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8 ***Class Counsel***

9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 RALPH MILAN and ELIZABETH ARNOLD on  
13 behalf of themselves, those similarly situated and  
14 the general public,

Plaintiffs,

15 v.

16 CLIF BAR & COMPANY,

17 Defendant.  
18

Case No: 18-cv-02354-JD

**PLAINTIFFS' RENEWED MOTION FOR  
ATTORNEYS' FEES, COSTS, AND SERVICE  
AWARDS**

Judge: Hon. James Donato  
Hearing Date: March 20, 2025, 10:00 a.m.  
Location: Courtroom 11, 19th Floor

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**NOTICE OF MOTION**

TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD: PLEASE TAKE NOTICE THAT, on March 20, 2025 at 10:00 a.m., or as soon thereafter as may be heard, Plaintiffs will move the Court, the Honorable James Donato presiding, for an Order awarding attorneys' fees and costs and Class Representative service awards. The Motion is based on the below Memorandum; the concurrently-filed Declaration of Jack Fitzgerald ("Fitzgerald Decl.") and Second Supplemental Declaration of Brandon Schwartz ("2d Suppl. Schwartz Decl."), and all exhibits thereto; all prior pleadings and proceedings, including the Settlement Agreement (Dkt. No. 252-1, "SA") attached to the Declaration of Jack Fitzgerald in Support of Motion for Preliminary Approval (Dkt. No. 252, "PA Fitzgerald Decl."); the concurrently-filed Declarations of Ralph Milan ("Milan Decl.") and Elizabeth Arnold ("Arnold Decl."); Plaintiffs' October 31, 2023 Motion for Preliminary Approval (Dkt. No. 251, "PA Mot."); the June 23, 2022 Declaration of Jack Fitzgerald in Support of Motion for Preliminary Approval (Dkt. No. 226-1, the "2022 Fitzgerald Decl."); the Court's July 12, 2024 Order Re Preliminary Approval of Class Settlement (Dkt. No. 261, "PA Order"), and any additional evidence and argument submitted in support of the Motion.

**ISSUES TO BE DECIDED**

Whether, and in what amounts, to award attorneys' fees and costs and Class Representative service awards.

**MEMORANDUM OF POINTS & AUTHORITIES****I. INTRODUCTION**

The Settlement Agreement's \$12 million non-reversionary common fund is an excellent result for the Class, representing a substantial portion of available trial damages. *See* PA Fitzgerald Decl. ¶¶ 14-43; PA Mot. at 13. Class Counsel also secured meaningful injunctive relief for the Class. SA ¶ 4.6. To obtain these benefits, counsel dedicated more than 9,500 hours and advanced substantial out-of-pocket expenses to prosecute a theory of liability that was unproven at the time of filing. At times during its more than six-year pendency, especially when preparing for trial, virtually all of the firm's resources were dedicated to this case. Fitzgerald Decl. ¶ 11; *see generally* 2022 Fitzgerald Decl. ¶¶ 3-14 (detailing extensive fact and expert discovery, law and motion practice, and settlement negotiations). It was only through tenacity in prosecuting an opponent deeply entrenched in its litigation position that Class Counsel was able to obtain



1 such a favorable settlement for the Class and public. Along the way, success was far from certain. The Court  
2 initially almost dismissed the case, and to this day, some courts continue to find the theory implausible.<sup>1</sup>  
3 And it was not until years into this litigation that other cases espousing this theory first settled, starting to  
4 create a track record of success.

5 Now, six years later, Class Counsel has obtained a number of settlements from some of the largest  
6 food companies in the world on this theory, each with non-reversionary common funds and commitments  
7 to make labeling changes addressing the problem. The courts evaluating these settlements have consistently  
8 praised them as excellent results and promotive of public health. As a byproduct of having reached these  
9 settlements, Western Alliance Bank recently identified Class Counsel—as modest a firm as it is—as the  
10 fifth-most prolific plaintiff-side law firm in providing digital payments to class action claimants between  
11 2019 to 2023, listed among behemoths like Milberg Coleman Bryson Phillips Grossman, PLLC (#1) and  
12 Lief Cabraser Heimann & Bernstein LLP (#7). Fitzgerald Decl. ¶ 12 & Ex. 3.

13 Because of Class Counsel’s hard work and success, each of these courts has awarded fees of at least  
14 30% when requested, and up to 40% of the common fund. Because of Class Counsel’s hard work on *this*  
15 case, an award of 30% of the common fund would represent less than 60% of counsel’s reasonable, indeed  
16 quite conservative, lodestar. Given the excellent result and large negative lodestar multiplier, the Court  
17 should find such an award, amounting to \$3.6 million in fees, warranted.

18 The Court should also grant Class Counsel’s request for recoverable costs of \$844,651, and approve  
19 service awards of \$5,000 for each Class Representative, which are reasonable considering their contributions  
20 to the case, especially in relation to the size of the Settlement.

21 \_\_\_\_\_  
22 <sup>1</sup> See, e.g., *Bates v. Abbott Labs.*, --- F. Supp. 3d. ----, 2024 WL 1345342, at \*8 (N.D.N.Y. Mar. 29, 2024)  
23 (“Despite the studies Plaintiff cites in her complaint, the Court finds that Plaintiff’s position about the health  
24 effects of added sugar is an opinion about the merits of the product. A consumer who agrees that any added  
25 sugar in a nutrition drink undermines its health benefits can obtain that information from the label.”), *aff’d*,  
26 2025 WL 65668 (2d Cir. Jan. 10, 2025) (Mem.); *Lee v. Nature’s Path Food, Inc.*, 2023 WL 7434963, at \*3  
27 & n.2 (S.D. Cal. Nov. 9, 2023) (while “acknowledge[ing] that several other district courts have reached the  
28 opposite conclusion,” finding “the reasoning and analysis” in *Clark v. Perfect Bar, LLC*, 2018 WL 7048788  
(N.D. Cal. Dec. 21, 2018), and its progeny “more persuasive and more in line with the Ninth Circuit’s recent  
decisions regarding the reasonable consumer standard,” and concluding “Plaintiff’s theory of fraud is  
implausible and defective.”); *Sanchez v. Nurture, Inc.*, 2023 WL 6391487, at \*7 (N.D. Cal. Sept. 29, 2023)  
 (“[M]any courts in this district have rejected theories of fraud where plaintiffs alleged the presence of added  
sugars rendered a general health-related claim fraudulent.” (citations omitted)).

1 **II. ARGUMENT**

2 **A. THE COURT SHOULD GRANT CLASS COUNSEL’S REQUEST FOR FEES**

3 “In a certified class action, the court may award reasonable attorney’s fees and nontaxable costs that  
4 are authorized by law or by the parties’ agreement.” Fed. R. Civ. P. 23(h). Here, Plaintiffs are authorized to  
5 seek fees by agreement, *see* SA ¶ 9, and by law, *see* Cal. Civ. Code § 1780(e).

6 “Where a settlement produces a common fund for the benefit of the entire class, courts have  
7 discretion to employ either the lodestar method or the percentage-of-recovery method,” so long as “their  
8 discretion [is] exercised so as to achieve a reasonable result.” *In re Bluetooth Headset Prods. Liab. Litig.*,  
9 654 F.3d 935, 942 (9th Cir. 2011) [*“Bluetooth”*] (citations omitted). “[O]rdinarily, when application of the  
10 lodestar cross check produces a ‘negative multiplier’ . . . it [is] appropriate to consider whether under all of  
11 the circumstances of the litigation a fee greater than the 25% benchmark should be awarded.” *In re Dynamic*  
12 *Random Access Memory (DRAM) Antitrust Litig.*, 2013 WL 12387371, at \*9 (N.D. Cal. Nov. 5, 2013)  
13 (footnote omitted), *report and recommendation adopted*, 2014 WL 12879521 (N.D. Cal. June 27, 2014).  
14 Recently, another court found in the context of a similar nationwide class settlement that Class Counsel’s  
15 efforts in securing “an excellent recovery for the class” would not reasonably be compensated applying the  
16 percent-of-fund method. *See Andrade-Heymsfield v. NextFoods, Inc.*, 2024 WL 3871634, at \*4, \*6 (S.D.  
17 Cal. Apr. 8, 2014). There, Class Counsel had expended over \$500,000 in lodestar, whereas awarding the  
18 benchmark 25% would yield just \$312,000 in fees, about 62% of counsel’s lodestar. *Id.*, at \*6. “Given the  
19 risks involved, the results obtained, and counsel’s hours and successful recovery,” the court found “that  
20 amount insufficient,” and awarded counsel its lodestar, representing over 40% of the common fund. *See id.*

21 Here, the situation is even more unbalanced. Class Counsel has incurred over \$6.3 million in  
22 lodestar, whereas the 25% benchmark would result in \$3 million in fees, less than 48% of counsel’s lodestar.  
23 Although counsel might reasonably request, under *Bluetooth’s* reasonability standard, that the Court  
24 determine fees based on the lodestar method, counsel is proceeding with a percent-of-fund request here to  
25 best “align[] the lawyers’ interests with achieving the highest award for the class members, and reduc[e] the  
26 burden on the [C]ourt[] that a complex lodestar calculation requires.” *See In re Apple Inc. Device*  
27 *Performance Litig.*, 2021 WL 1022866, at \*2 (N.D. Cal. Mar. 17, 2021) (quoting *Tait v. BSH Home*  
28 *Appliances Corp.*, 2015 WL 4537463, at \*11 (C.D. Cal. July 27, 2015)). Moreover, although the Class

1 Notice advised Class Members that Class Counsel may seek up to one-third, counsel is requesting just 30%,  
 2 to align with the awards in *Hadley* and *Krommenhock*, the two best comparators to this case. That amount  
 3 is supported by a lodestar-multiplier crosscheck, as it represents a negative 0.57 multiplier to counsel’s  
 4 \$6,306,044 reasonably-expended (and conservatively-estimated) lodestar. Fitzgerald Decl. ¶¶ 7-9.

5 **i. Class Counsel’s Fee Request is Reasonable Under the Percent-of-Fund Method**

6 “[W]hen calculating attorneys’ fees as a percentage of a common settlement fund, 25% of the fund  
 7 is the presumptively reasonable ‘benchmark.’” *Viceral v. Mistras Group, Inc.*, 2017 WL 661352, at \*3 (N.D.  
 8 Cal. Feb. 17, 2017) (citing *Bluetooth*, 654 F.3d at 942). But while “[t]he 25% benchmark is a ‘starting point  
 9 for analysis,’ . . . it is by no means a binding figure.” *McMorrow v. Mondelez Int’l, Inc.*, 2022 WL 1056098,  
 10 at \*5 (S.D. Cal. Apr. 8, 2022); *see also Myles v. AlliedBarton Sec. Servs., LLC*, 2014 WL 6065602, at \*5  
 11 (N.D. Cal. Nov. 12, 2014) (Donato, J.) (25% is a “non-binding ‘benchmark’ guideline”). “Selection of the  
 12 benchmark or any other rate . . . must be supported by findings that take into account all of the circumstances  
 13 of the case.” *In re Capacitors Antitrust Litig.*, 2018 WL 4790575, at \*3 (N.D. Cal. Sept. 21, 2018) (Donato,  
 14 J.) (citing *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048 (9th Cir. 2002)). It is thus:

15 subject to adjustment—upward or downward—based on the Court’s analysis of the factors the  
 16 Ninth Circuit considered in *Vizcaino*: (1) the results achieved for the class; (2) the complexity  
 17 of the case and the risk of and expense to counsel of litigating it; (3) the skill, experience, and  
 performance of counsel on both sides; (4) the contingent nature of the fee; and (5) fees awarded  
 in comparable cases.

18 *Id.* (citation omitted). Here, the *Vizcaino* factors support Class Counsel’s request for 30% of the fund.

19 **a. The Result Achieved**

20 “First, the Court considers the overall result and benefit to the Class. This factor has been called ‘the  
 21 most critical factor in granting a fee award.’” *In re Anthem, Inc. Data Breach Litig.*, 2018 WL 3960068, at  
 22 \*9 (N.D. Cal. Aug. 17, 2018) [*“Anthem”*] (quoting *In re Omnivision Technologies, Inc.*, 559 F. Supp. 2d  
 23 1036, 1046 (N.D. Cal. 2008)). Considering its monetary and injunctive relief, the Settlement is an excellent  
 24 result achieved by Class Counsel for the Class, supporting its requested fee.

25 First, the Settlement’s monetary relief is an all-cash, non-reversionary common fund, the gold  
 26 standard for class action settlements because it provides the most transparent and concrete value to class  
 27 members while minimizing the chances and impact of collusion. *See Rodriguez v. W. Pub’g Corp.*, 563 F.3d  
 28 948, 965 (9th Cir. 2009) (“cash . . . is a good indicator of a beneficial settlement”); *cf. In re Volkswagen*

1 “*Clean Diesel*” Mktg., Sales Practices, and Prods. Liab. Litig., 895 F.3d 597, 611 (9th Cir. 2018) (“A  
 2 reversion can benefit both defendants and class counsel, and thus raise the specter of their collusion . . .”).  
 3 Moreover, with “the realistic risk to Clif at trial for the Certified Classes . . . in the range of \$27 million,”  
 4 PA Fitzgerald Decl. ¶ 34, the Settlement’s \$12 million common fund represents 44.4% of potential damages.  
 5 This is a substantial, even excellent recovery. See *Andrade-Heymsfield*, 2024 WL 3871634, at \*6 (“[T]he  
 6 \$1,250,000 fund is an excellent recovery for the class. That amount is ‘42% of the hypothetical damages of  
 7 the Nationwide Settlement Class.’” (record citation omitted)). The more than \$13 claimants are slated to  
 8 receive on average, see 2d Suppl. Schwartz Decl. ¶ 18, also represents a significant recovery on an individual  
 9 Class Member basis compared to the modest per-unit damages. See *McMorrow*, 2022 WL 1056098, at \*8  
 10 (“Class Members will receive an average refund of \$20.96 . . . which is considered an ‘excellent result’ in  
 11 the context of low-cost consumer goods false advertising cases.” (record citation omitted; quoting *Hilsley*  
 12 *v. Ocean Spray Cranberries, Inc.*, 2020 WL 520616, at \*6 (S.D. Cal. Jan. 31, 2020))).

13 Second, the Settlement’s injunctive relief is significant and meaningful. “[A]s a general matter,  
 14 injunctive relief in a consumer case alleging misleading advertising is almost always likely to be an  
 15 important remedy.” *Relente v. Viator, Inc.*, 2015 WL 3613713, at \*3 (N.D. Cal. June 9, 2015) (Donato, J.)  
 16 (citations omitted); see also *Brazil v. Dell Inc.*, 2012 WL 1144303, at \*1 (N.D. Cal. Apr. 4, 2012) (The  
 17 “elimination of allegedly false representations . . . confer[s] a benefit on both the class members and the  
 18 public at large” (citation omitted)); *Bruno v. Quten Research Inst., LLC*, 2013 WL 990495, at \*4 (C.D. Cal.  
 19 Mar. 13, 2013) (“[T]here is a high value to the injunctive relief obtained” in consumer class actions resulting  
 20 in labeling changes, which benefits not just Class Members, but also “the marketplace, and competitors who  
 21 do not mislabel their products.”). “[T]hat counsel obtained injunctive relief in addition to monetary relief  
 22 for their clients is . . . a relevant circumstance to consider in determining what percentage of the fund is  
 23 reasonable as fees.” *Roes, I-2 v. SFBSC Mgmt., LLC*, 944 F.3d 1035, 1055-56 (9th Cir. 2019) (alteration  
 24 and emphasis in original omitted) (quoting *Staton v. Boeing Co.*, 327 F.3d 938, 946 (9th Cir. 2003)).

25 Here, Clif has agreed, so long as 10% or more of a Class Product’s calories come from added sugar,  
 26 to refrain from using “nutrition” (or the similar word “nutritious”) and “Nourishing Kids in Motion” on  
 27 Class Product labels for at least two years. See SA ¶ 4.6. Where manufacturers of sugary foods agree, like  
 28 Clif, to remove health and wellness labeling claims, that “provides health benefits to all purchasers of

1 Defendant’s products.” *See Hadley v. Kellogg Sales Co.*, 2021 WL 5706967, at \*2 (N.D. Cal. Nov. 23,  
 2 2021); *see also Guttman v. Ole Mexican Foods, Inc.*, 2016 WL 9107426, at \*3 (N.D. Cal. Aug. 1, 2016)  
 3 (settlement requiring labeling changes “provides substantial health benefits to all purchasers . . . in light of  
 4 the evidence offered by Plaintiff about the health effects of” artificial trans fat in the foods at issue (record  
 5 citation omitted)); *McMorrow*, 2022 WL 1056098, at \*6 (“An injunction precluding Defendant from using  
 6 the term ‘nutritious’ and other synonyms on Class Products’ labels for three years following final approval  
 7 is undoubtedly beneficial to class consumers, the marketplace, and even competitors who do not mislabel  
 8 their products.” (citation omitted)). Consistent with these courts’ findings, the FDA recently concluded that  
 9 limiting manufacturers’ use of “health” claims on sugary foods would result in healthcare savings of up to  
 10 \$700 million over 20 years. *See* PA Fitzgerald Decl. ¶ 12 (citing 87 Fed. Reg. 5063, 5064 (Jan. 31, 2022)).

11 The injunctive relief Class Counsel obtained also “lends credence to the legal theory that a product’s  
 12 added sugars render health-and-wellness claims printed on the product label misleading under consumer-  
 13 protection laws.” *See* Fitzgerald Decl. ¶ 13, Ex. 4 at 6. Moreover, “the process of changing product labeling  
 14 and associated marketing campaigns requires an enormous amount of time and financial resources.” *Id.*  
 15 (citation omitted). The Settlement thus disincentivizes other manufacturers to toe the line. *Cf.* PA Fitzgerald  
 16 Decl. ¶ 10 (“to date, Clif has spent at least **\$474,000** related to the Settlement’s injunctive relief”).

17 Finally, the Settlement offers benefits to those who would not otherwise see them because the  
 18 Settlement Class is comprised of purchasers nationwide, rather than only in California and New York. While  
 19 it is theoretically possible that, absent settlement, some Settlement Class Members could see relief through  
 20 additional lawsuits brought in other states, others would be left without remedies, since some states preclude  
 21 class actions and others require individual proof of reliance for consumer fraud claims, making them  
 22 impossible to adjudicate on a classwide basis. “[T]hat some states preclude class actions and others require  
 23 individual proof of reliance for consumer fraud claims makes them impossible to adjudicate on a class-wide  
 24 basis, and weighs in favor of granting Plaintiffs’ fee request here.” *See McMorrow*, 2022 WL 1056098, at  
 25 \*6 (citing *Burnthorne-Martinez v. Sephora USA, Inc.*, 2018 WL 5310833, at \*3 (N.D. Cal. May 16, 2018)  
 26 (That “Class Counsel successfully negotiated direct payments for a class of individuals that in all likelihood  
 27 may have never received any compensation or redress for the conduct complain[ed] of” weighed in favor  
 28 of granting Class Counsel’s fee request.)).

1 Although “[i]njunctive relief is inherently difficult to monetize,” and “a district court must exercise  
 2 caution when using the value of injunctive relief to determine proportional attorneys’ fees,” *Kim v. Allison*,  
 3 8 F.4th 1170, 1181 (9th Cir. 2021) (citation omitted), the Court should still “determine the significance of  
 4 th[e] benefit, and employ it as a qualitative factor in deciding whether a[n upward departure from the  
 5 benchmark] is warranted,” *see Chambers v. Whirlpool Corp.*, 980 F.3d 645, 664 (9th Cir. 2020).

6 That is the case here. In similar circumstances, for example, the Ninth Circuit held that an “attorneys’  
 7 fee award . . . stands up when evaluated using the factors set forth in *Vizcaino*,” and that “counsel’s  
 8 procurement of monetary and injunctive relief appears to have been an exceptional result,” where the  
 9 injunctive relief was “meaningful and consistent with the relief requested in plaintiffs’ complaint,” *In re*  
 10 *Ferrero Litig.*, 583 F. App’x 665, 668 (9th Cir. 2014); *cf. Good Morning to You Prods. Corp. v.*  
 11 *Warner/Chappell Music, Inc.*, 2016 WL 6156076, at \*4 (C.D. Cal. Aug. 16, 2016) (Where “the settlement  
 12 has substantial monetary and nonmonetary components,” “[t]his factor weighs heavily in favor of an upward  
 13 departure from the benchmark.”). Here, it was “a mark of success that the class was able to secure the type  
 14 of injunctive relief sought in its Complaint, and while the injunctive relief is difficult to value monetarily,  
 15 it” should “support[] this Court’s conclusion that the settlement is an exceptional result for the class.” *See*  
 16 *McMorrow*, 2022 WL 1056098, at \*6 (internal record citation omitted); *see also de Mira v. Heartland Emp.*  
 17 *Serv., LLC*, 2014 WL 1026282, at \*3 (N.D. Cal. Mar. 13, 2014) (The “non-monetary results achieved by  
 18 Class Counsel . . . warrant an upward departure from the 25% benchmark.”).

19 **b. The Complexity of the Case and Risk and Expense to Counsel**

20 This case was complex, risky, and expensive, justifying Class Counsel’s fee request.

21 Class Counsel here “assume[d] substantial risk in litigating this action on a contingency fee basis,  
 22 and incurr[ed] costs without the guarantee of payment for its litigation efforts.” *See Schneider v. Chipotle*  
 23 *Mexican Grill, Inc.*, 2020 WL 511953, at \*9 (N.D. Cal. Jan. 31, 2020); *see also* Fitzgerald Decl. ¶ 10.  
 24 “[W]hen counsel takes cases on a contingency fee basis, and litigation is protracted, the risk of non-payment  
 25 after years of litigation justifies a significant fee award.” *Bellinghausen v. Tractor Supply Co.*, 306 F.R.D.  
 26 245, 261 (N.D. Cal. 2015) (citing *In re Heritage Bond Litig.*, 2005 WL 1594403, at \*19 (C.D. Cal. June 10,  
 27 2005)). “[C]ourts tend to find above-market-value fee awards more appropriate in this context given the  
 28 need to encourage counsel to take on contingency-fee cases for plaintiffs who otherwise could not afford to



1 pay hourly fees.” *Id.* (citation omitted); *see also In re Capacitors Antitrust Litig.*, 2018 WL 4790575, at \*4  
 2 (contingent case involving millions of dollars in time and expenses represented a “significant risk”).

