

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

In re Effexor XR Antitrust Litigation

This Document Relates to:

Direct Purchaser Actions

Master Docket No.

3:11-cv-05479 (PGS/JBD)

**DECLARATION OF ROBERT A ZAGRODNY, CPA IN SUPPORT OF DIRECT
PURCHASER CLASS COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’
FEES AND REIMBURSEMENT OF LITIGATION EXPENSES**

I, Robert A. Zagrodny, CPA, subject to the penalties of perjury provided by 18

U.S.C. § 1776, hereby declare as follows:

1. I am a Certified Public Accountant (“CPA”) based in Fall River, Massachusetts. I Submit this declaration in support of the Direct Purchaser Class Plaintiffs’ Motion for and Award of Attorneys’ Fees and Reimbursement of Litigation Expenses.

2. On May 14, 2024, I was retained by co-lead counsel for the direct purchaser class to apply agreed-upon procedures to review the litigation expenses paid from the litigation fund maintained by co-lead counsel. Those agreed-upon procedures included, but were not limited to:

- Reviewing the Proposed Order on Procedures and Guidelines for Direct Purchaser Plaintiffs’ Counsel’s Time and Expense Submissions [ECF No. 534-1];
- Reviewing all reported expenses and ensuring that each was supported by a receipt, invoice, or other acceptable form of proof;

- Identifying and bringing to the attention of co-lead counsel any excessive or unreasonable expenses;
- Promptly communicating with co-lead counsel regarding any discrepancies, missing documentation, or other issues; and
- Preparing and signing a declaration on the accounting services performed to be filed with the Court in support of direct purchaser class plaintiffs' motion.

3. To conduct my review, co-lead counsel provided me with an itemized accounting of the unreimbursed litigation expenses that had been paid from the litigation fund throughout the course of the case, including invoice dates, invoice numbers, invoice amounts, vendor names, payment amount, and payment date, as well as supporting documentation for such expenses.

4. During the course of my review, if I determined that (i) the supporting documentation was missing or improper, or (ii) an expense was unreasonable or exceeded according to the criteria provided by co-lead counsel, I notified co-lead counsel to allow them the opportunity to remedy the deficiency.

5. Any expenses for which the original invoice could not be located were specifically discussed with co-lead counsel. In particular:

- There were payments made in connection five older invoices that could not be located:
 - One (in the amount of \$108.36) was paid to AT&T Teleconferencing in July 2012;
 - One (in the amount of \$61.15) was paid to Verizon Conferencing in April 2012;
 - One (in the amount of \$5,417.50) was paid to Greylock McKinnon & Associates in August 2011;

- One (in the amount of \$680.00) was paid to the Law Offices of Michael Sprecks in June 2011; and
- One (in the amount of \$2,000.00) was paid to Nicholas P. Jewell, BioStatistician in July 2011.

Except for Mr. Sprecks, each of these vendors performed other work in the case for which invoices were reviewed. Class counsel has represented that the work performed by each of these entities was, in fact, performed for services rendered to the direct purchaser class.

6. I can attest that all litigation fund expenses included in the direct purchaser class counsel's request for reimbursement, totaling \$1,462,919.45, are (i) supported by a receipt, invoice, or other acceptable form of proof, and (ii) reasonable and non-excessive as per the above criteria.

7. I have conducted this agreed-upon procedures engagement in accordance with attestation standards, AT 201, Agreed-Upon Procedure Engagements (Statements on Standard for Attestation Engagements 10, as amended) established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of counsel for the direct purchaser class and ultimately the Court. Consequently, I make no representation regarding the sufficiency of the procedures described above for purposes of which this engagement was requested or for any other purpose.

8. Because this engagement did not constitute an examination, I do not express an opinion on the necessity of the expenses submitted, other than to ensure proper compliance with the agreed-upon procedures. Had I performed additional

procedures, other matters may have come to my attention that would have been reported to you.

9. This declaration is intended solely for the information of the Court and counsel for the direct purchaser class and is not intended to be, and should be, used by anyone other than those specified parties.

Executed this 6 day of June, 2024

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