT 1

Carella, Byrne, Cecchi

Cecchi, James - Partner

YEARS OF EXPERIENCE: 23

	Rate	Hours	Rate x Hours
2009	\$750.00	5.00	\$3,750.00
2010	\$750.00	3.00	\$2,250.00
2011	\$0.00	0.00	\$0.00
Cumulative Hours		8.00	
Cumulative Lodestar			\$6,000.00

Ecklund, Donald - Associate

YEARS OF EXPERIENCE: 11

	Rate	Hours	Rate x Hours
2009	\$450.00	0.60	\$270.00
2010	\$450.00	0.70	\$315.00
2011	\$0.00	0.00	\$0.00
Cumulative Hours		1.30	
Cumulative Lodestar			\$585.00

CUMULATIVE FIRM HOURS
CUMULATIVE FIRM LODESTAR
EXPENSES LESS ASSESSMENTS

9.30
\$6,585.00
\$218.49

EXHIBIT 2

In Re Processed Egg Products Anti-Trust Litigation, MDL No. 2002, E.D. Pa. 08-md-02002
 Time Report and Lodestar Summary
 Reporting Period Ending: February 2009

Firm: Carella, Byrne, Cecchi, Olstein, Brody & Agnello

Professional (Status)	Hourly Rate	1	2	3	4	5	6	7	Current Hours	Current Lodestar
James Cecchi (P)	\$750.00						1.00		1.00	\$750.00
Donald Ecklund (A)	\$450.00		0.20				0.40		0.60	\$270.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
0.00	\$0.00								0.00	\$0.00
Total:		0.00	0.20	0.00	0.00	0.00	1.40	0.00	1.60	\$ 1,020.00

- Categories:
- (1) Investigations, Factual Research
 - (2) Discovery
 - (3) Pleadings, Briefs, Pretrial Motions (including legal research)
 - (4) Court Appearances
 - (5) Settlement
 - (6) Litigation Strategy, Analysis & Case Management
 - (7) Class Certification

- Professional Status:
- (P) Partner
 - (OC) Of Counsel
 - (A) Associate
 - (LC) Law Clerk
 - (PL) Paralegal
 - (L) Librarian
 - (I) Investigator

In Re Processed Egg Products Anti-Trust Litigation, MDL No. 2002, E.D. Pa. 08-md-02002

Time Report and Lodestar Summary

Reporting Period Ending: [REDACTED] Jun-09

Firm: Carella, Byrne, Cecchi, Olstein, Brody & Agnello

Professional (Status)	Hourly Rate	1	2	3	4	5	6	7	Current Hours	Current Lodestar	
James Cecchi (P)	\$750.00						4.00		4.00	\$3,000.00	
Donald Ecklund (A)	\$450.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
0.00	\$0.00								0.00	\$0.00	
Total:		0.00	0.00	0.00	0.00	0.00	4.00	0.00	4.00	\$ 3,000.00	

Categories:

- (1) Investigations, Factual Research
- (2) Discovery
- (3) Pleadings, Briefs, Pretrial Motions (including legal research)
- (4) Court Appearances
- (5) Settlement
- (6) Litigation Strategy, Analysis & Case Management
- (7) Class Certification

Professional Status:

- (P) Partner
- (OC) Of Counsel
- (A) Associate
- (LC) Law Clerk
- (PL) Paralegal
- (L) Librarian
- (I) Investigator

EXHIBIT 3

In Re Processed Egg Products Anti-Trust Litigation, MDL No. 2002, E.D. Pa. 08-md-02002

Expense Report and Summary of Fees & Expenses

Firm: Carella, Byrne, Cecchi, Olstein, Brody & Agnello

Description	Expense Period 1	Expense Period 2	Expense Period 3	Expense Period 4	Expense Period 5	Expense Period 6	Expense Period 7	Expense Period 8
Assessments							\$5,000.00	
Clerical Overtime								
Commercial Copies								
Computer Research								
Court Fees (filing, etc.)								
Court Reporters/Transcripts								
Internal Reproduction/Copies								
Outside Duplicating/Photocopying								
Postage/Express Delivery/Messenger								
Professional Fees (expert, investigator, accountant, etc.)								
Publications					\$97.66			
Supplies								
Telephone/Fax/Email								
Travel: Air Transportation, Ground Travel, Meals, Lodging, etc.								
Witness/Service Fees								
TOTAL EXPENSES	\$ -	\$ -	\$ -	\$ -	\$ 97.66	\$ -	\$ 5,000.00	\$ -

Expense Period 25	Expense Period 26	e Period	Cumulative Total
			\$ 5,000.00
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ 10.83
			\$ -
			\$ -
			\$ 207.66
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
			\$ -
\$ -	\$ -	##	\$ 5,218.49