3 Besides the inherent risk in all contingency fee litigation, “food labeling claims are difficult to  
 4 maintain” where plaintiffs “need to prove that Defendant’s labels . . . were misleading entirely by virtue of  
 5 the product containing a[n allegedly harmful nutrient].” *Guttman*, 2016 WL 9107426, at \*3 (record citation  
 6 omitted). Evinced the difficulty in establishing liability on these claims, numerous California courts have  
 7 initially certified food labeling cases, then later decertified or granted defendants summary judgment. *See,*  
 8 *e.g., Allen v. ConAgra Foods, Inc.*, 2020 WL 4673914 (N.D. Cal. Aug. 12, 2020) (granting defendant’s  
 9 motion for summary judgment after having previously decertified several state subclasses); *Ries v. Ariz.*  
 10 *Beverages USA LLC*, 2013 WL 1287416 (N.D. Cal. Mar. 28, 2013) (granting defendant’s motion for  
 11 summary judgment and decertifying class); *Brazil v. Dole Packaged Foods, LLC*, 2014 WL 5794873 (N.D.  
 12 Cal. Nov. 6, 2014) (decertifying damages class); *Werdebaugh v. Blue Diamond Growers*, 2014 WL 7148923  
 13 (N.D. Cal. Dec. 15, 2014) (same); *Morales v. Kraft Foods Group, Inc.*, 2017 WL 2598556 (C.D. Cal. June  
 14 9, 2017) (decertifying class and granting defendant partial summary judgment); *Zakaria v. Gerber Prods.*  
 15 *Co.*, 2017 WL 9512587 (C.D. Cal. Aug. 9, 2017) (decertifying class and granting defendant summary  
 16 judgment), *aff’d* 755 F. App’x 623 (9th Cir. 2018). There are also numerous recent examples of consumer  
 17 fraud trials ending in defense verdicts. *See, e.g., Allen v. Hyland’s, Inc.*, 2021 WL 718295 (C.D. Cal. Feb.  
 18 23, 2021) (finding in favor of defendant following jury and bench trial on claims that homeopathic remedies  
 19 were falsely advertised as effective); *Morizur v. SeaWorld Parks & Entm’t, Inc.*, 2020 WL 6044043 (N.D.  
 20 Cal. Oct. 13, 2020) (defense verdict after bench trial on false advertising claims concerning treatment of  
 21 orcas by SeaWorld); *cf. Racies v. Quincy Bioscience, LLC*, 2020 WL 2113852 (N.D. Cal. May 4, 2020)  
 22 (decertifying after trial a false advertising class action alleging misleading advertising of memory  
 23 supplement and noting “the Court found Plaintiff’s case at trial underwhelming”).

### 24 c. The Skill Required and Quality of Class Counsel’s Work

25 Some courts “have recognized that litigating complicated matters, especially unprecedented issues,  
 26 is a circumstance that points in favor of a larger percentage.” *Anthem*, 2018 WL 3960068, at \*13 (citing  
 27 *Spears v. First Am. Eappraiseit*, 2015 WL 1906126, at \*2 (N.D. Cal. Apr. 27, 2015) (awarding 35% of  
 28 \$7,557,096 net settlement fund where class counsel “faced at least three significant novel issues of law”).

1 In *Lusby v. GameStop Inc.*, for example, the court awarded one-third of the common fund based in part on  
2 counsel having “litigated a large number of [similar] class actions,” “achiev[ing] class certification in many  
3 different scenarios,” and “develop[ing] an extensive factual record to obtain the evidence needed to convince  
4 Defendant of the risks of continued litigation,” 2015 WL 1501095, at \*4, \*9 (N.D. Cal. Mar. 31, 2015). The  
5 court also noted class counsel’s “history of successful prosecution of similar cases” made “credible its  
6 commitment to pursue this action through trial and beyond.” *Id.*, at \*4. The circumstances here are similar.

7 Likewise, great skill was required by Class Counsel here to prosecute this case successfully because  
8 the subject matter was highly technical, requiring the understanding of scientific evidence. Class Counsel  
9 also needed to be skilled because Clif “is well financed and had facially valid defenses,” *see In re Ferrero*  
10 *Litig.*, 583 F. App’x at 668-69. The five or more Sheppard Mullin attorneys representing Clif were tenacious  
11 and skilled. Clif’s lead counsel, Mr. Van Gundy, has “extensive experience in litigation, including jury trials,  
12 involving food companies and other FDA and USDA regulated companies,” “regularly asked to speak at  
13 leading food law conferences,” and “frequently writes on important food and dietary supplement law  
14 developments. *See* <https://www.sheppardmullin.com/cvangundy>. “The quality of opposing counsel is  
15 important in evaluating the quality of Class Counsel’s work.” *Barbosa v. Cargill Meat Solutions Corp.*, 297  
16 F.R.D. 431, 449 (C.D. Cal. 2013). Given these considerations, the Court should find this factor supports  
17 Class Counsel’s fee request. *See McMorrow*, 2022 WL 1056098, at \*7 (“[A]gree[ing]” that “great skill was  
18 required by Class Counsel here, given the challenging theory, procedural hurdles, technical subject matter  
19 requiring expert testimony, and expertise of Mondelez’s attorneys,” where “Counsel navigated substantial  
20 offensive, defensive, and expert discovery; briefed class certification multiple times and ultimately  
21 prevailed; and engaged in a successful mediation to resolve the case.” (internal record citations omitted))

#### 22 **d. Awards in Similar Cases**

23 Class Counsel have settled five other sugary-foods cases with non-reversionary common funds and  
24 labeling changes. In each case, the court awarded fees representing at least 30% of the common fund, except  
25 in *Hanson v. Welch*, where Class Counsel only requested 25% given how quickly the case settled. Moreover,  
26 in all of these cases, unlike here, the award represented a positive multiplier to Class Counsel’s lodestar,  
27 except in *Andrade-Heymsfield v. NextFoods, Inc.*, where counsel requested and the court awarded fees based  
28 on the lodestar, rather than percent-of-fund method. These awards are summarized below.



Case	Settlement	Fee Award	Multiplier
<i>Krommenhock v. Post Foods LLC</i> , No. 16-cv-4958-WHO (N.D. Cal.) (Dkt. No. 303)	\$15 million common fund & injunctive relief	30% (\$4.5 million) & \$967,606 in costs	1.60 (\$2,809,364 lodestar)
<i>Hadley v. Kellogg Sales Co.</i> , No. 16-cv-4955-LHK (N.D. Cal.) (Dkt. No. 407)	\$13 million common fund & injunctive relief	30% (\$3.9 million) & \$1,157,501 in costs	1.40 (\$2,795,633 lodestar)
<i>McMorrow v. Mondelez Int'l Inc.</i> , No. 17-cv-2327-BAS (S.D. Cal.) (Dkt. No. 212)	\$8 million common fund & injunctive relief	33.3% (\$2,666,667) & \$288,178 in costs	1.54 (\$1,732,355 lodestar)
<i>Hanson v. Welch Foods Inc.</i> , No. 20-cv-2011-JCS (N.D. Cal.) (Dkt. No. 68)	\$1.5 million common fund & injunctive relief	25% (\$375,000) & \$24,196 in costs	1.88 (\$199,534 lodestar)
<i>Andrade-Heymsfield v. NextFoods, Inc.</i> , No. 21-cv-1446-BTM (S.D. Cal.) (Dkt. No. 63)	\$1.25 million common fund & injunctive relief	40% (\$501,016) & \$47,189 in costs	1.0 (\$501,016 lodestar)

*Krommenhock* and *Hadley* are particularly good comparators because those cases settled in a similar procedural posture and monetary range, and the settlements and fees were approved by courts in this district.

**ii. A Lodestar Crosscheck Shows Class Counsel's Fee Request is Reasonable**

Where a court determines fees using the percent-of-fund method, the Ninth Circuit “has consistently refused to adopt a [lodestar] crosscheck requirement,” *Farrell v. Bank of Am. Corp., N.A.*, 827 F. App'x 628, 630 (9th Cir. 2020) (collecting cases). Nevertheless, “[c]ourts in the Ninth Circuit sometimes examine the lodestar calculation as a crosscheck on the percentage fee award to ensure the reasonableness of the percentage award.” *Perez v. Rash Curtis & Assocs.*, 2020 WL 1904533, at \*18 (N.D. Cal. Apr. 17, 2020) (citing *Vizcaino*, 290 F.3d at 1050). “The lodestar figure is calculated by multiplying the number of hours reasonably spent by a reasonable hourly rate,” after which “[c]ourts may ‘adjust [the lodestar figure] upward or downward by an appropriate positive or negative multiplier reflecting a host of reasonableness factors.’” *In re Lidoderm Antitrust Litig.*, 2018 WL 4620695, at \*2 (N.D. Cal. Sept. 20, 2018) [“*Lidoderm*”] (citing and quoting *Bluetooth*, 654 F.3d at 941-42 (citation omitted)). These “factors largely mirror the considerations” pertaining to a percent-of-fund analysis, *see id.*, at \*3, and include “the quality of representation, the benefit obtained for the class, the complexity and novelty of the issues present, and the risk of nonpayment,” *id.*, at \*2 (quoting *Bluetooth*, 654 F.3d at 942).

Here, Class Counsel's \$3.6 million fee request represents approximately 57% of its reasonable

1 lodestar of \$6,306,044, *see* Fitzgerald Decl. ¶ 7. That negative, 0.57 multiplier demonstrates Class Counsel’s  
 2 request is reasonable. *See In re Resistors Antitrust Litig.*, 2020 WL 2791940, at \*1 (N.D. Cal. Mar. 24, 2020)  
 3 (Donato, J.) (“Counsel[’s] . . . requested fee award represents less than 73% of their reasonable lodestar, a  
 4 negative multiplier. This further supports the reasonableness of Class Counsel[’s] attorney fee request”  
 5 based on the percent-of-fund method); *cf. McMorrow*, 2022 WL 1056098, at \*8 (“[T]he quality of Class  
 6 Counsel’s representation and benefit obtained by the class, among other factors, support the modest 1.54  
 7 multiplier to Plaintiffs’ lodestar and justify the fee award of 33.3%.” (citations omitted)).

8 **a. Class Counsel’s Hours are Reasonable**

9 Between the filing of the Complaint on April 19, 2018 and October 12, 2023, the most recent date  
 10 of hours included in counsel’s lodestar—2,002 days in total, or about 65 months—counsel expended 9,593.4  
 11 hours litigating this action, equal to about 1,610 hours per year, or 134.2 hours per month, or 4.8 hours per  
 12 day. *See* Fitzgerald Decl. ¶¶ 5-7.<sup>2</sup> This time was spent investigating the case and drafting the Complaint,  
 13 taking fact and expert discovery, participating in law and motion practice, negotiating the settlement and,  
 14 most significantly, preparing for trial. *See id.* ¶¶ 7-8 & Ex.1. The Court should find these hours reasonable  
 15 and necessary to the litigation, particularly in light of the result obtained for the Class. *See In re Resistors*  
 16 *Antitrust Litig.*, 2020 WL 2787724, at \*1 (Finding the “21,273.7 hours worked by Class Counsel between  
 17 December 21, 2015 and May 31, 2019,” about 16.9 hours per day, “reasonable and necessary.”).

18 **b. Class Counsel’s Rates are Reasonable**

19 “A reasonable hourly rate is one that is ‘in line with those prevailing in the community for similar  
 20 services by lawyers of reasonably comparable skill, experience, and reputation.’” *James v. AT&T W.*  
 21 *Disability Benefits Program*, 2014 WL 7272983, at \*2 (N.D. Cal. Dec. 22, 2014) (quoting *Blum v. Stenson*,  
 22 465 U.S. 886, 895 n.11 (1984)). That “courts within this Circuit have approved in other cases Class  
 23 Counsel’s reported hourly rates,” demonstrates reasonableness. *See Johnson v. Quantum Learning Network,*  
 24 *Inc.*, 2017 WL 747462, at \*6 (N.D. Cal. Feb. 27, 2017). Here, the rates Class Counsel seeks are as follows:

25 \_\_\_\_\_  
 26 <sup>2</sup> While a “table[] summarizing the amount of work each timekeeper performed at different stages of this  
 27 litigation” is “sufficient for purposes of performing a lodestar cross-check, particularly when the resulting  
 28 multiplier is so low” *see Thomas v. MagnaChip Semiconductor Corp.*, 2018 WL 2234598, at \*4 (N.D. Cal.  
 May 15, 2018), Class Counsel have provided detailed billing records, should the Court wish to review them.  
*See* Fitzgerald Decl. ¶ 8, Ex. 1.

Timekeeper	Position	Rate
Jack Fitzgerald	Principal	\$870
Paul Joseph	Principal	\$700
Melanie Persinger	Partner	\$680
Trevor Flynn	Partner	\$670
Caroline Emhardt	Associate	\$500
Richelle Kemler	Associate	\$580
Christina Mendez	Paralegal	\$235
Julie Hinton	Paralegal	\$235

These rates are below those recently approved in a less expensive market (San Diego) for Class Counsel. *See* Fitzgerald Decl. ¶ 3. They are also consistent with rates previously approved for these timekeepers. *See* PA Fitzgerald Decl. ¶¶ 83-86. And they are below prevailing rates in this district for class action litigation. *See id.* ¶¶ 88-90; Fitzgerald Decl. ¶ 4.

**c. The Resulting Lodestar Multiplier is Reasonable**

Here, “the quality of representation, the benefit obtained for the class, the complexity and novelty of the issues presented, and the risk of nonpayment,” *Bluetooth*, 654 F.3d at 942 (quotation omitted), all support no more of a negative lodestar multiplier than the 0.57 multiplier represented by Class Counsel’s \$3.6 million fee request.

***The Quality of Representation.*** As discussed above, “Class counsel provided their clients with diligent and skilled representation in this matter,” including “litigat[ing] numerous complex issues[,] and their efforts produced substantial benefits for the . . . Class.” *See Lidoderm*, 2018 WL 4620695, at \*3.

***The Benefit Obtained for the Class.*** The Settlement provides Class Members with significant monetary and injunctive relief, this comparing favorably both with other settlements in similar cases, and to the Class’s likely recovery at trial, particularly in light of the risks involved in continuing litigation. *See* PA Mot. at 11-14; PA Fitzgerald Decl. ¶¶ 10-43.

***The Complexity and Novelty of the Issues Present.*** The scientific evidence supporting Plaintiffs’ case theory was complex, requiring review of numerous scientific studies to explain the science regarding added sugar consumption. Dkt. No. 1, Compl. ¶¶ 14-109; *see also Milan v. Clif Bar & Co.*, 2019 WL 3934918, at \*2 (N.D. Cal. Aug. 20, 2019) (“Plaintiffs have laid out in painstaking and voluminous detail how this substantial percentage of added sugars in Clif’s products can contribute to excessive sugar consumption, which in turn has been linked to many diseases and detrimental health conditions.” (record

1 citation omitted)). Accordingly, this factor weighs in favor of the requested fee award. *Cf. Palila (Loxioides*  
 2 *bailleui) v. Hawaii Dep't of Land & Natural Res.*, 118 F.R.D. 125, 128 (D. Haw. 1987) (“The issues  
 3 presented in the case were novel and complex, involving . . . scientific knowledge,” which “support[s] an  
 4 award based on a premium hourly rate.”).

5 ***The Risk of Nonpayment.*** “[C]ourts have routinely enhanced the lodestar to reflect the risk of non-  
 6 payment in common fund cases.” *In re Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1300 (9th  
 7 Cir. 1994); *see also id.* at 1302 (district court abused discretion by not applying multiplier when case was  
 8 “fraught with risk and recovery was far from certain” (quotation omitted)). Class Counsel took this case on  
 9 a contingency basis and faced a real risk of non-payment. “Because counsel worked on a contingent-fee  
 10 basis despite risks of litigation, this weighs in favor of awarding more than the lodestar.” *See Luna v. Marvell*  
 11 *Tech. Group*, 2018 WL 1900150, at \*4 (N.D. Cal. Apr. 20, 2018) (applying 2.0 multiplier); *see also*  
 12 *Lidoderm*, 2018 WL 4620695, at \*3 (positive multiplier justified where “Class Counsel litigated this action  
 13 without pay for several years, even though recovery was uncertain” (quotation omitted)); *see also Quiruz v.*  
 14 *Specialty Commodities, Inc.*, 2020 WL 6562334, at \*11 (N.D. Cal. Nov. 9, 2020) (1.95 multiplier “entirely  
 15 appropriate” where counsel “faced a significant risk of nonpayment given the contingent nature of the  
 16 representation”). Here, of course, Class Counsel’s fee request represents a negative lodestar multiplier,  
 17 demonstrating the reasonableness of the request.

18 \* \* \*

19 The Court should find that a lodestar crosscheck shows Class Counsel’s fee request, representing a  
 20 negative, 0.57 multiplier, is reasonable. *See Johnson*, 2017 WL 747462, at \*6 (“In seeking 33.33% of the  
 21 common fund . . . Class Counsel is not requesting their full lodestar amount. This supports granting Class  
 22 Counsels’ request of 33.33% of the common fund.”); *cf. Wilson v. TE Connectivity Networks, Inc.*, 2019  
 23 WL 4242939, at \*8 (N.D. Cal. Sept. 6, 2019) (Since in “most multipliers range between 1.0 and 4.0 . . . a  
 24 multiplier of 2.38 . . . suggests that approving the award [of 34% of the common fund] is reasonable under  
 25 the lodestar method, as well.” (citing *Vizcaino*, 290 F.3d at 1053-54)); *Gergetz v. Telenav, Inc.*, 2018 WL  
 26 4691169, at \*7 (N.D. Cal. Sept. 27, 2018) (Awarding 30% of the common fund and finding it “appropriate  
 27 to apply a multiplier of 2.625 in light of the facts that Class Counsel accepted this case on a contingency  
 28 basis, had to forego other work to litigate this case, and achieved a truly excellent result for the class.”).

1           **B. THE COURT SHOULD GRANT CLASS COUNSEL’S REQUEST FOR**  
 2           **REIMBURSEMENT OF EXPENSES**

3           “There is no doubt that an attorney who has created a common fund for the benefit of the class is  
 4 entitled to reimbursement of reasonable litigation expenses from that fund.” *Bellinghausen*, 306 F.R.D. at  
 5 265 (quoting *Ontiveros v. Zamora*, 303 F.R.D. 356, 375 (E.D. Cal. 2014)); *see also Alvarez v. Farmers Ins.*  
 6 *Exch.*, 2017 WL 2214585, at \*5 (N.D. Cal. Jan. 18, 2017) (“Class counsel is entitled to reimbursement of  
 7 reasonable expenses.” (quoting Fed. R. Civ. P. 23(h))). Here, Class Counsel seeks reimbursement of  
 8 \$844,651, the majority of which relates to expert witnesses testimony and deposition costs. *See Fitzgerald*  
 9 *Decl.* ¶ 10 & Ex. 2. Because “[t]he categories of expenses for which plaintiffs’ [sic] seek reimbursement are  
 10 the type of expenses routinely charged to hourly clients . . . the full amount should be reimbursed,” *see*  
 11 *Larsen v. Trader Joe’s Co.*, 2014 WL 3404531, at \*10 (N.D. Cal. July 11, 2014) (citation omitted).

12           **C. THE COURT SHOULD GRANT SERVICE AWARDS**

13           “In the Ninth Circuit, ‘[i]ncentive awards are fairly typical in class action cases,’” and “‘are intended  
 14 to compensate class representatives for work done on behalf of the class, to make up for financial or  
 15 reputational risk undertaken in bringing the action, and, sometimes, to recognize their willingness to act as  
 16 a private attorney general.’” *Alvarez*, 2017 WL 2214585, at \*1 (quoting *Rodriguez*, 563 F.3d at 958-59);  
 17 *accord Norcia v. Samsung Telecomms. Am., LLC*, 2021 WL 3053018, at \*5 (N.D. Cal. July 20, 2021)  
 18 (Donato, J.) (“Incentive awards are fairly typical in class action cases.” (quoting *Rodriguez*, 563 F.3d at  
 19 958)). “An incentive award of \$5,000 is considered ‘presumptively reasonable’ in this District,” *O’Connor*  
 20 *v. Uber Techs., Inc.*, 2019 WL 1437101, at \*14 (N.D. Cal. Mar. 29, 2019) (citing *Villegas v. J.P. Morgan*  
 21 *Chase & Co.*, 2012 WL 5878390, at \*7 (N.D. Cal. Nov. 21, 2012)). In addition, “some courts have  
 22 considered the ratio between the service award and class members’ average recovery [in] determin[ing] the  
 23 propriety of any amount awarded.” *Carlin v. DairyAmerica, Inc.*, 380 F. Supp. 3d 998, 1025 (E.D. Cal.  
 24 2019) (citing *Hopson v. Hanesbrands Inc.*, 2009 WL 928133, at \*10 (N.D. Cal. Apr. 3, 2009)).

25           The \$5,000 service awards Plaintiffs request are reasonable and justified by the record of their active  
 26 participation in the litigation, including reviewing pleadings and other relevant documents; keeping in  
 27 frequent contact with Class Counsel to stay informed about the progress of the case through more than six  
 28 years of litigation; responding to extensive discovery requests, including 55 document requests; sitting for

1 full-day depositions; and discussing in detail settlement negotiations and the proposed settlement with  
2 counsel. Milan Decl. ¶¶ 2-10; Arnold Decl. ¶¶ 2-10. As a result, Class Representatives Ralph Milan and  
3 Elizabeth Arnold estimate they dedicated approximately 34.5 and 55.5 hours, respectively, to the case. Their  
4 service should be rewarded. *See Fowler v. Wells Fargo Bank, N.A.*, 2019 WL 330910, at \*8 (N.D. Cal. Jan.  
5 25, 2019) (granting \$7,500 award to plaintiff who “spent 40 to 50 hours on the case” “assisting counsel in  
6 obtaining loan documents,” “reviewing the complaint as well as relevant motions,” “responding to  
7 discovery,” “attend[ing] the mediation,” and participating in “follow-up calls and emails with counsel”  
8 (record citations omitted)); *Brown v. Hain Celestial Group, Inc.*, 2016 WL 631880, at \*9 (N.D. Cal. Feb.  
9 17, 2016) (granting \$7,500 service awards to plaintiffs who “described sufficiently the[ir] efforts consulting  
10 with counsel, attending mediations, being deposed, and otherwise participating in the litigation.” (record  
11 citation omitted)).

12 Moreover, the \$10,000 total requested is just 0.083% of the Settlement Fund and thus “significantly  
13 less”—over 100 times less—“than the approximately 1% of the total settlement awarded by some courts.”  
14 *See Fowler*, 2019 WL 330910, at \*8 (citation omitted); *see also Alvarez*, 2017 WL 2214585, at \*1 (awarding  
15 \$10,000 awards to each of nine plaintiffs, totaling \$90,000, “constitut[ing] 1.8% of the total settlement  
16 value”). “While it is true that a \$5,000 incentive award is [many] times larger than the [likely] individual  
17 award,” the Ninth Circuit has “focused less on that fact . . . and more on the number of class representatives,  
18 the average incentive award amount, and the proportion of the total settlement that is spent on incentive  
19 awards.” *See In re Online DVD-Rental Antitrust Litig.*, 779 F.3d 934, 947 (9th Cir. 2015) [*“Online DVD  
20 Rental”*] (citing *Staton*, 327 F.3d at 977). “Here, [the requested] incentive awards are \$5,000, an amount  
21 [the Ninth Circuit] said was reasonable in *Staton*.” *See id.* (citation omitted). In approving service awards  
22 in *Online DVD-Rental*, the Ninth Circuit stressed the that “the \$45,000 in incentive awards makes up a mere  
23 .17% of the total settlement fund of \$27,250,000, which is far less than the 6% of the settlement fund in  
24 *Staton* that went to incentive awards.” *Id.* at 948 (citation omitted). The service awards requested here are  
25 about half, as a percent of the common fund, of what the Ninth Circuit approved in *Online DVD-Rental*.

### 26 **III. CONCLUSION**

27 The Court should grant Class Counsel’s request for an award of \$3.6 million in fees and \$844,651  
28 in costs, and grant the Class Representatives service awards of \$5,000 each.



1 Dated: February 12, 2025

Respectfully Submitted,

2 /s/ Jack Fitzgerald

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8 ***Class Counsel***

9  
10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13  
14 RALPH MILAN and ELIZABETH ARNOLD on  
behalf of themselves, those similarly situated and  
15 the general public,

16 Plaintiffs,

17 v.

18 CLIF BAR & COMPANY,

19 Defendant.

Case No: 18-cv-02354-JD

**DECLARATION OF JACK FITZGERALD IN  
SUPPORT OF RENEWED MOTION FOR  
ATTORNEYS' FEES, COSTS, AND SERVICE  
AWARDS**

Judge:

Hon. James Donato

Hearing Date:

March 20, 2025, 10:00 a.m.

Location:

Courtroom 11, 19th Floor



1 I, Jack Fitzgerald, declare:

2 1. I am a member in good standing of the State Bars of California and New York; and of the  
3 United States District Courts for the Northern, Central and Southern Districts of California, the Southern  
4 and Eastern Districts of New York, and the Western District of Wisconsin; and of the United States Courts  
5 of Appeal for the Second, Eighth, and Ninth Circuits. I make this declaration based on my own personal  
6 knowledge, in support of Plaintiffs' Renewed Motion for Attorneys' Fees, Costs, and Service Awards.

7 **Class Counsel's Lodestar**

8 ***Class Counsel's Billing Rates***

9 2. My October 31, 2023 Declaration noted that "[w]hile our billing rates have increased over  
10 the last year, for purposes of this Settlement, we are seeking the same rates as in our 2022 motion for  
11 preliminary approval[.]" Dkt. No. 252 ("PA Fitzgerald Decl.") ¶ 81; *see also* Dkt. No. 226-1, June 23, 2022  
12 Declaration of Jack Fitzgerald ¶ 19. Now, 32 months after that 2022 motion, Class Counsel's actual billing  
13 rates have, of course, increased. However, given the need to re-negotiate the settlement after the Court  
14 initially denied preliminary approval, and the passage of time caused by counsel's (inadvertent but mistaken)  
15 failure to file a proposed claim form, proposed order, and social media ads with the second preliminary  
16 approval motion, Class Counsel is exercising discretion to use its 2022 rates for purposes of this fee  
17 application. The rates we are therefore seeking are:

<b>Timekeeper</b>	<b>Position</b>	<b>Rate</b>
Jack Fitzgerald	Partner	\$870
Paul Joseph	Partner	\$700
Melanie (Persinger) Monroe	Partner	\$680
Trevor Flynn	Partner	\$670
Richelle Kemler	Associate	\$580
Caroline Emhardt	Associate	\$500
Christina Mendez	Paralegal	\$235
Julie Hinton	Paralegal	\$235

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26 3. These rates are below rates recently approved in a less expensive market (San Diego) for  
27 Class Counsel. *See Andrade-Heymsfield v. NextFoods, Inc.*, 2024 WL 3871634, at \*6 (S.D. Cal. Apr. 8,  
28 2024) (finding "requested rates reasonable" (citing Case No. 3:21-cv-11446-BTM-MSB, Dkt. No. 61, Fee

1 Motion requesting rates of \$885 for Mr. Fitzgerald; \$730 for Mr. Joseph; \$695 for Ms. Monroe; \$680 for  
2 Mr. Flynn; \$560 for Ms. Emhardt; and \$240 for Ms. Mendez)).

3 4. The rates are also below prevailing rates in this district for class action litigation. *See* PA  
4 Fitzgerald Decl. ¶¶ 88-90; *see also Hardy v. Embark Tech., Inc.*, 2024 WL 1354416, at \*9 (N.D. Cal. Mar.  
5 29, 2024) (“Class Counsel’s current rates rang[ing] from \$900 for partners, and \$450-\$550 for associates”  
6 were “generally in line with rates prevailing in this community for similar services by lawyers of reasonably  
7 comparable skill, experience and reputation.” (citing *Hefler v. Wells Fargo & Co.*, 2018 WL 6619983, at  
8 \*14 (N.D. Cal. Dec. 18, 2018) (approving rates from \$650 to \$1,250 for partners or senior counsel, and \$400  
9 to \$650 for associates)); *cf. Arnold v. DMG Mori USA, Inc.*, 2022 WL 18027883, at \*1, \*4 (N.D. Cal. Dec.  
10 30, 2022) (Donato, J.) (“The claimed 2021 billing rates of \$950 and \$550 are in line with prevailing rates in  
11 this District, and so are reasonable.” (emphasis added) (citing *Welch v. Metro. Life Ins. Co.*, 480 F.3d 942,  
12 947 (9th Cir. 2007))).

### 13 ***Class Counsel’s Hours***

14 5. My October 31, 2023 Declaration in Support of Preliminary Approval, Dkt. No. 352 (“PA  
15 Fitzgerald Decl.”), detailed the case’s timekeepers and time-keeping practices. *Id.* ¶¶ 77-78. I noted that we  
16 had “reviewed the billing records and made cuts for obvious entry errors, duplications, and instances where  
17 we determined the hours should be reduced or not billed, for instance any time billed with respect to working  
18 with Ms. Aquino, for whom we withdrew as counsel after being unable to contact her,” but had “not yet  
19 completed our evaluation of each time entry in detail to make further cuts if appropriate.” *Id.* ¶ 79. As of  
20 then, “[t]he total time spent by Class Counsel on this matter through October 15, 2023” was 10,662.8 hours.  
21 *Id.* ¶ 80.

22 6. We have now examined our time records in detail and made a number of cuts prior to tallying  
23 our reasonable lodestar for seeking fees. First, we cut all hours on the first Class Certification Motion (more  
24 than 350 hours), since the Court declined to review it given its “unnecessary recitation of merits-related  
25 evidence” and insufficient “address[ing of] the Rule 23 factors,” *see* Dkt. No. 149, Civil Minutes for Feb.  
26 18, 2021 Hrg. Second, we cut all hours on the first Motion for Preliminary Approval Motion (about 175  
27 hours), since the Court denied it. Third, we cut time that appeared duplicative, clerical, or otherwise  
28

erroneous. Fourth, we cut all travel time. In total, we cut nearly 1,100 hours from our raw records, representing about 10% of our raw time, as reflected in the table below.

7. As a result, we respectfully submit that a reasonable lodestar for purposes of evaluating Class Counsel's fee request is \$6,306,044, based on 9,593.4 hours reasonably expended, as follows.

#### By Timekeeper

Timekeeper	Rate	Hours	Proportion	Lodestar
<i>Attorneys</i>				
Jack Fitzgerald	\$870	1,880.7	19.6%	\$1,636,209
Paul Joseph	\$700	1,943.3	20.3%	\$1,360,310
Melanie (Persinger) Monroe	\$680	1,789.7	18.7%	\$1,216,996
Trevor Flynn	\$670	1,557.0	16.2%	\$1,043,190
Richelle Kemler	\$580	883.9	9.2%	\$512,662
Caroline Emhardt	\$500	660.6	6.9%	\$330,300
<i>Paralegals</i>				
Christina Mendez	\$235	608.2	6.3%	\$142,927
Julie Hinton	\$235	270.0	2.8%	\$63,450
<b>Total =</b>		<b>9,593.4</b>	<b>100%</b>	<b>\$6,306,044</b>

#### By Category

Category	Hours	Proportion
Investigation & Complaint	105.8	1.1%
Case Management	49.6	0.5%
Rule 12	101.0	1.1%
Discovery	1,925.9	20.1%
Work with Plaintiffs' Experts	307.5	3.2%
Motions Regarding Experts	538.3	5.6%
Class Certification	232.4	2.4%
Summary Judgment	368.9	3.8%
Pre-Trial Work & Trial Prep	5,401.1	56.3%
ADR	461.9	4.8%
Preliminary Approval	26.6	0.3%
Final Approval	74.4	0.8%
<b>Total =</b>		<b>9,593.4</b>
		<b>100%</b>

1 8. Detailed time records for these hours, organized by timekeeper, category, and chronology,  
2 are attached hereto as Exhibit 1.

3 9. I believe this is a conservative estimate of our lodestar for the following reasons:

4 a. We are using 2022 rates, and our 2024 rates would be about 10% higher, as  
5 “hourly attorney fee rates generally increase over time with inflation,” *see Techachapi*  
6 *Unified Sch. Dist. v. K.M.*, 2019 WL 331153, at \*6 (E.D. Cal. Jan. 25, 2019).<sup>1</sup>

7 b. We are not counting in our lodestar any time on the first class certification  
8 and preliminary approval motions, even though much of the work done on them was used on  
9 the re-submissions (as demonstrated by the relatively small number of hours for those items  
10 noted in our lodestar calculation above).

11 c. We are not counting any time working with Plaintiff Sarah Aquino, who was  
12 terminated from the action, in our lodestar.

13 d. Since filing the preliminary approval motion in October 2023, we have spent  
14 additional time supplementing the motion, serving subpoenas on retailers and working with  
15 them on their responses, working with the Claims Administrator on Class Notice, and  
16 working on the final approval motion, but are not counting any of this time (or indeed, any  
17 time spent in 2024 at all) in our lodestar.

18 e. We are not counting in our lodestar time to be spent through the final approval  
19 and post-distribution accounting process. For three recent settlements of ours, this time  
20 totaled 53.5 hours, 87.1 hours, and 227.9 hours, respectively.

21 **Case Expenses**

22 10. My October 31, 2023 Declaration noted that we had incurred \$917,584.35 in expenses for  
23 which we intended to seek reimbursement, and stated that we would provide a detailed report of expenses,  
24 listed chronologically and by category, with this motion. In preparing that exhibit, we cut a number of  
25 expenses for which we are seeking reimbursement (primarily because we identified some erroneous entries,

26 \_\_\_\_\_  
27 <sup>1</sup> Notably, “[d]istrict courts have the discretion to compensate plaintiff’s attorneys for a delay in payment  
28 by either applying the attorneys’ current rates to all hours billed during the course of the litigation or using  
the attorneys’ historical rates and adding a prime rate enhancement.” *Welch*, 480 F.3d at 947 (citing *In re*  
*Wash. Pub. Power Supply Sys. Sec. Litig.*, 19 F.3d 1291, 1305 (9th Cir. 1994)).

1 including having erroneously included expert retainer payments returnable to us in the preliminary tally, in  
 2 the exercise of billing discretion). Accordingly, we are seeking reimbursement of \$844,651.27 of expenses.  
 3 They are summarized below, and detailed in Exhibit 2 hereto.<sup>2</sup>

Category	Amount	Proportion
Air Travel	\$2,020.76	0.2%
Case Initiation and Management	\$400.00	0.0%
Class Certification Notice	\$41,843.03	5.0%
Deposition Costs and Transcripts	\$121,085.97	14.3%
Expert Testimony & Related Costs	\$596,698.53	70.6%
Focus Group & Trial Consultation	\$51,981.50	6.2%
Accommodations	\$1,476.74	0.2%
Mediation Costs	\$19,875.00	2.4%
Service & Subpoena Costs	\$9,029.69	1.1%
Hearing Transcripts	\$240.05	0.0%
<b>Total =</b>	<b>\$844,651.27</b>	<b>100%</b>

#### Additional Information

11. At times during the pendency of this case, especially when we were preparing for a trial that  
 17 seemed imminent, there were times when virtually all of the firm's attorney time was spent on this matter.  
 18 As a result of having to dedicate so much time to this matter, particularly in the first half of 2022, our ability  
 19 to work on other matters or bring new matters was severely restricted.

12. In April 2024, Western Alliance Bank published a Second Annual Report on Digital  
 21 Payments in Class Actions and Mass Torts. A true and correct copy of excerpts from the report is attached  
 22 hereto as Exhibit 3.<sup>3</sup> According to Western Alliance, this firm's predecessor, Fitzgerald Joseph LLP, had  
 23 the fifth-highest number of successful digital payments to class action claimants from 2019-2023. *See id.* I

<sup>2</sup> As the Court instructed during the November 14 hearing in response to our initial motion, we have trimmed  
 25 expenses, removing \$16,685.90, including (a) all expenses associated with meals while travelling, (b)  
 26 ground travel expenses, (c) document review and organization expenses, and (d) all miscellaneous expenses.  
 27 We also cut some service and case management costs. *See generally* Dkt. No. 262-1, Declaration of Jack  
 Fitzgerald ¶ 10.

<sup>3</sup> The full report is available at <https://www.westernalliancebankcorporation.com/sites/default/files/2024-04/2024-digital-payments-research-report.pdf>.

1 attribute this largely to our settlements of *Hadley*, *Krommenhock*, and *McMorrow*, which each resulted in  
2 hundreds of thousands of payments made to class member claimants.

3 13. Attached hereto as Exhibit 4 is a true and correct copy of an article by Creighton Magid, a  
4 partner with Dorsey & Whitney LLP, published on November 15, 2019 for the Washington Legal  
5 Foundation titled “DEVELOPMENTS IN ADDED-SUGAR FOOD-AND BEVERAGE LITIGATION:  
6 CAUSE FOR HOPE, CAUSE FOR CONCERN.” The article concludes that settlements like the one here  
7 “lend[] credence to the legal theory that a product’s added sugars render health-and-wellness claims printed  
8 on the product label misleading under consumer-protection laws,” and that “the process of changing product  
9 labeling and associated marketing campaigns requires an enormous amount of time and financial resources.”  
10

11 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.  
12 Executed this 12th day of February, 2025, in San Diego, California.

13 By: /s/ Jack Fitzgerald  
14 Jack Fitzgerald  
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# Exhibit 1

DETAILED BILLING RECORDS BY CATEGORY

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## DETAILED BILLING RECORDS BY CATEGORY

## Summary of Time

	Investigation & Complaint	Case Mgmt.	Rule 12 Briefing	Discovery	Work with Experts	Motions Re Experts	Class Certification	Summary Judgment	Pretrial Work and Trial Prep	ADR	Preliminary Approval	Final Approval	Totals
JF	0.2	11.7	5.8	302.4	79.2	58.7	63.1	130.9	1,033.6	187.6	7.6	-	<b>1,880.7</b>
PJ	44.7	19.4	47.8	495.5	95.4	138.5	56.2	67.0	845.1	126.2	7.5	-	<b>1,943.3</b>
MM	-	5.4	22.0	161.3	25.4	217.6	82.6	87.4	1,100.2	82.0	-	5.8	<b>1,789.7</b>
TF	-	3.3	0.4	163.9	8.6	27.1	35.0	60.1	1,186.4	54.3	10.3	7.6	<b>1,557.0</b>
RK	60.9	5.6	23.5	564.4	74.8	82.8	5.6	23.5	34.8	8.0	-	-	<b>883.9</b>
CE	-	-	-	-	-	-	-	-	655.6	3.8	1.2	-	<b>660.6</b>
CM	-	1.8	-	-	-	-	-	-	545.4	-	-	61.0	<b>608.2</b>
JH	-	1.2	2.7	238.4	27.7	-	-	-	-	-	-	-	<b>270.0</b>
<b>Totals</b>	<b>105.8</b>	<b>49.6</b>	<b>101.0</b>	<b>1,925.9</b>	<b>307.5</b>	<b>538.3</b>	<b>232.4</b>	<b>368.9</b>	<b>5,401.1</b>	<b>461.9</b>	<b>26.6</b>	<b>74.4</b>	<b>9,593.4</b>

Timekeepers

JF: Jack Fitzgerald  
PJ: Paul Joseph  
MM: Melanie (Persinger) Monroe  
TF: Trevor Flynn  
RK: Richelle Kemler  
CE: Caroline Emhardt  
CM: Christina Mendez  
JH: Julie Hinton

## DETAILED BILLING RECORDS BY CATEGORY – Investigation &amp; Complaint

**Investigation & Complaint*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/15/2018	0.2	Discuss revisions to Complaint with Mr. Joseph.
<b>Total =</b>	<b>0.2</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/12/2017	0.1	Call with Ms. Kemler regarding case investigation.
9/12/2017	0.6	Research health effects of arsenic in brown rice syrup.
9/13/2017	0.5	Call potential clients.
9/13/2017	0.5	Research Prop. 65 regulations regarding arsenic limits.
9/13/2017	0.7	Review research conducted by Ms. Kemler.
9/13/2017	2.2	Research old Clif website and flavors.
9/14/2017	0.4	Calls with potential clients.
9/26/2017	0.2	Research Clif advertisements.
9/27/2017	1.7	Phone calls with potential clients.
10/2/2017	0.7	Phone calls with potential clients.
10/4/2017	0.7	Confidential client communication with Ralph Milan; send engagement letter to Mr. Milan.
10/4/2017	1.3	Investigate claims and research Clif products and packaging.
10/24/2017	0.9	Draft Complaint.
10/25/2017	1.6	Continue drafting Complaint.
10/25/2017	1.8	Meet with potential client.
10/26/2017	1.4	Continue to draft complaint.
11/3/2017	1.3	Confidential client communication.
11/3/2017	0.3	Edit draft of Complaint.
11/17/2017	0.9	Conduct client interview with Mr. Stan Hummel.
11/20/2017	0.4	Draft CLRA letter.
11/20/2017	1.7	Travel and conduct client interview with Mr. Milan.
11/22/2017	0.1	Review interview notes from Ms. Kemler.

## DETAILED BILLING RECORDS BY CATEGORY – Investigation &amp; Complaint

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/22/2017	0.9	Continue to draft Complaint.
11/22/2017	1.0	Continue to draft CLRA letter
11/24/2017	0.8	Continue drafting Complaint.
11/26/2017	5.0	Continue drafting Complaint.
11/27/2017	0.4	Read FDA proposed rules on added sugar.
11/27/2017	0.6	Email clients.
11/27/2017	2.2	Continue to draft complaint.
1/18/2018	0.3	Read January 16 letter from Clif's Counsel.
2/1/2018	0.2	Continue to edit draft of Complaint.
2/1/2018	0.6	Research FDA guidance and regulations regarding whole grain claims.
2/12/2018	0.9	Continue to draft Complaint.
2/25/2018	1.0	Continue to draft Complaint.
3/12/2018	2.0	Continue to draft Complaint.
3/13/2018	0.3	Continue to draft Complaint.
3/19/2018	0.3	Call with Plaintiff Elizabeth Arnold
4/10/2018	0.1	Call with Ms. Elizabeth Arnold.
4/15/2018	0.2	Call with Mr. Fitzgerald to discuss revisions to Complaint.
4/17/2018	5.3	Revise Complaint; edit New York causes of action and research law RE: same; email draft to clients.
4/18/2018	2.1	Edit Appendix 1, Civil Coversheet, Venue Affidavit, and Summons.
4/23/2018	0.3	Read scheduling order; review documents for service.
4/25/2018	0.1	File consent/decline to magistrate judge.
4/26/2018	0.3	Read minute orders from Court; research Judge Brown.
<b>Total =</b>	<b>44.7</b>	

***Richelle Kemler***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/8/2017	0.2	Make phone calls to potential class representatives and take notes.
1/18/2017	0.2	Prepare notes RE: possible class representatives
9/12/2017	4.6	Call with Mr. Joseph regarding case; research Clif Bars' flavors, nutrition label, and ingredients.

## DETAILED BILLING RECORDS BY CATEGORY – Investigation &amp; Complaint

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/13/2017	2.8	Research Clif Bars and other Clif products.
9/15/2017	0.7	Research Clif Bars compared to other products.
9/15/2017	0.9	Research arsenic class action cases.
9/18/2017	1.4	Research business entity information; prepare CLRA letter.
9/19/2017	2.0	Research arsenic.
9/27/2017	0.4	Research Clif Bar packaging.
9/28/2017	0.5	Prepare Complaint.
9/28/2017	5.4	Research Clif Bar packaging and advertisements.
9/29/2017	1.1	Prepare Complaint.
10/2/2017	0.4	Revise chart of images.
10/2/2017	3.4	Prepare Complaint.
10/10/2017	3.2	Prepare product chart.
10/17/2017	4.1	Prepare product chart.
10/23/2017	0.3	Research added sugars and revise chart.
10/24/2017	0.4	Make revisions to chart of products and challenged claims.
10/27/2017	3.5	Revise chart and Complaint.
10/30/2017	3.6	Revise chart and Complaint.
10/31/2017	0.8	Revise Complaint.
11/3/2017	1.2	Revise CLRA letter.
11/6/2017	3.4	Review and revise Complaint.
11/17/2017	0.8	Research fruit and veggie bars.
11/20/2017	0.1	Revise CLRA letter.
11/20/2017	0.7	Research fruit and veggie bars.
11/21/2017	3.4	Speak with potential class representatives.
11/27/2017	0.1	Conduct sugar research.
11/27/2017	0.5	Speak with potential class representatives.
11/30/2017	0.6	Speak with potential class representatives.
11/30/2017	1.7	Prepare civil cover sheet, ADR packet, and venue affidavit for filing with Complaint.
12/27/2017	0.1	Make phone calls to potential class representatives.
2/27/2018	2.3	Prepare Complaint and supporting documents.

## DETAILED BILLING RECORDS BY CATEGORY – Investigation &amp; Complaint

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/28/2018	0.2	Revise Complaint.
3/13/2018	2.5	Review images from Complaint; prepare proof of Complaint.
3/20/2018	1.7	Revise chart and confirm numbers match.
3/21/2018	0.2	Revise chart to reflect claims in Complaint.
4/16/2018	0.5	Revise Complaint and prepare documents for filing.
4/23/2018	1.1	Research and gather documents for service.
4/25/2018	0.2	Prepare declination of magistrate judge form.
<b>Total =</b>	<b>60.9</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Case Management

**Case Management*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/10/2020	0.4	Participate in team teleconference with Mr. Flynn, Ms. Persinger, and Mr. Joseph RE: assignments.
7/9/2020	0.5	Participate in team status and strategy call with Mr. Flynn and Ms. Persinger.
8/2/2020	3.4	Participate in case strategy session with Mr. Joseph.
9/8/2020	1.0	Participate in call with Mr. Joseph to discuss case status and assignments; meet with Mr. Flynn and Ms. Persinger to discuss same; call with Mr. Steve Gaskin regarding omissions claims.
2/1/2021	1.8	Meet with Mr. Joseph to discuss case strategy and planning.
3/10/2021	0.1	Discuss tasks and strategize with Ms. Persinger and Mr. Flynn.
5/4/2021	0.4	Together with Mr. Joseph, participate in meet and confer call with Clif's counsel regarding subpoena to Dr. Lustig.
6/22/2021	0.7	Confer with Mr. Joseph regarding current case status and pretrial tasks; together with Mr. Joseph, meet with Ms. Persinger to discuss jury instructions.
10/18/2022	0.5	Review draft Administrative Motion for Case Management Conference and send email to Chris Van Gundy regarding same.
10/19/2022	0.4	After communications with Mr. Van Gundy regarding the same, finalize and file Administrative Motion requesting Case Management Conference.
5/31/2023	0.4	Draft joint status report and send to Mr. Biderman for review.
7/10/2023	0.3	Review draft Motion to Reopen Discovery.
8/15/2023	1.8	Draft Joint Status Report and circulate internally for comment; review revised draft, make further revisions, and send to David Biderman for review.
<b>Total =</b>	<b>11.7</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/30/2018	0.3	Draft and file Notice of Interested parties.
7/8/2018	0.1	Read and reply to email from defense counsel Mr. Chris Van Gundy; send ESI and Protective Orders.

## DETAILED BILLING RECORDS BY CATEGORY – Case Management

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/11/2018	1.1	Conduct 26(f) conference.
7/11/2018	1.9	Review and edit 26(f) report; review ESI guidelines for Northern District of California; prepare for 26(f) conference.
7/16/2018	1.7	Review and edit Joint 26(f) statement.
7/19/2018	0.8	Edit 26(f) statement and send to Chris Van Gundy; email Van Gundy RE ADR Stipulation, finalize and send Initial disclosures; file ADR stip.
7/19/2018	0.9	Call with clients; edit ADR Stipulation and email Chris Van Gundy RE: same.
8/2/2018	0.2	Call with Defense Counsel RE: joint case management statement.
8/2/2018	1.3	Review and edit 26(f) report and joint case management statement.
8/2/2020	3.4	Meet with Mr. Fitzgerald to plan case strategy.
8/3/2020	0.3	Call with potential consultant.
6/10/2020	0.4	Conference with Law Office of Jack Fitzgerald, including Mr. Fitzgerald, Mr. Flynn, and Ms. Persinger.
1/19/2021	1.9	Work on Draft of Stipulation RE: Class Certification Order and expert disclosures.
2/1/2021	1.8	Case strategy planning session with Mr. Fitzgerald.
5/4/2021	0.4	Meet and confer RE: Dr. Lustig documents with Clif's counsel and Mr. Fitzgerald.
6/22/2021	0.7	Along with Mr. Fitzgerald, confer RE: pretrial preparation and settlement negotiations.
8/30/2021	0.4	Confidential communication with Plaintiff Elizabeth Arnold.
10/4/2021	0.1	Call with clients RE: Class Certification Order and upcoming scheduling conference.
10/5/2021	0.2	Call with clients RE: availability for settlement conference.
10/12/2021	0.2	Review invoices, send requested invoices to Mr. Van Gundy.
11/30/2021	0.2	Review and edit Joint Status Conference Statement.
9/19/2022	0.4	Call Plaintiffs Ms. Arnold and Mr. Milan RE case update.
10/26/2022	0.2	Read Clif's statement RE nationwide settlement (Dkt. No. 238).
8/15/2023	0.5	Review and edit case management statement.
<b>Total =</b>	<b>19.4</b>	



## DETAILED BILLING RECORDS BY CATEGORY – Case Management

**Melanie (Persinger) Monroe**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/4/2020	0.1	Review correspondence from opposing counsel RE: discovery issues.
4/14/2020	0.3	Call RE: Case Management Conference.
6/10/2020	0.4	Team teleconference with Mr. Flynn, Mr. Fitzgerald, and Mr. Joseph RE: assignments.
7/9/2020	0.5	Participate in team status and strategy call with Mr. Fitzgerald and Mr. Flynn.
9/28/2020	0.4	Review Order and discuss with Mr. Fitzgerald and Mr. Joseph.
2/26/2021	1.3	Edit joint statement RE: locked documents and circulate to opposing counsel; continue trying to get ahold of calendar clerk; correspondence with calendar clerk; make further edits to joint statement and circulate to opposing counsel for sign-off; finalize and file joint statement.
3/10/2021	0.1	Discuss tasks and strategize with Ms. Persinger and Mr. Flynn.
5/18/2021	0.2	Correspond with Mr. Fitzgerald and Mr. Joseph RE: documents to be filed with various motions on Thursday, May 20, and the potential need for a seal motion.
6/11/2021	0.1	Update confidentiality chart with newly de-designated documents.
11/29/2021	1.2	Review and edit Joint Case Management Statement.
11/30/2021	0.3	Edit Joint Case Management Statement and discuss same with Mr. Fitzgerald.
9/14/2022	0.1	Review correspondence from opposing counsel.
10/26/2022	0.3	Review Clif's Statement in Support of a Nationwide Settlement Class.
8/17/2023	0.1	Read correspondence regarding case management conference statement.
<b>Total =</b>	<b>5.4</b>	

**Trevor Flynn**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/10/2020	0.4	Participate in team teleconference with Ms. Persinger, Mr. Fitzgerald, and Mr. Joseph RE: assignments.
7/9/2020	0.5	Participate in team status and strategy call with Mr. Fitzgerald and Ms. Persinger.
3/10/2021	0.1	Confer with Mr. Fitzgerald and Ms. Persinger on tasks.

## DETAILED BILLING RECORDS BY CATEGORY – Case Management

12/8/2021	0.3	Prepare draft stipulation and proposed order to excuse the plaintiffs from settlement conference; email with Mr. Fitzgerald RE: same.
10/11/2022	1.8	Research and draft Rule 16 request for status conference.
10/26/2022	0.2	Review Clif statement regarding nationwide settlement.
<b>Total =</b>	<b>3.3</b>	

***Richelle Kemler***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/27/2018	0.7	Phone call with process server; research service on registered agent.
7/16/2018	1.9	Prepare Rule 26(f) report.
4/6/2020	0.6	Prepare proposed case schedule.
6/26/2020	0.4	Prepare expert retainer agreements.
7/9/2020	0.3	Email experts RE: confidentiality.
10/1/2020	0.3	Phone call with Ms. Elizabeth Arnold.
7/27/2021	1.3	Review videos produced and email to and from VideoWest RE: missing videos.
<b>Total =</b>	<b>5.6</b>	

***Christina Mendez***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/23/2022	0.9	Draft notice of settlement; review Judge Donato's chambers rules.
7/7/2022	0.4	Review and save ECF document; review and audit calendar.
7/26/2022	0.3	Review order and update calendar.
7/29/2022	0.2	Download and save order; update calendar.
<b>Total =</b>	<b>1.8</b>	

***Julie Hinton***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/26/2019	0.3	Create new matter and input proper deadlines with correct due dates.
3/1/2020	0.2	Review Clif's filings from 2/28 and calendar dates.
3/12/2020	0.5	Calendar dates RE: Order; draft Paul Joseph declaration for filings due on 3/20.

DETAILED BILLING RECORDS BY CATEGORY – Case Management

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/7/2020	0.2	Consolidate Deadlines in Calendar.
<b>Total =</b>	<b>1.2</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Rule 12 Briefing

**Rule 12 Briefing*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/9/2018	1.5	Participate in motion to dismiss hearing.
3/4/2020	1.5	Work on Opposition to Defendant's Motion for Judgment on the pleadings.
3/12/2020	0.7	Continue working on Opposition to Clif's Motion for Judgment on the pleadings.
3/19/2020	1.7	Finish draft Opposition to Clif's Motion for Judgment on the Pleadings and send to Mr. Joseph for review.
3/30/2020	0.4	Review Clif's Reply in Support of Motion for Judgment on the Pleadings.
<b>Total =</b>	<b>5.8</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/5/2018	0.8	Read Motion to Dismiss and Motion to Strike.
6/6/2018	4.9	Draft and edit Opposition to Motion to Strike.
6/7/2018	1.2	Continue drafting Opposition to Motion to Strike, especially breach of warranty section.
6/7/2018	4.6	Continue researching and drafting Opposition to Motion to Dismiss, especially particularity section.
6/8/2018	3.5	Continue researching and drafting Opposition to Motion to Dismiss, especially warranties sections.
6/10/2018	3.3	Continue researching and drafting Opposition to Motion to Dismiss, especially standing and preemption sections.
6/11/2018	0.3	Continue researching and drafting Opposition to Motion to Dismiss, especially preemption section.
6/11/2018	0.4	Draft issue statements and introduction for Opposition to Motion to Strike.
6/12/2018	1.8	Continue to draft and research Opposition to Motion to Dismiss, especially preemption section.
6/12/2018	2.2	Continue draft and research Opposition to Motion to Dismiss, especially section on plausibility of plaintiffs' claims.

## DETAILED BILLING RECORDS BY CATEGORY – Rule 12 Briefing

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/12/2018	3.2	Continue drafting Opposition to Motion to Dismiss including editing facts section and all argument sections.
6/13/2018	1.3	Final edits and proofread of Opposition to Motion to Strike.
6/14/2018	1.7	Draft issue statements and introduction for Opposition to Motion to Dismiss.
6/14/2018	4.2	Final review and edits to Opposition to Motion to Dismiss; file briefs.
6/22/2018	0.5	Read Clif's Response in Support of Motions to Strike and Dismiss.
6/27/2018	0.2	Review and edit stipulation RE: hearing dates and Case Management Conference date.
8/7/2018	1.2	Prepare for oral argument on Motion to Dismiss, and Case Management Conference; review briefs.
8/8/2018	6.4	Prepare for oral arguments and Case Management Conference; continue to review briefs; outline arguments.
8/9/2018	4.2	Finish preparing for then argue hearing on Motion to Dismiss.
3/18/2020	2.0	Review and edit Opposition to Motion for Judgment on the Pleadings.
<b>Total =</b>	<b>47.8</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/20/2019	0.2	Review Order on Motion to Dismiss.
3/6/2020	7.1	Draft Opposition to Motion for Judgment on the Pleadings; review stipulation to extend deadlines and correspond with opposing counsel re same.
3/10/2020	3.8	Draft Opposition to Motion for Judgment on the Pleadings.
3/11/2020	7.9	Draft Opposition to Motion for Judgment on the Pleadings.
3/12/2020	3.0	Draft Opposition to Motion for Judgment on the Pleadings.
<b>Total =</b>	<b>22.0</b>	

*Trevor Flynn*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/20/2019	0.4	Review Order on Motion to Strike and Motion to Dismiss.
<b>Total =</b>	<b>0.4</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Rule 12 Briefing

***Richelle Kemler***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/31/2018	0.4	Review prior Motion to Dismiss.
6/1/2018	0.6	Review Motion to Dismiss and Motion to Strike.
6/4/2018	0.7	Compare old Motion to Dismiss and current Motion to Dismiss.
6/5/2018	1.1	Research attacking class allegations prematurely.
6/5/2018	2.6	Prepare Opposition to Motion to Strike.
6/6/2018	5.3	Research and prepare Opposition to Motion to Strike.
6/11/2018	1.9	Proofread and cite check Opposition to Motion to Strike.
6/12/2018	1.0	Proofread and prepare table of authorities.
6/12/2018	1.2	Prepare section of Opposition to Motion to Dismiss.
6/13/2018	2.1	Research preemption.
6/14/2018	6.7	Proofread and prepare table of contents for Opposition to Motion to Dismiss.
<b>Total =</b>	<b>23.5</b>	

***Julie Hinton***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/4/2020	1.7	Perform legal research RE: Clif turning a 12(f) motion to a 12(c) motion and therefore being untimely.
3/6/2020	0.5	Draft section in Opposition to Motion to Strike with applicable case law excerpts.
3/18/2020	0.5	Proofread Opposition to Clif's Motion for Judgment on the Pleadings.
<b>Total =</b>	<b>2.7</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

**Discovery*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/28/2019	0.4	Together with Mr. Joseph, participate in teleconference with Clif's counsel regarding discovery status.
1/13/2020	1.4	Together with Mr. Joseph and Ms. Persinger, participate in teleconference with Mr. Chris Van Gundy regarding discovery.
3/18/2020	5.5	Begin working on Opposition to Clif's Motion to Stay proceedings.
3/20/2020	0.5	Prepare and send Plaintiffs' document production to Clif.
4/8/2020	2.7	Participate in meet-and-confer conference with Clif regarding a wide variety of discovery disputes.
4/13/2020	0.4	Draft proposed joint case schedule and send to Mr. Joseph for review.
4/20/2020	0.2	Review letter from Ms. Abby Meyer regarding deficiencies in Plaintiffs' interrogatory responses.
4/27/2020	0.3	Research issue relating to attorney-client privilege for Ms. Arnold deposition.
4/30/2020	2.9	Draft letter to Ms. Abby Meyer responding to Clif's April 20 letter concerning Plaintiffs' interrogatory responses and send to Mr. Joseph for review.
5/20/2020	0.4	Participate in meet-and-confer call with Clif's counsel.
6/5/2020	0.2	Draft email to Clif's counsel regarding violation of Local Rule 7-3(d) and request to withdraw improperly-filed Statement of Recent Decision; review Clif's response.
6/9/2020	0.1	Further email communications with Clif regarding Statement of Recent Decision.
6/15/2020	0.2	Email communications with Mr. Colin Weir and Mr. David Beker (counsel for IRI) regarding IRI sales data.
7/13/2020	0.3	Review draft Requests for Admission and provide comments to Mr. Joseph.
7/14/2020	0.6	Review draft supplemental discovery responses and discuss with Mr. Joseph; review draft email to Clif and provide comments to Mr. Joseph.
7/27/2020	1.8	Engage in document review.
7/28/2020	5.5	Work on Second Set of Interrogatories to Clif and prepare for service; continue document review; discuss same with Mr. Joseph and Ms. Persinger.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/30/2020	3.4	Review draft Letter to Judge Donato regarding Motion to Compel unredacted copies of documents; continue document review.
8/3/2020	3.3	Continue document review; communicate with Mr. Gaskin and his team regarding omissions theories and testing.
8/7/2020	3.4	Continue reviewing documents.
8/10/2020	0.9	Confer with Mr. Joseph regarding deposition strategy.
8/12/2020	1.0	Participate in call with Steve Gaskin and AMS team regarding conjoint design; communications with Bryan Sowers regarding omissions claims; review Clif's Objections to Plaintiffs' Rule 30(b)(6) deposition notice, confer with Mr. Joseph, and draft email to Mr. Van Gundy regarding legal invalidity of objections.
8/14/2020	8.3	Second chair deposition of Ms. Michelle Ferguson.
8/17/2020	7.0	Work on preparing for deposition of Ms. Michelle McDonald.
8/18/2020	8.4	Continue preparing for deposition of Ms. Michelle McDonald.
8/19/2020	3.9	Continue preparing for deposition of Ms. Michelle McDonald; participate in call with Mr. Christopher Van Gundy regarding Clif's objections; review draft letter to Clif regarding deficient Request for Admission responses.
8/20/2020	7.6	Take Ms. Michelle McDonald's deposition.
9/1/2020	1.8	Review Mr. Bryan Sowers' draft survey and participate in conference call to discuss same; provide additional information to Mr. Sowers' team for surveys.
9/2/2020	2.5	Begin preparing to take Rule 30(b)(6) deposition of Ms. Michelle Ferguson.
9/4/2020	7.2	Complete preparation and take Rule 30(b)(6) deposition of Ms. Michelle Ferguson.
9/21/2020	1.7	Email communications with Clif's counsel and Plaintiffs' experts to obtain dates for depositions; review and revise draft letter concerning deficiencies in Clif's Request for Admissions responses.
9/22/2020	2.6	Draft letter to Clif regarding improper deposition conduct.
9/24/2020	1.0	Continue working on letter regarding Clif's improper deposition conduct; telephone call with third-party subpoena recipient, C&R.
9/28/2020	0.4	Complete letter regarding Clif's improper deposition conduct and send to Mr. Joseph for review.
9/29/2020	2.3	Participate in meet-and-confer call with Clif regarding discovery issues; review and revise three letter motions to Judge Donato regarding Plaintiffs' Motions to Compel Discovery; draft Joint Status



## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		Report Regarding Discovery Disputes and send to Mr. Joseph for review.
9/30/2020	2.9	Work on discovery motions and participate in meet-and-confer conference call regarding same.
10/2/2020	0.1	Communicate with third-party subpoena recipient, Antedote, regarding timing of call concerning subpoena.
10/5/2020	0.7	Participate in meet-and-confer call with Clif's counsel; engage in communications with Clif and experts regarding deposition scheduling.
10/6/2020	0.8	Engage in email and telephone communications with Clif's counsel and Plaintiffs' experts concerning deposition scheduling and discovery disputes; review Clif's letter concerning discovery and provide thoughts to team; confer with Mr. Joseph and Ms. Persinger regarding same.
10/7/2020	0.3	Review and comment on draft confirmatory email regarding October 6 meet and confer conference; review and respond to Mr. Van Gundy's email regarding proposals to moot Plaintiffs' discovery motion; confer with Mr. Joseph regarding discovery issues.
10/9/2020	1.3	Participate in further meet-and-confer call with Clif; engage in communications with Dr. Lustig and Bruce Silverman to schedule deposition preparation; draft thoughts in response to Clif's offer regarding Plaintiffs' discovery motions and send to Mr. Joseph; draft response to Mr. Van Gundy and send to Mr. Joseph for review.
10/12/2020	2.2	Engage in communications and videoconference with Mr. Van Gundy regarding Joint Discovery Status Report and related issues.
10/15/2020	0.4	Participate in meet-and-confer call with Clif; revise Joint Discovery Status Report and send to Clif for review; review Clif's revised proposed language and make additional edits, then send to Mr. Joseph for review before sending back to Clif; finalize and file same.
10/30/2020	0.2	Communications with Clif regarding scheduling of Dr. Choi's deposition.
11/2/2020	6.8	Begin preparing to take deposition of Dr. Choi; further communications with Clif regarding deposition scheduling; provide occasional assistance to team members working on Opposition to Summary Judgment.
11/3/2020	5.4	Begin drafting Reply in Support of Class Certification; trial strategy communications with Mr. Jackson regarding scientific experts.
11/6/2020	2.9	Continue preparing for Choi deposition.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/8/2020	2.2	Continue preparing for deposition of Choi including participating in telephone call with Mr. Colin Weir to go through Dr. Choi's declaration and discuss his econometric analyses.
11/13/2020	7.5	Continue preparing for Choi deposition, including sending investigative materials to Mr. Joseph and Ms. Kemler for review; participate in call with Mr. Weir to follow up on Choi-related issues.
11/14/2020	7.4	Complete preparation for deposition of Dr. Choi.
11/16/2020	9.1	Take deposition of Dr. William S. Choi.
12/15/2020	0.1	Email exchange with Mr. Van Gundy regarding scheduling of Mr. Erickson's deposition.
12/16/2020	0.5	Further email exchange with Mr. Van Gundy regarding deposition scheduling; discussions with Mr. Joseph to strategize about case and requests to Clif concerning scheduling stipulation.
1/19/2021	2.9	Begin preparing to take deposition of Mr. Gary Erickson.
1/24/2021	5.1	Continue preparing to take deposition of Mr. Gary Erickson.
1/25/2021	1.9	Continue preparing to take deposition of Mr. Gary Erickson.
1/28/2021	10.5	Finish preparing to take deposition of Mr. Gary Erickson.
1/29/2021	7.8	Begin taking deposition of Mr. Erickson.
2/1/2021	1.1	Prepare for second deposition session of Mr. Erickson.
2/2/2021	2.5	Take second session of Mr. Erickson's deposition.
2/4/2021	4.9	Participate in call with Applied Marketing Science team regarding executing Mr. Gaskin conjoint surveys; participate in call with Mr. Brian Sowers regarding certain surveys and confer with Mr. Joseph regarding same; begin preparing to take deposition of Ms. Chon.
2/5/2021	7.0	Participate in call with Mr. Sowers regarding draft survey outlines; participate in call with Mr. Gaskin and team regarding conjoint survey outlines; prepare for Ms. Jessica Chon deposition.
2/8/2021	9.0	Review and provide comments on Mr. Sowers' and Mr. Gaskin's surveys; continue preparing to take deposition of Ms. Chon.
2/9/2021	7.4	Engage in further work with Mr. Sowers and Mr. Gaskin on their respective surveys; continue preparing for Ms. Chon deposition.
2/10/2021	9.6	Continue preparing for Ms. Jessica Chon deposition.
2/11/2021	10.5	Continue preparing for Ms. Jessica Chon deposition.
2/12/2021	11.3	Continue preparing for deposition of Ms. Jessica Chon; meet with Mr. Joseph and Mr. Flynn regarding outstanding discovery issues.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/13/2021	12.8	Continue preparing for Ms. Chon deposition.
2/14/2021	10.4	Continue preparing for Ms. Jessica Chon deposition.
2/15/2021	8.5	Finish preparing to take deposition of Ms. Jessica Chon.
2/16/2021	9.2	Take deposition of Ms. Jessica Chon; debrief with Mr. Joseph and Ms. Persinger afterwards.
3/30/2021	8.2	Take deposition of Clif scientific expert, Dr. Joanne Slavin.
5/5/2021	2.0	Confer with Ms. Persinger regarding upcoming deposition of Dr. Rippe.
5/7/2021	7.8	Second-chair Ms. Persinger in taking deposition of Dr. James Rippe.
6/16/2021	2.1	Prepare to take additional deposition of Dr. Joanne Slavin.
6/27/2021	0.2	Continue preparing for continued deposition of Dr. Joanne Slavin.
6/28/2021	5.9	Finish preparing for and take continued deposition of Dr. Joanne Slavin.
<b>Total =</b>	<b>302.4</b>	

*Paul Joseph*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/5/2018	0.5	Review and edit Protective Order and ESI agreement drafts.
7/8/2018	0.2	Review and edit Plaintiffs' first set of Requests for Admission.
7/8/2018	0.4	Review and edit Plaintiffs' first set of Interrogatories.
7/8/2018	0.7	Review and edit Plaintiffs' first set of Document Requests.
7/9/2018	0.5	Continue to edit Plaintiffs' first set of Requests for Admission.
7/11/2018	1.2	Finalize First Set of Requests for Production of Documents and Interrogatories to Clif.
7/12/2018	0.3	Mail Plaintiffs' first set of Interrogatories and Document Requests.
7/16/2018	0.2	Review and edit Plaintiffs' initial disclosures.
7/19/2018	0.2	Review Clif's initial disclosures.
8/28/2019	0.4	Call with Defense Counsel and Mr. Fitzgerald RE: ESI and coordinating discovery plan going forward.
9/11/2019	0.1	Email to Chris Van Gundy RE: discovery extension.
9/17/2019	0.2	Email to Chris Van Gundy RE: requested extensions RE: discovery and answering Complaint.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/22/2019	0.2	Review and email defense counsel RE: stipulation to extend Clif's time to file Answer and time to respond to discovery requests; email defense counsel granting approval to file.
10/9/2019	0.3	Review and send protective order draft to defense counsel.
10/12/2019	0.1	Edit and send revised protective order to Defendant.
10/12/2019	1.8	Meet and confer with Defendant RE: Clif's deficient discovery responses.
10/14/2019	0.7	Review remaining discovery requests to discuss for Meet & Confer; participate in Meet & Confer with defense counsel.
10/15/2019	0.6	Edit confirmatory email for meet and confer calls on November 12 and 14 RE: discovery.
10/16/2019	0.8	Review discovery letter to Clif.
10/17/2019	0.1	Email Mr. Van Gundy RE: interrogatory verifications.
10/17/2019	0.6	Continue editing discovery letter to Clif RE: its deficient discovery responses.
10/17/2019	2.1	Continue reviewing and editing discovery letter to Clif RE: deficient discovery responses.
10/19/2019	0.9	Review, edit, and send discovery letter to defense counsel.
10/25/2019	1.7	Meet and confer with Defendant RE: Clif's deficient discovery responses; confer with Ms. Persinger RE: same.
10/26/2019	1.8	Review and edit confirmatory email RE: meet and confer
11/6/2019	0.5	Review Defendant's edits to protective order.
12/13/2019	0.8	Meet and confer RE: discovery.
1/6/2020	0.7	Send follow-up email to discovery meet and confer.
1/8/2020	0.1	Read and respond to email from Mr. Chris Van Gundy.
1/13/2020	1.7	Review documents sent by Defendants and prepare for meet and confer call; conduct meet and confer call.
1/21/2020	0.3	Draft email to defense counsel RE: meet and confer confirmatory email.
2/3/2020	1.2	Review results of searches run by Clif; edit list of proposed search terms.
2/5/2020	1.1	Edit responses and objections to Clif's Interrogatories and Document Requests.
2/6/2020	1.0	Continue reviewing and editing plaintiffs' objections and responses to Clif's Request for Production.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/8/2020	1.0	Continue to edit responses and objections to Clif's Document Requests.
2/10/2020	0.6	Continue to edit responses and objections to Clif's Document Requests.
2/11/2020	0.4	Call with Ralph Milan RE: responses to discovery requests.
2/20/2020	0.8	Review search terms results from Plaintiffs' proposed list of search terms sent by defense counsel; edit ESI Agreement sent by defense counsel and send email to defense counsel.
2/27/2020	1.8	Prepare for call with defense counsel RE: search terms; conduct meet and confer.
2/28/2020	3.6	Finalize plaintiffs' discovery responses and serve; draft confirmatory email.
3/2/2020	0.5	Edit search terms list.
3/4/2020	0.1	Send email to defense counsel.
3/4/2020	0.3	Read and respond to emails from Chris Van Gundy RE: ESI search terms and modifications to search terms.
3/5/2020	0.1	Read and respond to emails from Mr. Chris Van Gundy: RE search terms and ESI.
3/10/2020	0.6	Review newest search terms results.
3/11/2020	0.4	Review and edit privilege log.
3/12/2020	0.6	Review email correspondence from client; review discovery responses and Opposition to Motion to Stay.
3/18/2020	2.5	Review and edit Opposition to Motion to Stay; draft fact section RE: state of discovery.
3/19/2020	3.9	Work on Opposition to Motion to Stay, drafting fact section RE: state of discovery.
3/20/2020	10.5	Draft and edit Oppositions to Motions to Stay and for Judgment on Pleadings; cite check and finalize same; draft Joseph Declaration; find, create and label Exhibits 1-21; proofread and file all documents.
3/24/2020	0.5	Read email from Mr. Chris Van Gundy RE: discovery and send Ms. Persinger potential responses.
4/6/2020	0.4	Review and edit proposed case schedule.
4/6/2020	0.4	Send email to defense counsel RE: ESI agreement; review chambers rules on bringing dispute before the court.
4/6/2020	0.8	Review discovery correspondence and draft response to Chris Van Gundy RE: ESI.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/6/2020	1.5	Review and edit letters RE: supplemental discovery responses, nationwide sales, and product formulation.
4/7/2020	2.0	Draft discovery letter RE: Labeling File.
4/7/2020	2.8	Draft discovery letter RE: date certain and ESI statement.
4/8/2020	1.7	Edit and finalize discovery letters RE: Nationwide Sales, Supplemental Interrogatory Responses, and Product Formulations.
4/8/2020	2.8	Meet and Confer call RE: discovery; confer with Ms. Persinger RE: same.
4/9/2020	0.1	Read email from defense counsel, send clean version of ESI agreement as requested.
4/9/2020	0.4	Confer with Mr. Flynn RE: discovery letter to compel production of all labeling & drafts.
4/13/2020	1.4	Review emails from defense counsel, reviewing supplemental interrogatory responses for completeness, research law regarding completeness of responses, and email defense counsel.
4/14/2020	0.1	Edit, finalize, and serve Plaintiffs' privilege log.
4/14/2020	0.3	Review discovery letter RE: label file.
4/14/2020	0.3	Call with Clif RE: scheduling order.
4/15/2020	0.3	Review Veritext Demo sent by Mr. Chris Van Gundy.
4/15/2020	0.6	Send email to Chris Van Gundy regarding deposition scheduling; revise schedule and circulate.
4/15/2020	0.6	Review draft of schedule proposed by Clif; edit and send to defense counsel.
4/15/2020	0.7	Continue draft on letter brief RE: labeling file.
4/15/2020	0.8	Continue working with defense counsel on case schedule; edit and send same to defense counsel and have call regarding same; file joint proposed case schedule.
4/16/2020	0.2	Email Clif RE: depositions of Plaintiffs.
4/16/2020	0.3	Review products sent by Ms. Arnold, take pictures for production.
4/16/2020	3.2	Continue editing letter brief RE: labeling file.
4/17/2020	0.5	Confer with Ms. Kemler RE: plaintiffs' supplemental Requests for Production and Interrogatory responses.
4/17/2020	0.8	Proof letter brief RE: production of labeling file.
4/20/2020	0.4	Attend meeting with Ms. Betty Hsu RE: Veritext remote deposition and review provided materials.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/20/2020	2.7	Work on draft of supplemental discovery responses to Clif.
4/21/2020	0.4	Draft and send email to Mr. Milan RE: deposition preparation; prepare deposition materials.
4/21/2020	0.6	Prepare and produce documents to defendant; draft email responding to email from defense counsel.
4/22/2020	1.4	Respond to email from Mr. Chris Van Gundy.
4/22/2020	2.8	Prepare Mr. Milan for deposition.
4/23/2020	8.3	Prepare for and defend deposition of Ralph Milan.
4/26/2020	0.2	Read email from Mr. Chris Van Gundy RE: attorney client privilege.
4/26/2020	1.4	Prepare and serve supplemental responses to Clif's document requests to Ms. Arnold.
4/26/2020	3.8	Call Ms. Arnold to prepare for deposition.
4/27/2020	6.7	Defend deposition of Elizabeth Arnold.
4/30/2020	0.1	Review meet and confer letter from Clif RE: plaintiffs' responses to Clif's first set of discovery requests.
4/30/2020	0.3	Review and edit draft of response to Clif's meet and confer letter.
5/3/2020	0.8	Review and edit draft of response to Clif's meet and confer letter.
5/13/2020	0.1	Read and reply to email from defense counsel, Ms. Meyers, RE: search for marketing materials.
5/20/2020	0.4	Draft confirmatory email RE: Meet and Confer.
5/20/2020	0.5	Prepare for meet and confer with Clif RE: search for consumer surveys on marketing server.
5/22/2020	0.1	Read and respond to emails from Mr. Van Gundy.
6/4/2020	0.3	Review notes from Plaintiffs' deposition transcripts.
6/4/2020	2.4	Review documents sent by Defendants and prepare for meet and confer call; conduct meet and confer.
6/5/2020	0.2	Create spreadsheet to catalog labels produced by Clif.
6/8/2020	0.2	Read Clif's Oppositions to Letter Briefs/Motions to compel.
6/8/2020	0.2	Write confirmatory email.
6/8/2020	0.4	Read decision Clif cited and materials sent by Mr. Fitzgerald.
6/9/2020	0.1	Finalize and serve Deposition notices of Ms. Michelle Ferguson and Ms. Michelle McDonald.
6/9/2020	0.3	Email potential experts.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/9/2020	0.8	Review discovery responses from Clif and create list of outstanding discovery issues.
6/9/2020	1.7	Draft Requests for Admission.
6/10/2020	0.1	Read and reply to email from Ms. Betty Hsu RE: depositions of Ms. McDonald and Ms. Ferguson.
6/10/2020	0.2	Respond to email from Mr. Chris Van Gundy.
6/10/2020	0.2	Review and serve on Clif notice of intent to serve third party subpoena.
6/10/2020	0.2	Confer with Ms. Kemler RE: labeling chart and email Ms. Hinton RE: same.
6/10/2020	0.5	Continue to draft Request for Admissions to Clif.
6/10/2020	0.7	Resolve issues related to catalog of labels produced by Clif.
6/11/2020	0.1	Read and respond to email from Ms. Persinger RE: discovery inquiry by Clif.
6/11/2020	0.3	Read and respond to email from Mr. Flynn RE: discovery inquiry by Clif RE: attorney-client privilege of Ms. Arnold fee agreement.
6/11/2020	0.4	Continue reviewing Clif's supplemental Interrogatory responses for sufficiency.
6/11/2020	1.0	Continue to draft Requests for Admission to Clif.
6/15/2020	0.1	Read and respond to Mr. Van Gundy's email RE: documents.
6/15/2020	0.2	Review research by Mr. Flynn RE: irrelevance of fee agreements.
6/16/2020	0.1	Read email from Ms. Persinger.
6/16/2020	0.1	Revise labeling catalog template.
6/16/2020	0.2	Phone call with Mr. Flynn RE: Ralph Milan's supplemental responses.
6/16/2020	0.2	Email Mr. Van Gundy RE: discovery.
6/16/2020	0.2	Call with Ms. Kemler RE: labeling catalog.
6/17/2020	2.9	Continue researching privilege issue RE: Arnold engagement letter.
6/21/2020	2.0	Review label chart, add data RE: total cholesterol.
6/22/2020	0.1	Confer with Richelle Kemler RE: supplemental responses.
6/27/2020	4.9	Enter data for total carbs into chart.
7/2/2020	0.4	Download and attempt to extract files; email Defense counsel RE: issues with extraction.
7/2/2020	1.9	Review and finalize Plaintiffs' first set of Request for Admissions to Clif.



## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/8/2020	0.4	Draft Supplemental Responses to Clif's discovery requests.
7/8/2020	1.4	Review production including CLIF15669-16656.
7/9/2020	1.3	Review native files from CLIF16657 onward.
7/10/2020	1.8	Review Clif production.
7/13/2020	0.6	Review supplemental discovery responses to Clif.
7/14/2020	0.1	Review and serve Plaintiffs' First Set of Request for Admissions to Clif.
7/14/2020	0.5	Review Clif production.
7/14/2020	1.3	Review Clif Production CLIF11079-11225.
7/14/2020	1.8	Confer with Mr. Fitzgerald RE: Supplemental responses to Clif Interrogatories and Requests for Production; finalize Request for Production responses; draft email to defense counsel.
7/15/2020	0.1	Read and respond to email from Mr. Van Gundy.
7/15/2020	4.7	Review Clif Production CLIF11226-12306.
7/16/2020	0.1	Email Mr. David Becker RE: IRI subpoena.
7/16/2020	0.1	Review and serve amended deposition notices.
7/16/2020	1.0	Review Clif Production CLIF18137-20026 and 17197-17537.
7/16/2020	2.1	Review Clif Production CLIF18137-19630.
7/16/2020	3.4	Review Clif Production CLIF10003-11078.
7/17/2020	2.3	Review Clif Production CLIF18137-20026, 17197-17538, and 13732-15668.
7/20/2020	0.1	Call with Mr. David Becker RE: IRI data.
7/20/2020	0.1	Email defense counsel RE: discovery meet and confer and answers to previous inquiries.
7/24/2020	0.7	Prepare for meet and confer call with Clif.
7/24/2020	0.9	Meet and confer with Clif.
7/24/2020	1.3	Confer with Ms. Kemler and Ms. Persinger; prepare for meet and confer call with Clif.
7/26/2020	0.1	Send email to Mr. David Becker.
7/26/2020	0.1	Send documents to Ms. Persinger.
7/26/2020	1.0	Compose confirmatory email RE: meet and confer, including tracking down information regarding bates stamps for references for L Drive, M Drive and P Drive.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/28/2020	0.1	Email Mr. David Becker.
7/28/2020	1.1	Review discovery requests to Clif.
7/28/2020	4.3	Research law on redaction of documents produced; begin drafting Motion to Compel production of documents without redactions of non-privileged information, including compiling list of redactions; confer with Mr. Fitzgerald and Ms. Persinger RE: same.
7/29/2020	4.1	Continue drafting letter brief RE: Motion to Compel production of documents without redaction of non-privileged information.
7/30/2020	0.4	Final review and proof of discovery letter to Judge Donato RE: Redactions.
7/31/2020	4.2	Plan case strategy meeting.
8/3/2020	0.9	Work on draft of 30(b)(6) deposition notice topics.
8/4/2020	0.1	Download documents produced by Clif.
8/4/2020	0.2	Read article RE: Clif switching C-store distributors; confer with Ms. Kemler RE: subpoena to distributors.
8/4/2020	0.5	Review and edit third party subpoenas to retailers and distributors; gather list of research firms to subpoena.
8/4/2020	0.2	Review, finalize and serve 30(b)(6) deposition notice.
8/4/2020	9.7	Review and extract key points documents to prepare for depositions.
8/5/2020	0.2	Review and respond to email from Mr. Van Gundy.
8/6/2020	0.3	Respond to email from Mr. Van Gundy.
8/6/2020	2.4	Prepare for deposition of Ms. Michelle Ferguson.
8/7/2020	0.1	Review third Party subpoena to research firms.
8/7/2020	0.2	Phone call with Ms. Amanda Ford (AMS).
8/7/2020	0.3	Reply to email from Chris Van Gundy; read and respond to additional email from Chris Van Gundy; send email following up on server issue with Chris Van Gundy.
8/7/2020	0.3	Review third party subpoena to research firms.
8/7/2020	1.5	Continue to review documents and prepare for deposition of Ms. Michelle Ferguson.
8/8/2020	1.7	Continue to review documents and prepare for deposition of Ms. Michelle Ferguson.
8/9/2020	2.8	Continue to prepare for deposition of Ms. Michelle Ferguson; draft outline and rules of the road.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/10/2020	0.1	Send email to Mr. Chris Van Gundy with follow-up questions regarding marketing server and other drives.
8/10/2020	0.9	Phone call with Mr. Fitzgerald RE: depositions.
8/10/2020	1.2	Work on outline for deposition of Ms. Michelle Ferguson.
8/10/2020	1.9	Continue to prepare for deposition of Ms. Michelle Ferguson.
8/11/2020	3.8	Work on outline for deposition of Ms. Michelle Ferguson.
8/12/2020	0.4	Read Clif's objections to 30(b)(6) deposition and confer with Mr. Fitzgerald; read and edit draft email to Mr. Van Gundy.
8/12/2020	1.6	Meet and confer with Clif RE: discovery issues and draft confirmatory email; review chambers rules RE: deposition counting and confer with Mr. Fitzgerald.
8/12/2020	2.7	Continue preparing for deposition of Ms. Michelle Ferguson.
8/13/2020	8.2	Continue to prepare for deposition of Ms. Michelle Ferguson.
8/14/2020	9.2	Conduct deposition of Ms. Michelle Ferguson; debrief and review notes from deposition.
8/17/2020	0.7	Review Ferguson Deposition transcript.
8/18/2020	0.5	Meet and Confer with Clif.
8/20/2020	7.6	Second-chair deposition of Ms. Michelle McDonald.
8/24/2020	0.5	Call with Defense Counsel RE 30(b)(6) deposition issues and scheduling.
9/4/2020	4.0	Second-chair 30(b)(6) Deposition of Michelle Ferguson.
9/12/2020	3.8	Prepare for 30(b)(6) deposition of Ms. Casey Lewis.
9/13/2020	6.3	Continue prepare for 30(b)(6) deposition of Ms. Casey Lewis
9/14/2020	8.1	Continue prepare for 30(b)(6) deposition of Ms. Casey Lewis.
9/15/2020	9.0	Continue to prepare for Casey Lewis 30(b)(6) deposition; take deposition.
9/18/2020	0.2	Meet and confer with Defense counsel RE: Defendant's protective order RE: 3rd parties and redaction issues.
9/22/2020	0.2	Email court reporter exhibits from the 30(b)(6) deposition of Ms. Casey Lewis.
9/23/2020	0.8	Review and edit fifth set of subpoenas and intent to serve.
9/23/2020	1.5	Review responses from their parties, and contact third parties.
9/25/2020	1.5	Research for Opposition to Clif's letter brief RE: third parties.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/28/2020	0.3	Review and edit letter to Clif RE: Deposition improprieties.
9/28/2020	1.0	Draft Opposition to Clif's letter briefs for protective orders RE: third party subpoenas.
9/29/2020	0.1	Email defense counsel RE: Clif's production of documents dating 10 years back.
9/29/2020	0.1	Review Order (Dkt. No. 102).
9/29/2020	0.3	Edit Discovery letter to Clif.
9/29/2020	0.8	Call with David Harber RE: Third Party Subpoena to Crossmark Inc.; draft and send confirmatory email.
9/29/2020	1.2	Continue working on draft of response to Clif's Letter Brief (Dkt. No. 99).
9/29/2020	2.6	Review and edit Letter to Clif RE: Deposition misconduct; review and incorporate deposition transcript of Ms. Casey Lewis.
9/30/2020	0.2	Continue working on draft of opposition to Clif's letter brief (Dkt. No. 99).
9/30/2020	0.2	Call with Philip Kaplan on behalf of third party GP Labels Unlimited.
9/30/2020	0.3	Prepare for discovery hearing and review selected redacted documents to show the court.
9/30/2020	0.4	Call with Deana Ahn RE: subpoena to Amazon.
9/30/2020	1.3	Call with Clif RE: Discovery issues including Request for Admissions, Deposition misconduct, and outstanding issues related to Class Certification; confer with Ms. Persinger and Mr. Flynn.
9/30/2020	1.4	Draft letter in response to Clif's motion for protective order (Dkt. No. 75).
9/30/2020	1.8	Draft opposition to Clif's letter briefs for protective orders RE: 3rd party subpoenas (Dkt. No. 75).
10/1/2020	3.5	Continue to work on draft of Opposition to Clif's letter briefs for protective orders RE: third party subpoenas (Dkt. No. 75).
10/5/2020	0.9	Call with Clif Bar RE: Discovery issues; draft confirmatory email.
10/6/2020	0.2	Call with Leah Milbauer RE: Padilla Speer Breadsley Subpoena.
10/6/2020	0.3	Call with Scott Miller RE: Antedote Subpoena.
10/6/2020	0.7	Meet and confer with Clif RE: discovery issues; debrief with Mr. Fitzgerald and Mr. Flynn.
10/6/2020	0.8	Read discovery letter from Clif; confer with Mr. Fitzgerald.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/7/2020	0.2	Confer with Mr. Fitzgerald and Ms. Kemler RE: outstanding discovery issues.
10/7/2020	0.2	Edit and send confirmatory email RE: Oct. 6, 2020 meet and confer.
10/8/2020	0.2	Call with Sprouts RE: Third Party subpoena.
10/9/2020	0.6	Along with Mr. Fitzgerald and Mr. Flynn, meet and confer call with Clif RE: ongoing discovery disputes and resolution of most issues.
10/12/2020	2.1	Edit updated letters RE: Discovery Requests.
10/13/2020	0.2	Call with Antedote RE: third party subpoena; send confirmatory email.
10/13/2020	0.3	Call with Whole Foods RE: third party subpoena; send confirmatory email.
10/16/2020	0.3	Call with Walmart RE: third Party subpoena.
10/16/2020	0.4	Call with defense counsel; send follow up email to defense counsel.
10/19/2020	0.5	Call with Chris Van Gundy.
10/21/2020	0.8	Research RE: William Choi.
10/22/2020	0.6	Research case law on Rule 56(d) relating to deferring decision on Summary Judgment.
10/27/2020	0.6	Prepare for call RE: third party subpoenas; conduct call with Pulse.
10/28/2020	2.5	Review documents produced by ConAgra.
10/29/2020	0.2	Call with counsel for Sprouts RE: third party subpoena.
10/29/2020	3.1	Review documents produced by Antedote (ANTIDOTE0001-601).
10/29/2020	0.2	Call with counsel for Incite RE: third party subpoena.
11/10/2020	0.2	Call with Malnove RE: Third party subpoena.
11/13/2020	0.3	Call with Foodminds' counsel RE: third party subpoena.
11/14/2020	2.2	Review deposition transcripts of Dr. William Choi from previous litigations to assist in deposition preparation.
11/16/2020	9.1	Second-chair deposition of Dr. William Choi.
12/15/2020	0.2	Read and reply to email RE: Third party subpoena to Mintel.
12/15/2020	0.2	Draft amended deposition notices to Ms. Jodi Olson and Mr. Gary Erickson; send to defense counsel.
12/16/2020	0.2	Confer with Mr. Fitzgerald RE: deposition scheduling and Mr. Chris Van Gundy's email RE dates.
12/16/2020	0.2	Draft email to Mr. Chris Van Gundy RE: stipulation to extend expert disclosure deadline.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/16/2020	0.3	Draft additional email to Mr. Chris Van Gundy RE: stipulation to extend expert disclosure deadline; review expert reports of Dr. Choi and Dr. Simonson to confirm scope of analysis.
12/17/2020	0.4	Prepare for and conduct call with Counsel for Intel RE: third party subpoena.
12/28/2020	0.6	Review discovery correspondence, draft email to defense counsel RE: various discovery issues and case management issues.
1/4/2021	0.1	Read and respond to email from Victoria Madsen RE: Intel's production of documents.
1/4/2021	0.1	Read and respond to email from Alon Day RE: meet and confer RE: subpoena to Costco.
1/4/2021	0.1	Send email to defense counsel following up on proposal for mediation and deposition dates.
1/4/2021	0.1	Finalize and serve Plaintiffs' Third Set of Interrogatories.
1/4/2021	0.2	Read letter from PCA's counsel RE: supplemental production of documents; upload supplemental document production.
1/4/2021	0.9	Review draft of discovery requests to Intel.
1/5/2021	0.1	Email Mr. Joseph Hoolighan RE: production of documents by third party C&R.
1/5/2021	0.1	Read and respond to email from Mr. Chris Van Gundy.
1/6/2021	0.2	Edit subpoena to serve Lieberman.
1/6/2021	0.4	Call with Costco RE: third party request; send follow-up email RE: Meet and Confer agreement.
1/8/2021	0.2	Read email from Mr. Chris Van Gundy, reply to email RE: scheduling of Mr. Ucar deposition and other matters.
1/11/2021	0.1	Draft and send email to Mr. Chris Van Gundy RE: Intel's 30(b)(6) designee for Topic 1.
1/11/2021	0.5	Review Meet and Confer correspondence RE: 30(b)(6) designees and confer with Ms. Kemler.
1/11/2021	2.0	Follow up on third party subpoenas to various suppliers.
1/12/2021	0.1	Read and respond to email from Chris Van Gundy.
1/13/2021	0.4	Prepare for, and together with Ms. Kemler, conduct phone call with Mr. David Lewis of Maru RE: 3rd party subpoena.
1/13/2021	0.4	Read and reply to email from Mr. Chris Van Gundy.
1/15/2021	0.2	Call with Malnove attorney RE: reasonable fees for production of files.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/18/2021	0.2	Work with third party Kin and Carta's attorneys to facilitate document production.
1/18/2021	3.8	Prepare for Deposition of Ms. Jodi Olson.
1/19/2021	4.4	Continue prepare for deposition of Ms. Jodi Olson
1/20/2021	0.2	Review and finalize stipulation, send to defense counsel and reply to email from Mr. Van Gundy RE: 30(b)(6) Topic 1.
1/20/2021	4.0	Continue to prepare for Ms. Jodi Olson Deposition.
1/21/2021	0.2	Conference call with Ms. Heather Benjamin RE: subpoena to Pulse.
1/21/2021	5.2	Continue to prepare for deposition of Ms. Jodi Olson.
1/22/2021	5.7	Conduct deposition of Ms. Jodi Olson; confer with defense counsel RE: dates; debrief with co-counsel.
1/23/2021	0.3	Conduct meet and confer with Ms. Heather Benjamin RE: Subpoena to Pulse.
1/25/2021	0.2	Confer with Ms. Kemler RE: North Carolina Uniform Interstate Deposition and Discovery Act; reply to email from Target.
1/25/2021	0.3	Edit and send email to Heather Benjamin RE: meet and confer; research North Carolina Uniform Interstate Discovery Act.
1/26/2021	0.3	Read email from Mr. Van Gundy and send response email with proposed compromise and following up on redaction issue.
1/26/2021	1.4	Research case law RE: protective orders being sufficient to protect confidentiality of trade secrets and burden of proof of showing burden of producing documents; confer with Ms. Kemler; finish composing email to Ms. Heather Benjamin.
1/27/2021	0.2	Call with Mr. Bob Slobig RE: Neilson Subpoena.
1/27/2021	0.5	Meet and confer with Clif RE: proposed stipulation.
1/28/2021	0.1	Send email to Mr. Van Gundy RE: meet and confer.
1/28/2021	0.2	Review edits to stipulation RE: expert deadlines; file stipulation.
2/1/2021	0.1	Draft email to Mr. Van Gundy.
2/1/2021	0.2	Confer with Ms. Kemler RE: Clif's reproduction of documents for purposes of redaction.
2/1/2021	0.3	Confer with Ms. Kemler RE: third party subpoenas to athletes; review subpoena drafts.
2/1/2021	0.7	Review deposition outline of Mr. Erickson; confer with Mr. Fitzgerald RE: deposition outline and remaining areas of question.
2/2/2021	0.2	Read and reply to email from Ms. Heather Benjamin.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/4/2021	0.3	Call with counsel for Ketchum RE: third party subpoena.
2/4/2021	4.5	Prepare for deposition of Mr. Cliff Eclarino.
2/5/2021	5.3	Continue to prepare for deposition of Mr. Cliff Eclarino.
2/8/2021	1.8	Continue to prepare for deposition of Mr. Cliff Eclarino.
2/9/2021	3.6	Conduct deposition of Mr. Clif Eclarino; debrief with co-counsel.
2/11/2021	8.2	Prepare for deposition of Mr. Tayfun Ucar.
2/12/2021	4.1	Final preparations for deposition of Mr. Tayfun Ucar; conduct deposition of Mr. Ucar; confer with Mr. Fitzgerald and Mr. Flynn regarding discovery issues.
2/16/2021	1.0	Debrief with co-counsel.
2/16/2021	9.2	Second-chair deposition of Ms. Jessica Chon and debrief after.
2/17/2021	0.6	Review expert transcripts and pulling testimony for hearing.
2/17/2021	1.8	Continue putting outline together to assist Mr. Fitzgerald in making preemption arguments.
2/22/2021	0.1	Read email from Mr. Van Gundy RE: meet and confer.
3/4/2021	1.4	Research law on adequacy of expert disclosures by reference; send email to defense counsel RE: same.
3/9/2021	0.1	Email defense counsel RE: deposition dates.
3/9/2021	0.2	Confer with co-counsel; review law RE: expert report requirements for affirmative disclosures and rebuttal report.
3/9/2021	0.3	Call with defense counsel RE: expert reports.
3/15/2021	0.1	Email defense counsel RE: expert depositions.
3/16/2021	0.4	Call with Directions Research RE: third party discovery.
3/29/2021	3.2	Prepare for Dr. Simonson deposition.
3/30/2021	8.2	Second chair deposition of Ms. Joanne Slavin.
3/31/2021	0.2	Conduct call with defense counsel RE: Simonson deposition.
3/31/2021	0.2	Second call with Defense counsel RE: Simonson deposition.
4/1/2021	2.1	Prepare for Simonson Deposition.
4/2/2021	1.7	Continue to prepare for Deposition of Dr. Simonson.
4/3/2021	1.4	Prepare for Deposition of Dr. Simonson.
4/4/2021	11.1	Prepare for Deposition of Dr. Simonson.
4/5/2021	1.4	Prepare for Deposition of Dr. Simonson.



## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/5/2021	5.9	Take deposition of Dr. Itamar Simonson.
4/14/2021	0.5	Review and edit subpoena attachment and requests to Dr. Slavin.
4/15/2021	0.2	Draft email to Ms. Persinger RE: Dr. Slavin letter brief.
4/16/2021	0.4	Draft document subpoena to university of Minnesota RE: Dr. Slavin; contact General Counsel Office of University of Minn. RE service of process for subpoena
4/20/2021	0.1	Email experts and defense counsel RE: dates for depositions.
4/20/2021	0.7	Review Letters to Judge Donato RE: Dr. Slavin's Report deficiencies and deposition misconduct.
4/20/2021	1.6	Continue working on subpoena to University of Minnesota and to Dr. Rippe; serve notice of intent; email U of Minn. General counsel RE: service of subpoena.
4/21/2021	0.9	Make final edits to letter brief RE: Motions to Recall Dr. Slavin and Strike Portions Report; file report.
4/21/2021	0.2	Email with defense counsel RE: deposition scheduling.
4/22/2021	0.9	Draft subpoena to Dr. Choi.
4/25/2021	9.0	Work on draft of Administrative Motion seeking protective order; research case law; draft Fitzgerald Declaration; create exhibits.
4/26/2021	0.2	Meet and confer with Clif RE: subpoena to Dr. Lustig.
4/26/2021	2.4	Begin preparing for April 30 (second) Deposition of Dr. Simonson.
4/26/2021	4.3	Continue editing Administrative Motion for Protective Order; create exhibits; make additional cuts to meet page limit.
4/27/2021	9.3	Continue to prepare for deposition of Dr. Simonson.
4/28/2021	5.9	Continue preparing for deposition of Dr. Simonson.
4/29/2021	9.5	Continue to prepare for deposition of Dr. Simonson.
4/30/2021	1.4	Continue preparing for deposition of Dr. Simonson.
4/30/2021	6.8	Take second deposition of Dr. Simonson.
5/2/2021	0.1	Read Clif's Opposition to Administrative Motion for Protective Order.
5/3/2021	0.3	Review and categorize raw answers from Sowers surveys.
5/3/2021	0.4	Review discovery letters from Clif.
5/4/2021	0.1	Reply to email from Mr. Van Gundy.
5/4/2021	0.2	Download and review documents produced in response to subpoena to Dr. Rippe.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/7/2021	1.7	Second Chair deposition of Dr. Rippe.
5/10/2021	0.1	Email Mr. Van Gundy RE: request for balance sheet information for mediation.
5/10/2021	0.2	Read letter from Mr. Van Gundy RE: production of documents in response to subpoena to Dr. Choi; email defense counsel RE: same.
6/18/2021	0.2	Review letter to Clif RE: confidential designations.
6/30/2021	0.8	Index production for pretrial review and exhibits.
7/1/2021	2.3	Research law on standard for redactions on trial documents.
7/2/2021	2.1	Continue to review Clif's document production.
7/6/2021	7.4	Index production for pretrial review and trial exhibits.
<b>Total =</b>	<b>495.5</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/23/2019	3.2	Prepare for Clif discovery meet and confer; review Request for Production, Interrogatories, Clif's responses and objections to the same and meet and confer letter from Mr. Joseph to opposing counsel.
10/25/2019	1.8	Participate in Meet & Confer call RE: Clif's responses to Requests for Production and Interrogatories and other discovery related issues; follow-up call with Mr. Joseph.
10/28/2019	1.9	Draft list of proposed search terms and send to Mr. Joseph for review.
11/12/2019	1.5	Participate in additional Meet and Confer call RE: Clif's responses to Requests for Production and Interrogatories and other discovery related issues.
11/13/2019	0.7	Draft confirmatory email from notes taken during yesterday's meet and confer call and send to Mr. Joseph for review and confirmation of agreements reached with opposing counsel.
11/14/2019	1.2	Meet and confer RE: Defendant's Request for Production and Interrogatory responses; update draft confirmatory email and send to Mr. Joseph for confirmation.
1/13/2020	1.4	Participate in meet and confer call and follow up call with Mr. Fitzgerald and Mr. Joseph.
2/10/2020	0.1	Review Clif Interrogatory verification to see if it covers any supplemental responses; look for ESI agreement and supplemental ROG responses.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/11/2020	0.5	Review draft ESI agreement and send comments to Mr. Fitzgerald and Mr. Joseph; email defense counsel RE: supplemental interrogatory responses and review responses.
2/26/2020	2.3	Meet and confer RE: search terms, ESI agreement, supplemental discovery responses and follow up discussion with Mr. Joseph; revise ESI agreement and Attachment A and send to Mr. Joseph for review; call client; give assignment to Ms. Hinton RE: collecting documents.
3/4/2020	3.2	Draft Plaintiff discovery responses & research RE: opposition deadline; related correspondence.
3/12/2020	0.5	Draft correspondence and engage in privilege log research.
3/30/2020	2.2	Draft letter for Motion to Compel; send emails and make calls related to same.
3/31/2020	5.8	Draft letter Motion to Compel.
4/1/2020	0.3	Correspond with opposing counsel.
4/2/2020	0.6	Research discovery issues.
4/6/2020	6.0	Draft Motions to Compel; make edits to same; correspondence RE: same.
4/7/2020	11.4	Draft motions to compel; make edits to same; send correspondence RE: same.
4/8/2020	2.8	Correspond and call RE: discovery, including call with Mr. Joseph before call with opposing counsel.
4/13/2020	0.2	Review supplemental Rule 26 disclosures.
4/15/2020	0.4	Exchange and review drafts of proposed joint case management statements and related correspondence.
4/16/2020	0.1	Review amended deposition notices to plaintiffs.
5/13/2020	2.5	Review Clif's responses to letter Motions to Compel; determine whether any issues raised warrant requests for replies; discuss same with Mr. Joseph.
5/20/2020	0.7	Prepare for and participate in meet and confer call; send related correspondence.
5/22/2020	0.1	Correspond RE: class period and statute of limitations.
6/8/2020	0.1	Correspond RE: discovery issues.
6/9/2020	0.4	Call RE: discovery issues.
6/11/2020	2.2	Review Ms. Arnold deposition transcript RE: discovery issues; correspond with client RE: discovery.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/15/2020	0.2	Call with Ms. Arnold and notes RE: same.
6/18/2020	0.1	Send correspondence RE: discovery issues.
7/21/2020	7.1	Continue document review.
7/23/2020	8.4	Continue document review.
7/24/2020	7.5	Continue document review and confer with Mr. Joseph.
7/27/2020	6.4	Continue document review; track redactions in Clif documents; draft second set of Requests for Admissions and Interrogatories.
7/28/2020	6.9	Edit second set of discovery requests and discuss same with Mr. Joseph and Mr. Fitzgerald; review Clif documents.
7/29/2020	8.1	Review Clif documents.
7/30/2020	4.4	Review Clif documents.
8/4/2020	0.1	Research discovery issue RE: brown rice syrup.
8/7/2020	0.2	Continue assignment RE: Request for Admission extension; categorize Requests for Admissions by topic/importance.
8/12/2020	2.0	Review Clif documents.
8/13/2020	4.5	Continue document review; correspond RE: depositions and other discovery issues.
8/20/2020	7.6	Third-chair 30(b)(6) deposition of Ms. Michelle McDonald.
8/24/2020	0.5	Call with Clif's counsel RE: discovery issues.
9/4/2020	4.0	Third chair deposition of Ms. Michelle Ferguson.
9/8/2020	6.0	Review draft of Mr. Bruce Silverman Declaration and email him RE: same; prepare for deposition of Mr. Tayfun Ucar.
9/21/2020	3.8	Research seal issue; begin draft of administrative motion RE: sealing documents; correspondence with Clif's counsel RE: sealing documents.
9/22/2020	0.7	Further research RE: seal issues; correspondence re discovery issues.
9/23/2020	5.9	Draft letter motions to deem requests for admissions admitted.
9/24/2020	7.4	Continue to draft letter motions to deem Requests for Admissions admitted.
9/30/2020	7.0	Research discovery and sealing issues; research potential deponents; participate in discovery call; participate in follow-up team call and draft confirmatory email.
10/1/2020	5.2	Perform confidentiality analysis of documents filed under seal.
10/2/2020	4.6	Perform confidentiality analysis of documents filed under seal.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/5/2020	6.0	Perform confidentiality analysis of documents filed under seal; call RE: discovery issues; send correspondence RE: discovery issues.
10/6/2020	0.9	Review correspondence from opposing counsel; internal discussions and research RE: same; participate in meet and confer call.
10/7/2020	0.3	Draft confirmatory email RE: yesterday's discovery call and circulate to team for review.
10/26/2020	2.5	Draft seal motion.
10/27/2020	2.2	Continue to draft seal motion.
10/29/2020	1.5	Edit seal motion; research issue RE: third party use agreements relating to confidential documents.
12/8/2020	6.5	Complete joint seal briefing.
12/28/2020	1.3	Draft Third set of Interrogatories and send to Mr. Fitzgerald and Mr. Joseph for review.
1/11/2021	0.2	Research issue regarding depositions of Mr. Gary Erickson and Ms. Jodi Olson and engage in related correspondence.
1/22/2021	5.8	Read book by Mr. Gary Erickson and make copies of relevant pages for Mr. Fitzgerald to use in deposing Mr. Erickson.
1/25/2021	0.8	Assist Mr. Fitzgerald in preparing for deposition of Mr. Erickson.
1/28/2021	0.3	Assist Mr. Fitzgerald in preparing for deposition of Mr. Erickson.
1/29/2021	7.8	Second-chair deposition of Mr. Erickson and participate in related discussions with Mr. Fitzgerald, Mr. Flynn, and Mr. Joseph throughout and following the end of the deposition.
2/1/2021	0.2	Correspond RE: scheduling depositions and 30(b)(6) topics.
2/1/2021	0.5	Begin to research Clif athletes Ms. Katarina Nash and Ms. Linsey Corbin.
2/2/2021	0.3	Further research on athlete Ms. Linsey Corbin.
2/2/2021	2.5	Second-chair continued deposition of Mr. Erickson and participate discussions with team RE: same.
2/4/2021	2.9	Continue reading articles about Ms. Linsey Corbin and begin deposition outline.
2/5/2021	0.8	Continue working on outline for deposition of Ms. Linsey Corbin.
2/8/2021	4.2	Prepare for deposition of Ms. Linsey Corbin
2/9/2021	8.0	Second chair deposition of Mr. Cliff Eclarino; prepare for deposition of Ms. Linsey Corbin.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/10/2021	7.1	Prepare for Ms. Linsey Corbin deposition; review outlines for depositions of Ms. Katerina Nash and Mr. Scott Jurek and email with team RE: same.
2/11/2021	5.7	Finalize Ms. Corbin deposition outline; create Exhibits for same; draft emails RE: Clif deposition scheduling and other outstanding discovery issues; review production for athlete Ms. Katerina Nash and edit outline for Ms. Linsey Corbin deposition based on new information.
2/12/2021	6.7	Second chair deposition of Ms. Katerina Nash; participate in team discussions RE: same; engage in correspondence RE: same; edit deposition outline for Linsey Corbin and upload Linsey Corbin exhibits to Exhibit Share; assist Mr. Fitzgerald in preparing for deposition of Ms. Jessica Chon.
2/13/2021	2.0	Download and begin review of document production by Ms. Linsey Corbin; correspond RE: same.
2/14/2021	4.7	Continue review of documents produced by Ms. Linsey Corbin and edit deposition outline.
2/15/2021	10.5	Make exhibits for deposition of Linsey Corbin; edit deposition outline; correspond RE: Ms. Corbin deposition; take deposition of Ms. Linsey Corbin and participate in team discussions RE: same.
2/16/2021	9.2	Third-chair deposition of Ms. Chon and participate in discussions RE: same with Mr. Fitzgerald and Mr. Joseph.
3/1/2021	1.5	Edit Silverman report; proofread same; email to Mr. Silverman for final review and signature.
3/4/2021	0.5	Research RE: new Clif expert, Ms. Joanne Slavin.
4/20/2021	1.2	Make edits to Motion to Compel Slavin to Reappear; edit to Motion to Strike portions of Slavin report.
4/20/2021	2.4	Prepare for deposition of Dr. Rippe.
4/21/2021	1.4	Review cite checking edits and exhibits from Ms. Kemler and incorporate into drafts; further edit letter motions; send correspondence RE: further edits to motion; conduct final review to ensure all edits are incorporated and send correspondence RE: same.
4/21/2021	5.4	Continue to prepare for deposition of Dr. Rippe.
4/22/2021	7.6	Prepare for Rippe deposition by watching past video deposition of Dr. Rippe, taking notes, and formulating questions.
4/22/2021	0.1	Review correspondence RE: discovery issues.
4/23/2021	0.4	Review production of documents and correspondence regarding same.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/23/2021	5.4	Prepare for deposition of Dr. Rippe, including detailed review of his report and other relevant documents, and continue to work on deposition outline.
4/24/2021	0.2	Send correspondence regarding Clif's untimely production of documents and Dr. Lustig's deposition.
4/26/2021	2.6	Send correspondence with opposing counsel regarding confidentiality of materials to be filed with plaintiffs' motion for a protective order; draft motion to seal exhibits to plaintiffs' motion for protective order and upload to shared drive for Mr. Fitzgerald and Mr. Joseph to review.
4/26/2021	1.7	Cite check and proofread Plaintiffs' Administrative Motion for Protective Order; send correspondence RE: Dr. Lustig's deposition.
4/26/2021	1.9	Prepare for deposition of Dr. Rippe.
4/27/2021	5.5	Prepare for deposition of Dr. Rippe.
4/28/2021	7.0	Prepare for deposition of Dr. Rippe.
4/29/2021	1.6	Prepare for deposition of Dr. Rippe.
4/30/2021	7.4	Prepare for deposition of Dr. Rippe.
5/3/2021	2.9	Prepare for deposition of Dr. Rippe.
5/4/2021	5.5	Prepare for deposition of Dr. Rippe.
5/5/2021	2.0	Confer with Mr. Fitzgerald regarding Dr. Rippe deposition.
5/6/2021	12.4	Finalize outline for Dr. Rippe's deposition, upload exhibits to Exhibit Share, and otherwise finish preparing to take deposition.
5/7/2021	7.8	Take deposition of Dr. Rippe.
5/14/2021	0.2	Send document to Mr. Joseph and Mr. Fitzgerald regarding possible source of free fructose in the Classic Clif Bar.
5/27/2021	0.1	Review Protective Order for procedure RE: challenging confidentiality designations of Clif's documents and send email to Mr. Fitzgerald and Mr. Joseph RE: same.
6/9/2021	1.5	Update confidentiality analysis chart.
6/16/2021	0.1	Review correspondence from opposing counsel; download and save errata sheet for April 30, 2021 deposition of Dr. Simonson.
2/4/2022	1.5	Download documents and update production folder; review most recent label production to see if it reflects recent labeling changes.
7/3/2023	4.2	Draft administrative motion to reopen limited third-party discovery; draft proposed order granting administrative motion; draft notice of intent to serve subpoenas; begin drafting subpoenas and attachments thereto.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/12/2023	0.6	Edit notice of intent to serve subpoenas; edit subpoenas; edit attachments to subpoenas; and collect service information.
8/8/2023	0.1	Email opposing counsel regarding scope of subpoena to retailers.
<b>Total =</b>	<b>161.3</b>	

*Trevor Flynn*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/31/2020	1.3	Review draft plaintiff discovery responses and circulate edits and proposed edits.
3/10/2020	1.2	Begin drafting Opposition to Clif's Motion to Stay.
3/11/2020	3.6	Continue working on Opposition to Motion to Stay.
4/9/2020	2.3	Revise discovery letter RE: deficiencies in Request for Production Nos. 1 and 5 and Interrogatory No. 1; participate in phone call and emails with Mr. Joseph; send finished draft to Mr. Joseph and Mr. Fitzgerald for review.
6/10/2020	0.1	Email Mr. Milan to schedule time to speak.
6/10/2020	2.2	Review Mr. Milan's deposition transcript and other documents sent by Mr. Joseph RE: various discovery tasks; email Mr. Joseph requesting further information.
6/11/2020	0.2	Email Mr. Joseph RE: Mr. Ralph Milan testimony about previous litigation and any documents in his possession.
6/11/2020	0.3	Conduct telephone call with client Mr. Ralph Milan to discuss follow up to his deposition, and details regarding a separate class action he was a named plaintiff in.
6/16/2020	0.2	Call with Mr. Joseph Re: Mr. Milan's supplemental discovery responses.
7/22/2020	7.5	Begin document review of Clif produced documents.
7/23/2020	4.5	Continue document review.
7/27/2020	6.5	Continue document review.
7/28/2020	3.2	Review documents produced by Clif.
8/3/2020	3.5	Continue reviewing documents produced by Clif.
8/5/2020	2.8	Continue reviewing documents produced by Clif.
8/6/2020	1.5	Continue document review.
8/7/2020	2.2	Continue to review documents.



## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/10/2020	3.5	Continue reviewing documents.
8/13/2020	4.5	Continue reviewing Clif documents.
8/25/2020	2.5	Work on compiling favorable admissions and facts from document review into single document
8/26/2020	7.2	Work on compiling favorable admissions and facts from document review into single document.
8/28/2020	5.3	Work on compiling favorable admissions and facts from document review into single document.
9/8/2020	2.2	Work on various discovery issues including reviewing amended Request for Admission responses.
9/9/2020	6.8	Continued review of amended Request for Admissions responses, identify deficiencies and cull any useful admissions into single document; draft letter including identification of all deficiencies and case law supporting Plaintiff's position and send to Mr. Fitzgerald for review.
9/15/2020	6.7	Second chair deposition of Clif 30(b)(6) witness on science, Casey Lewis, including conferring with Mr. Joseph off the record and participating in follow-up meeting with Mr. Fitzgerald.
9/30/2020	0.8	Participate in conference with Ms. Persinger and Mr. Joseph RE: outstanding discovery issues.
9/30/2020	2.5	Conduct research on all percipient witnesses Clif identified in initial disclosures; prepare memo with research and thoughts on relevance for deposition/trial.
10/6/2020	0.6	Teleconference with Clif, Mr. Fitzgerald, Ms. Persinger, and Mr. Joseph RE: Clif's ongoing discovery issues.
10/5/2020	0.3	Review emails RE: discovery issues.
10/9/2020	0.6	Together with Mr. Fitzgerald and Mr. Joseph, participate in discovery teleconference with Clif RE: ongoing discovery disputes and resolution of most issues.
11/17/2020	6.8	Review deposition transcripts to identify any potential errata issues; email thoughts to Mr. Fitzgerald.
1/22/2021	4.4	Second chair deposition of Ms. Jodi Olson with Mr. Joseph; debrief with Mr. Joseph after deposition; create exhibit chart and email to Mr. Joseph.
1/29/2021	6.1	Third-chair portion of deposition of Mr. Erickson conducted by Mr. Fitzgerald.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/2/2021	2.5	Third-chair second day of deposition of Mr. Erickson conducted by Mr. Fitzgerald.
2/2/2021	3.5	Begin preparing to take deposition of Clif witness, Ms. Katerina Nash deposition.
2/4/2021	1.2	Continue preparing for deposition of Ms. Nash.
2/8/2021	8.2	Continue preparing for deposition of Ms. Nash and begin preparing for Mr. Scott Jurek deposition.
2/10/2021	4.5	Continue deposition preparation for Ms. Nash and Mr. Jurek.
2/11/2021	5.6	Continue deposition preparation for Ms. Katerina Nash including review of all Ms. Nash production and incorporation of new documents into outline.
2/12/2021	0.7	Meet with Mr. Joseph and Mr. Fitzgerald RE: outstanding discovery issues with Clif; draft and review emails with opposing counsel RE: deficiencies in Nash production.
2/12/2021	6.8	Engage in final preparations for deposition of and then depose Ms. Katerina Nash.
2/15/2021	1.2	Continue to prepare for Mr. Scott Jurek deposition; email opposing counsel RE: failure to produce documents.
2/15/2021	4.5	Review document production from Mr. Jurek and incorporate into deposition outline.
2/15/2021	5.6	Second chair deposition of Ms. Linsey Corbin.
2/16/2021	5.2	Take deposition of Clif witness, Mr. Scott Jurek.
2/17/2021	1.2	Review remaining documents from Jurek production, including videos and native files to ensure nothing vital missed for deposition; download and put into proper folders on server.
2/17/2021	0.4	Meet with Mr. Joseph RE: tasks for hearing; review Dr. Greger deposition transcripts for good testimony related to arguments over glucose; pull excerpts and language and send to Mr. Fitzgerald.
2/22/2021	3.3	Review of Erickson Vol. 2 and Chon depositions for relevant testimony for class cert briefing; sent to Mr. Fitzgerald, Ms. Persinger, Mr. Joseph, and Ms. Kemler.
2/23/2021	4.1	Review of Erickson Vol. 1 deposition; pull excerpts and circulate to team.
10/14/2021	1.5	Search for documents related to identifying class size, including repeat purchasers and both Clif and Clif Kid purchasers.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/30/2021	2.3	Review Clif production folders for all reproduced, de-designated and unredacted images to determine overlap in folders to facilitate upload to Cloud nine.
1/6/2022	1.7	Review consumer survey to determine if we can extract user review data.
1/6/2022	5.1	Continue document review of post-July 2017 documents with good key words.
<b>Total =</b>	<b>163.9</b>	

***Richelle Kemler***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/2/2018	1.9	Prepare discovery requests.
7/5/2018	0.9	Prepare Protective Order and ESI stipulation.
7/11/2018	1.3	Research issues related to preemption and standing.
7/16/2018	0.2	Prepare Initial Disclosures.
7/23/2018	0.4	Prepare Notice of Authority.
11/15/2018	2.0	Prepare chart of UPCs and ASINs for relevant products.
11/16/2018	0.7	Continue preparing chart of UPCs and ASINs.
11/20/2018	0.4	Prepare document subpoenas to retailers and distributors.
8/21/2019	0.7	Review Order and prior correspondence RE: discovery; email defense counsel RE: outstanding discovery and ESI stipulation.
10/2/2019	0.6	Review Judge Donato's Rules and revise Stipulated Protective Order.
10/11/2019	5.4	Review Clif's discovery responses and prepare response.
10/14/2019	3.3	Continue preparing response to Clif's discovery responses.
10/15/2019	0.7	Continue preparing response to Clif's discovery responses.
10/18/2019	4.4	Research and prepare letter in response to insufficient discovery.
10/25/2019	0.3	Review responses that are sufficient.
10/25/2019	1.6	Meet and confer RE: responses.
10/28/2019	1.3	Prepare meet and confer confirmatory email.
10/30/2019	0.5	Revise meet and confer confirmatory email.
12/2/2019	0.6	Finalize Stipulated Protective Order.
12/12/2019	0.6	Phone call with opposing counsel.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/12/2019	0.9	Email RE: meet and confer.
1/14/2020	1.7	Prepare responses and objections to discovery.
1/15/2020	4.9	Prepare responses and objections to discovery.
1/16/2020	3.9	Prepare responses and objections to discovery.
1/30/2020	0.2	Phone calls with clients.
1/31/2020	0.2	Email clients RE: Searches.
1/31/2020	0.5	Email to client RE: Request for Production searches; revise responses.
1/31/2020	0.8	Review discovery with Plaintiff Elizabeth Arnold.
2/1/2020	0.2	Email client RE: searches.
2/5/2020	0.5	Review Clif privilege log; compare to earlier redactions.
2/5/2020	1.9	Research applicability of attorney client privilege and work product.
2/6/2020	1.2	Revise discovery responses.
2/7/2020	1.0	Revise discovery responses.
2/13/2020	2.4	Revise request for production.
2/14/2020	0.2	Revise request for production.
2/21/2020	0.4	Phone call with client RE: discovery responses
2/21/2020	1.0	Revise Milan discovery responses; send email to client.
2/26/2020	0.9	Revise discovery requests.
2/26/2020	1.2	Phone call with opposing counsel RE: discovery ESI stipulation.
3/2/2020	0.5	Review Motions to Stay and for Judgment on the Pleadings.
3/6/2020	0.1	Prepare privilege log.
3/6/2020	0.1	Phone call with Ms. Arnold RE: documents.
3/6/2020	0.1	Send text to Mr. Milan RE: deposition.
3/9/2020	0.1	Phone call with Ms. Arnold RE: deposition.
3/9/2020	0.1	Send text to Mr. Milan RE: deposition.
3/10/2020	0.8	Work on privilege log.
3/11/2020	0.8	Search documents; conduct phone and text communications with client.
3/20/2020	1.4	Prepare Joseph Declaration; pull exhibits.
3/27/2020	0.5	Research outstanding discovery.
3/30/2020	4.4	Research outstanding discovery.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/31/2020	0.7	Research outstanding discovery
4/6/2020	1.7	Prepare letter motion to compel special interrogatory responses.
4/7/2020	4.8	Prepare letter motion to compel special interrogatory responses; research duty to supplement.
4/8/2020	0.8	Review production; prepare chart.
4/8/2020	1.0	Research RE: duty to supplement; text client Sarah Aquino.
4/8/2020	2.7	Phone call with opposing counsel regarding discovery.
4/9/2020	0.1	Phone call to clients.
4/9/2020	0.3	Review production dates.
4/13/2020	0.1	Phone call to client.
4/14/2020	0.1	Phone call and text to clients.
4/14/2020	0.7	Work on draft discovery letter.
4/15/2020	0.2	Review document requests; email client.
4/15/2020	1.4	Review production; research labels.
4/16/2020	0.2	Texts with clients RE: depositions.
4/17/2020	0.8	Document request review; text and email to Plaintiffs RE: documents; confer with Mr. Joseph.
4/20/2020	0.6	Prepare client documents for deposition preparation.
4/21/2020	1.3	Prepare client documents for deposition preparation.
4/22/2020	2.6	Together with Mr. Joseph, prepare Mr. Milan for deposition.
4/23/2020	0.1	Communicate with client RE: deposition.
4/27/2020	0.3	Research RE: choice of law and privilege.
4/28/2020	2.1	Research RE: choice of law and privilege.
5/5/2020	2.4	Review Milan transcript for errata.
5/6/2020	0.4	Continue reviewing Mr. Milan transcript for errata.
5/7/2020	4.7	Research reasonable steps/efforts to locate non-responsive client.
5/11/2020	1.5	Review Ms. Arnold transcript for errata.
5/12/2020	0.5	Continue reviewing Ms. Arnold transcript for errata.
5/20/2020	0.4	Meet and confer RE: discovery.
6/4/2020	1.2	Prepare 30(b)(6) deposition notice, and Notice of Deposition of Ms. Michelle Ferguson.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/8/2020	4.5	Review documents.
6/9/2020	0.8	Prepare third party subpoena and Notice of Intent to serve same.
6/9/2020	4.5	Review documents; prepare label chart.
6/10/2020	4.9	Review documents; prepare label chart; confer with Mr. Joseph.
6/11/2020	4.2	Review documents; prepare label chart.
6/12/2020	5.3	Review documents; prepare label chart.
6/15/2020	0.2	Conduct follow-up phone call RE: subpoena served.
6/15/2020	5.1	Review documents; prepare label chart.
6/16/2020	5.7	Review documents; prepare label chart; confer with Mr. Joseph.
6/17/2020	4.4	Review documents; prepare label chart.
6/18/2020	1.1	Revise and conform label chart.
6/18/2020	2.7	Revise Requests for Admissions.
6/22/2020	1.2	Prepare supplemental responses; confer with Mr. Joseph.
6/29/2020	0.7	Revise label chart.
7/2/2020	2.1	Revise Requests for Production.
7/7/2020	3.8	Review documents produced by Clif.
7/8/2020	5.7	Review documents produced by Clif.
7/9/2020	5.0	Review documents produced by Clif.
7/10/2020	4.9	Review documents produced by Clif.
7/13/2020	0.3	Revise supplemental responses from Mr. Milan.
7/13/2020	3.0	Continue document review.
7/14/2020	0.9	Finalize Requests for Admissions.
7/14/2020	4.5	Continue document review.
7/15/2020	5.5	Continue document review.
7/16/2020	0.3	Amend deposition subpoenas.
7/16/2020	2.4	Research corporate attorney client privilege/work product.
7/16/2020	2.7	Continue document review.
7/17/2020	5.1	Review documents.
7/23/2020	3.0	Continue document review.
7/24/2020	1.0	Research privilege log; confer with Mr. Joseph.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/24/2020	4.1	Review documents.
7/27/2020	5.6	Review documents.
7/28/2020	5.5	Continue document review.
7/29/2020	2.5	Review documents.
7/29/2020	3.3	Research RE: redaction of financial information, market share, etc.
7/30/2020	3.7	Review documents.
7/31/2020	2.2	Prepare label chart.
8/3/2020	3.2	Prepare subpoenas.
8/4/2020	3.0	Review production RE: distributors; search distribution companies; prepare subpoenas; confer with Mr. Joseph.
8/5/2020	1.0	Prepare retailer/distributor and marketing/consumer research company subpoenas.
8/5/2020	13.8	Research and prepare letter brief RE: search of Clif's marketing server.
8/6/2020	1.7	Review documents RE: competitors and omission.
8/6/2020	3.4	Research and prepare letter brief RE: search of Clif's marketing server.
8/7/2020	1.9	Research and prepare letter brief RE: search of Clif's marketing server.
8/7/2020	4.1	Prepare additional retailer and consumer research subpoenas.
8/10/2020	5.5	Prepare additional retailer and consumer research subpoenas.
8/11/2020	0.4	Research and prepare additional consumer research subpoenas; chart subpoena service status.
8/11/2020	0.8	Update UPC chart.
8/11/2020	1.5	Review documents.
8/12/2020	0.3	Pull documents for deposition.
8/12/2020	0.8	Phone call with opposing counsel.
8/13/2020	0.5	Review subpoena objections and respond.
8/13/2020	0.8	Prepare for deposition.
8/13/2020	3.0	Update UPC chart.
8/14/2020	0.2	Review subpoena objections and respond.
8/14/2020	0.4	Review documents.
8/14/2020	0.5	Pull documents for deposition.
8/14/2020	0.8	Review Request for Admission responses and pull for deposition.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/17/2020	5.7	Review documents.
8/18/2020	0.2	Update subpoena chart.
8/18/2020	5.2	Review documents.
8/19/2020	2.2	Continue document review.
8/20/2020	0.3	Review DOT Foods Inc. response and documents.
8/21/2020	0.1	Review third party responses and objections; update chart
8/26/2020	0.1	Review and respond to Crossmark; update chart.
8/27/2020	0.1	Review Amazon objections; update chart.
8/27/2020	0.6	Review research.
8/31/2020	1.8	Update consumer research firm subpoenas.
9/1/2020	1.2	Update subpoenas; email counsel.
9/3/2020	1.1	Prepare subpoena chart.
9/4/2020	0.2	Update subpoena chart.
9/8/2020	1.0	Review McDonald deposition transcript.
9/9/2020	2.1	Review McDonald deposition transcript.
9/10/2020	1.1	Review McDonald deposition transcript.
9/11/2020	0.1	Send email to Inner Brands.
9/15/2020	0.1	Review Nielsen objections; update chart.
9/15/2020	2.3	Engage in deposition preparation.
9/17/2020	0.1	Review third party correspondence; update chart.
9/21/2020	2.2	Prepare subpoenas to label printers.
9/22/2020	0.5	Update third party discovery chart.
9/22/2020	5.3	Research label printers; prepare subpoenas and notice for same.
9/23/2020	1.5	Prepare and revise third party subpoenas.
9/23/2020	4.2	Review documents.
9/24/2020	0.1	Update third party discovery chart.
9/24/2020	0.7	Contact third party subpoena recipients.
9/24/2020	0.7	Prepare response to discovery letter RE: protective order.
9/24/2020	0.7	Review documents.
9/24/2020	2.4	Prepare response to discovery letter RE: protective order.



## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/28/2020	0.8	Update subpoena chart; review responses.
9/28/2020	5.0	Review deposition testimony; research and prepare discovery letters in response to protective order.
9/29/2020	0.2	Conduct phone call with Crossmark consumer goods.
9/29/2020	0.3	Emails to and from third parties.
9/29/2020	0.3	Follow up RE: subpoenas.
9/29/2020	0.4	Follow up via phone and email with Veritext RE: subpoenas and video.
9/29/2020	0.7	Continue reviewing deposition testimony; continue researching and preparing discovery letters in response to protective order.
9/29/2020	1.6	Review redacted documents and pull for hearing.
9/30/2020	5.2	Research retainer agreement, privilege and substantive and procedural steps.
10/1/2020	0.5	Review deposition videos.
10/1/2020	2.1	Research retainer agreement, privilege and substantive and procedural steps.
10/1/2020	2.3	Prepare Amazon ASIN numbers to identify all relevant products for Amazon subpoena.
10/2/2020	1.3	Research punitive damages.
10/2/2020	2.7	Review deposition videos.
10/5/2020	1.3	Review deposition videos.
10/5/2020	4.6	Research RE: a pending discovery motion being an improper basis to instruct a witness not to answer a deposition question.
10/6/2020	0.9	Review third party substantive responses and email follow-up.
10/6/2020	1.2	Conduct phone call and emails with third parties.
10/7/2020	0.9	Update letter briefs to the Court; confer with Mr. Joseph RE: discovery issues.
10/8/2020	0.2	Draft emails RE: third party subpoenas.
10/8/2020	0.2	Phone call with third party.
10/8/2020	5.0	Research and update letter briefs to the Court.
10/12/2020	0.2	Phone call with Target.
10/12/2020	0.7	Prepare letter regarding third party documents.
10/12/2020	1.1	Prepare third party documents.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/13/2020	0.3	Prepare DPCI numbers for all relevant products to prepare Target subpoena.
10/13/2020	2.6	Compare sales figures produced to labels produced.
10/14/2020	1.9	Review transcripts for letter briefs.
10/15/2020	1.8	Research opening the door.
10/16/2020	0.2	Phone call with Walmart RE: third Party subpoena.
10/22/2020	2.1	Update third party chart; send email to and from third parties.
10/23/2020	0.7	Review documents for conjoint survey.
10/27/2020	0.2	Update third party chart; emails to and from third parties.
10/27/2020	0.2	Phone call with Malnove.
10/28/2020	0.1	Phone call with ConAgra.
10/28/2020	0.2	Phone call with Ketchum.
10/28/2020	0.9	Review third party documents.
10/28/2020	2.2	Review third party documents.
10/29/2020	0.5	Phone call with Incite.
10/29/2020	1.6	Review third party documents.
10/29/2020	2.4	Review third party documents.
10/30/2020	2.5	Review third party documents.
11/2/2020	3.8	Review third party documents.
11/3/2020	0.2	Review outstanding discovery.
11/3/2020	0.4	Update third party document tracker; send emails.
11/3/2020	0.9	Continue to prepare DPCIs RE: Target subpoena.
11/4/2020	0.3	Conduct phone call with Foodminds.
11/4/2020	0.4	Phone call with Nielsen.
11/4/2020	2.3	Review documents.
11/5/2020	0.1	Phone call with UNFI.
11/5/2020	5.2	Review documents.
11/6/2020	4.0	Document review; compare responses.
11/9/2020	0.2	Review documents.
11/10/2020	0.1	Phone call with Malnove.
11/11/2020	5.1	Review documents.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/13/2020	0.2	Phone call with Foodminds.
11/13/2020	2.1	Review Dr. Choi information for deposition.
11/16/2020	0.5	Research third party subpoena substitute service.
11/19/2020	2.8	Review Dr. Greger deposition transcript.
12/7/2020	0.9	Review third party production for completeness.
12/15/2020	0.2	Prepare notice of deposition to Mr. Erickson and Ms. Olson.
12/18/2020	0.9	Conduct research RE: Lieberman substitute service.
12/18/2020	2.9	Send email to third parties.
12/21/2020	0.2	Review Clif discovery.
12/21/2020	3.0	Review third party discovery; phone calls to follow-up with Sam's Club and LRW.
12/23/2020	2.5	Review Clif discovery RE: additional research and marketing companies.
12/28/2020	2.2	Review outstanding discovery and 30(b)(6) status.
1/4/2021	4.1	Review third-party PCA document production.
1/5/2021	5.2	Review third-party PCA document production.
1/6/2021	0.2	Phone call with Costco.
1/8/2021	0.5	Research RE: deponent topics.
1/11/2021	0.3	Review third-party C & R production.
1/11/2021	0.4	Prepare deposition subpoenas.
1/11/2021	1.1	Review transcripts RE: topic designees.
1/11/2021	2.1	Create master list of UPCs and DPCIs.
1/12/2021	7.1	Create master list of UPCs and DPCIs.
1/13/2021	0.1	Participate in phone call with Mr. Lewis at Maru RE: third party subpoena.
1/13/2021	1.9	Update Amazon ASIN list.
1/13/2021	4.7	Review third-party C & R document production.
1/14/2021	0.3	Conduct phone call with Directions Research.
1/14/2021	0.3	Review Judge Donato's chambers rules; revise subpoenas.
1/14/2021	0.4	Conduct phone call with Kroger.
1/14/2021	4.1	Continue review of third party C & R document production.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/15/2021	0.1	Phone call with Kin and Carta.
1/15/2021	0.8	Continue review of third party C & R document production.
1/20/2021	1.1	Research Judge Donato's rules RE: discovery cut off.
1/20/2021	5.0	Review Ms. Olson's documents and Clif website.
1/21/2021	2.5	Review Ms. Olson documents for deposition; prepare exhibits for deposition.
1/25/2021	0.2	Phone call with Ms. Heather Benjamin.
1/25/2021	1.9	Follow up with third parties.
1/25/2021	3.2	Research RE: service of out of state subpoena; send letter to Ms. Heather Benjamin.
1/26/2021	0.2	Prepare subpoena.
1/26/2021	0.5	Conduct research RE: undue burden; confer with Mr. Joseph.
1/27/2021	3.9	Review Foodminds documents.
1/28/2021	3.3	Review third party documents.
1/29/2021	7.4	Review unredacted documents.
2/1/2021	1.2	Draft document subpoenas for athletes and confer with Mr. Joseph.
2/1/2021	2.3	Research late witness disclosure; confer with Mr. Joseph.
2/1/2021	3.2	Review unredacted documents.
2/2/2021	5.0	Review unredacted documents.
2/3/2021	0.1	Draft email to third party RE: call.
2/3/2021	0.8	Review third party documents.
2/3/2021	2.7	Review unredacted documents.
2/4/2021	0.1	Prepare deposition notice.
2/4/2021	0.3	Phone call with Mr. Josh Epstein from Ketchum.
2/4/2021	1.2	Review third party documents.
2/4/2021	1.8	Research applicability of attorney-client privilege.
2/8/2021	0.9	Prepare deposition subpoenas and document subpoenas for athletes.
2/9/2021	1.0	Finalize and serve subpoenas on athletes.
2/9/2021	3.8	Prepare for deposition; review documents RE: studies referenced in emails not produced; confer with Mr. Joseph.
2/10/2021	0.1	Draft email to third party RE: call.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/10/2021	2.7	Review Mintel records and third party documents.
2/11/2021	1.6	Review discovery responses.
2/12/2021	2.8	Assist in preparing for Ms. Chon deposition; review third party documents; confer with Mr. Joseph.
2/15/2021	0.8	Meet and confer with Clif counsel.
2/16/2021	0.5	Send email to retailer.
2/16/2021	1.8	Prepare letter brief RE: Topic 1.
2/16/2021	3.8	Create list of improper redactions.
2/17/2021	0.9	Prepare letter brief RE: Topic 1.
2/18/2021	0.1	Conduct phone call with Whole Foods.
2/18/2021	1.5	Research and prepare letter brief.
2/19/2021	2.1	Research and prepare letter brief.
2/22/2021	3.6	Research RE: deposition questions related to other discovery.
2/23/2021	4.9	Research re deposition questions related to other discovery and 30(b)(6) witnesses versus percipient; revise letter.
2/24/2021	0.5	Send email to third parties; update contact chart.
2/26/2021	0.3	Phone call with Mr. Justin Flamm.
3/2/2021	0.2	Review third party documents.
3/3/2021	1.8	Review third party documents.
3/4/2021	4.6	Review third party documents.
3/5/2021	1.6	Phone call with Walmart; research distributors; send follow up email.
3/16/2021	0.2	Phone call with Mr. Flamm from Directions Research.
4/26/2021	1.1	Research RE: deposition subpoena service and reasonable timeframe.
4/29/2021	0.8	Prepare exhibits.
4/29/2021	0.8	Prepare for deposition of Dr. Rippe.
5/17/2021	4.4	Compare IRI data to labels.
6/2/2021	0.4	Review and download Dr. Slavin videos.
6/21/2021	0.3	Review subsequent production.
6/28/2021	4.2	Review documents for Dr. Slavin deposition; attend deposition.
7/7/2021	3.2	Index Clif documents.
7/26/2021	2.7	Research Clif website history.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/27/2021	2.7	Research history of Clif's website.
7/28/2021	1.6	Continue researching history of Clif's website.
7/31/2020	3.2	Research Opposition to Daubert.
4/20/2021	1.2	Revise discovery letters prepare exhibit.
4/21/2021	0.9	Revise discovery letters and prepare exhibits.
5/7/2021	4.7	Third-chair Dr. Rippe deposition.
<b>Total =</b>	<b>564.4</b>	

**Julie Hinton**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/11/2019	0.1	Send Ms. Kemler documents requested by Mr. Joseph's office.
2/26/2020	0.9	Meet with Ms. Persinger and find all cites to scientific articles in Complaint for response to discovery request by Clif.
2/27/2020	0.5	Find remaining non-science articles in Complaint.
3/4/2020	0.5	Create skeletons of Oppositions to Motion to Stay and Motion for Judgment on the Pleadings.
3/13/2020	0.2	Compile portfolio of documents to be produced to Clif.
3/18/2020	1.5	Conduct legal research RE: staying case and stale or lost evidence.
4/7/2020	0.9	Send emails to Ms. Persinger; create exhibits; proofread motions to compel.
4/27/2020	0.7	Research deposition question for Mr. Fitzgerald and send email about same.
6/5/2020	2.0	Begin working on spreadsheet of labels.
6/11/2020	4.0	Continue working on Clif label review and spreadsheet.
6/16/2020	4.0	Continue working on Clif label review and spreadsheet.
6/17/2020	7.5	Finish Clif label catalog, review for errors, and send to Mr. Joseph for review.
7/7/2020	0.2	Email Law Office of Paul K. Joseph and Clif RE: access to third document production; create folders for document review.
7/9/2020	0.1	Continue downloading Clif document production.
7/23/2020	5.6	OCR and begin document review of CLIF20000-21000; create index and put excerpts in appropriate folder.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/28/2020	5.2	OCR and review documents; update index and put excerpts in appropriate folder.
7/29/2020	7.8	OCR and review documents; update index and put excerpts in appropriate folder; download new de-designated documents from SharePoint; email Mr. Flynn RE: file size issue; begin drafting timeline of labels.
8/11/2020	4.6	Review documents and mark redactions.
8/25/2020	8.0	Proofread and finalize timelines into PDF versions; send to Mr. Joseph's office for review.
6/8/2020	6.5	Work on Clif label spreadsheet; finish downloading all transfers; compile into one PDF.
6/9/2020	7.0	Continue working on Clif label review and spreadsheet.
6/10/2020	6.0	Continue working on Clif label review and spreadsheet; create subpoenas to IRI and send to Mr. Joseph for review.
6/12/2020	5.0	Continue working on Clif label review and spreadsheet.
6/15/2020	5.0	Continue working on Clif label review and spreadsheet.
7/7/2020	6.0	Download all files from Clif's third set of document production; email opposing counsel.
7/15/2020	3.0	PDF documents for review.
7/24/2020	7.2	OCR and begin doc review of CLIF21000-22000 and CLIF22000-22999; update index and put excerpts in appropriate folder; search for case law re Clif's over redactions & send to team.
7/27/2020	5.8	OCR and review documents; update index and put excerpts in appropriate folder.
7/30/2020	7.5	Work on label timelines.
7/31/2020	7.5	Work on label timelines; download documents from Mr. Joseph's office from hard drive.
8/3/2020	2.0	Work on label timelines.
8/3/2020	5.0	Scan pages from book and send to Mr. Joseph; sort through reviewed documents for Ms. Michelle Ferguson and Ms. Michelle MacDonald; create combined PDFs for each and save in deposition preparation folders.
8/4/2020	7.5	Work on label timelines; finish Clif Kid timelines; download new 4th set of Clif documents from one drive via Mr. Flynn; drop box Mr. Joseph deponents' documents.
8/5/2020	1.2	Find marketing/consumer firms used by Clif; review documents.

## DETAILED BILLING RECORDS BY CATEGORY – Discovery

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/5/2020	2.0	Work on Clif classic label timelines.
8/5/2020	4.1	Assist in deposition preparation for Ms. Michelle Macdonald; pull, organize, and separate documents for Mr. Fitzgerald; OCR and search documents.
8/6/2020	5.9	Continue deposition preparation; look for HNE documents for competitors; review new set of documents; continue work on label timelines.
8/7/2020	7.5	OCR and review documents; save IRI document production; assist Ms. Kemler with consumer research task.
8/10/2020	4.5	OCR and review documents; mark redactions.
8/13/2020	7.5	OCR and review documents; work on timelines; investigate <i>Kind Bar v. Clif</i> NAD BBB suit.
8/14/2020	7.0	OCR remainder of documents; review and work on timelines.
8/17/2020	8.0	Review remainder of documents; work on timelines.
8/18/2020	8.0	Work on timelines; review remainder of Ms. Persinger's document section.
8/19/2020	8.0	Work on timelines; email with Ms. Kemler RE: studies for Dr. Michael Greger.
8/20/2020	8.0	Work on timelines; proofread and send to Mr. Joseph letter to Clif RE: responses to Requests for Admission.
8/21/2020	8.0	Finish timelines; start review process.
8/27/2020	0.5	Download new document production; email Khirin Bunker RE: issues.
8/28/2020	5.0	Upload documents for Mr. Bruce Silverman; create hightail account; email Khirin Bunker RE: problems with downloading 5th production.
8/31/2020	3.4	Upload documents for Mr. Bruce Silverman; OCR and PDF new document production and begin review.
9/3/2020	7.0	Review documents; pull and organize same.
9/4/2020	7.6	Review and OCR documents; pull and organize same.
<b>Total =</b>	<b>238.4</b>	



## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

**Work with Experts*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/23/2020	0.8	Prepare for, and together with Mr. Joseph, participate in call with Mr. Gaskin and Applied Marketing Science regarding conjoint survey design for damages model.
8/4/2020	0.1	Communicate with Mr. Gaskin and Applied Marketing Science to schedule conference call on study design.
8/6/2020	3.7	Participate in call with Mr. Gaskin and team regarding conjoint design; continue document review.
8/10/2020	7.3	Continue reviewing documents; participate in conference call with Mr. Bryan Sowers to discuss potential consumer surveys for case; call with Bruce Silverman to discuss involvement in case.
8/13/2020	0.7	Participate in call with Applied Marketing Science team and Mr. Gaskin to discuss omissions claims.
8/24/2020	1.6	Participate in call with Applied Marketing Science team and Mr. Weir regarding damages models.
9/3/2020	1.0	Participate in call with Mr. Steve Gaskin regarding project; further deposition preparations.
10/12/2020	3.0	Together with Mr. Joseph, prepare Dr. Lustig for deposition; together with Mr. Joseph, prepare Mr. Bruce Silverman for deposition; engage in communications and videoconference with Mr. Van Gundy regarding Joint Discovery Status Report and related issues.
10/13/2020	8.0	Defend Dr. Lustig's deposition.
10/14/2020	9.0	Defend Mr. Bruce Silverman's deposition.
10/20/2020	3.3	Together with Mr. Joseph, prepare Mr. Brian Sowers and Dr. Greger for depositions.
10/21/2020	1.0	Together with Mr. Joseph, prepare Colin Weir for deposition.
10/22/2020	5.7	Defend deposition of Mr. Brian Sowers.
10/23/2020	6.6	Second chair deposition defense of Colin Weir; debrief with Mr. Joseph.
10/26/2020	6.4	Second chair deposition defense of Mr. Steven Gaskin.
11/4/2020	1.4	Participate in call with Mr. Steven Gaskin, Mr. Colin Weir, and Mr. Bryan Sowers regarding Clif's experts' declarations and strategy for responding; communications with Clif regarding Choi data; communications with Mr. Weir regarding deposition transcript and Choi deposition.

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/5/2020	3.3	Receive and review Choi data and send same to Mr. Joseph and Mr. Weir for review; communicate with Mr. Weir regarding discussion of Ms. Choi's econometric analyses; continue preparing for Choi deposition.
11/19/2020	3.6	Review and provide suggested revisions to draft declaration of Mr. Bryan Sowers in response to Dr. Simonson's declaration; gather and provide materials to Mr. Gaskin and Mr. Weir for drafting reply declarations.
11/24/2020	0.3	Email communications with Mr. Silverman and Clif's counsel regarding Clif's failure to pay Mr. Silverman's invoice.
3/2/2021	3.4	Participate in conference call with Mr. Gaskin and staff and Mr. Weir to discuss finalizing expert reports; review and provide comments on various drafts and assist Messrs. Gaskin and Weir with finalizing reports; review expert disclosure cover sheet.
4/25/2021	0.7	Prepare Dr. Lustig for deposition, including discussing Clif's document subpoena.
4/28/2021	0.8	Together with Mr. Joseph, prepare Mr. Steven Gaskin for deposition.
4/29/2021	5.3	Defend deposition of damages expert Mr. Steven Gaskin.
5/6/2021	2.3	Together with Mr. Joseph, prepare Dr. Lustig for deposition.
5/6/2021	0.7	Together with Mr. Joseph and Mr. Flynn, prepare expert Mr. Colin Weir for deposition.
8/5/2020	0.2	Send email to marketing expert Mr. Bruce Silverman regarding potential retention in case; send email to Dr. Lustig with question regarding Clif Bar ingredients.
<b>Total =</b>	<b>79.2</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/9/2020	0.1	Call with Mr. Colin Weir.
6/11/2020	0.2	Confer with potential experts.
6/11/2020	0.7	Phone call with Steve Gaskin.
7/2/2020	0.1	Review and edit retainer for Dr. Robert Lustig; send to Dr. Lustig.
7/2/2020	0.2	Review and edit retainer for Michael Greger; send to Dr. Greger.
7/2/2020	0.2	Conduct call with Dr. Robert Lustig.
7/7/2020	1.1	Review expert retainers.

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/8/2020	0.1	Email experts RE: conjoint survey.
7/9/2020	0.8	Phone call with experts RE: damages analysis; collect and send documents to experts.
7/17/2020	0.6	Prepare for call with experts; conduct call with experts.
7/23/2020	0.7	With Mr. Fitzgerald, participate in call with Gaskin and Applied Marketing Science RE: conjoint survey.
8/4/2020	0.2	Call with potential consultant; sign and send engagement agreement.
8/6/2020	0.1	Email documents to experts RE: competitors.
8/6/2020	0.3	Call with experts RE: damages analysis.
8/6/2020	1.4	Collect materials for Conjoint survey.
8/7/2020	0.2	Call with Colin Weir.
8/10/2020	0.3	Conduct phone call with Mr. Bruce Silverman.
8/10/2020	0.8	Conduct phone call with Mr. Brian Sowers.
8/11/2020	0.3	Call with damages experts RE: measuring damages for omissions.
8/12/2020	0.4	Call with AMS and Mr. Steve Gaskin.
8/18/2020	0.2	Confer with Ms. Kemler RE: Lustig and Greger reports.
8/18/2020	0.6	Call with Ms. Amanda Ford and Mr. Steve Gaskin.
8/24/2020	0.3	Review and edit statement of Plaintiffs' theories of deception for Mr. Silverman.
8/24/2020	1.6	Call with experts RE: conjoint survey design.
8/26/2020	1.0	Call with survey expert RE: perceptions survey.
9/1/2020	0.6	Call with team RE: perception survey.
9/1/2020	0.9	Review survey design.
9/1/2020	0.9	Review draft of Greger report.
9/2/2020	1.0	Continue review and edit draft Greger report.
9/3/2020	0.6	Call with experts RE: conjoint survey design.
9/4/2020	0.2	Call with Dr. Greger.
9/4/2020	0.4	Review survey design of perception and deception surveys.
9/8/2020	2.9	Review and edit draft of Dr. Lustig report.
9/11/2020	0.3	Conduct phone call with Mr. Steve Gaskin.
9/14/2020	0.8	Call with experts RE: conjoint survey design

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/14/2020	1.1	Review and provide comments on Mr. Sowers Report Draft.
9/15/2020	3.1	Compile list of UPCs and dates for Mr. Colin Weir.
9/16/2020	1.2	Review Silverman Report.
9/16/2020	1.4	Review and edit expert reports.
9/21/2020	0.6	Draft and serve deposition notices.
9/23/2020	0.2	Call with Colin Weir RE: sales data produced by Clif.
10/12/2020	1.0	Prepare with Mr. Bruce Silverman for his deposition.
10/12/2020	2.0	Prepare with Dr. Lustig for his deposition.
10/13/2020	8.0	Second-chair defense of deposition of Dr. Robert Lustig.
10/18/2020	0.3	Email Dr. Greger and Mr. Brian Sowers.
10/20/2020	1.4	Prepare for deposition preparation session with Dr. Greger and conduct preparation session.
10/20/2020	1.9	Prepare for deposition preparation session with Mr. Brain Sowers and conduct preparation session.
10/21/2020	1.0	Prepare for deposition preparation session with Mr. Colin Weir and conduct preparation session.
10/21/2020	6.5	Defend deposition of Dr. Greger; debrief with Dr. Greger and Mr. Fitzgerald.
10/22/2020	5.7	Second-chair defense of deposition of Brian Sowers; debrief with Mr. Fitzgerald.
10/23/2020	6.8	Defend deposition of Mr. Colin Weir; debrief with Mr. Fitzgerald.
10/24/2020	2.9	Review and summarize Weir transcript.
10/25/2020	1.7	Prepare for deposition of Mr. Gaskin.
10/26/2020	0.3	Confer with Mr. Steve Gaskin prior to deposition.
10/26/2020	6.4	Defend Deposition of Mr. Steven Gaskin.
2/3/2021	0.2	Call with Experts RE: damages analysis.
2/4/2021	0.3	Call with damages expert team.
2/4/2021	0.5	Call with experts RE: consumer perception survey; confer with Mr. Fitzgerald RE: same.
2/6/2021	1.6	Calls with experts RE: reports.
2/18/2021	0.2	Call with Mr. Brian Sowers.
2/18/2021	0.2	Call with Mr. Steve Gaskin.

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/18/2021	0.2	Call with Carrie from Applied Marketing Science.
2/18/2021	0.3	Call with Mr. Colin Weir.
4/6/2021	0.9	Call with Mr. Brian Sowers.
4/14/2021	0.1	Email defense counsel and experts RE: deposition dates.
4/21/2021	0.5	Call with experts Steve Gaskin and Colin Weir.
4/22/2021	0.3	Confer with Mr. Gaskin.
4/23/2021	0.3	Confer with Ms. Kemler RE: drafting objections to subpoena to Dr. Lustig.
4/23/2021	0.4	Confer with Steve Gaskin RE: discovery requests to Dr. William Choi; serve subpoena on Dr. Choi.
4/25/2021	0.5	Edit Dr. Lustig's objections to Document Subpoena.
4/26/2021	0.3	Finalize and serve Dr. Lustig's objections to document subpoena.
4/28/2021	0.8	Together with Mr. Fitzgerald, prepare Mr. Gaskin for deposition.
5/3/2021	1.3	Prepare for deposition with Mr. Sowers.
5/4/2021	2.9	Defend deposition of Mr. Sowers.
5/6/2021	0.7	Together with Mr. Fitzgerald and Mr. Flynn, prepare for deposition of Mr. Weir.
5/6/2021	2.3	Prepare for deposition of Dr. Lustig.
5/7/2021	6.0	Defend deposition of Dr. Robert Lustig.
6/2/2021	0.1	Email Mr. Sowers RE: deposition transcript from May 4, 2021 deposition.
<b>Total =</b>	<b>95.4</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/2/2020	2.8	Research consumer survey experts.
8/3/2020	0.5	Conduct phone call with potential expert.
8/24/2020	7.8	Draft skeleton of Silverman Declaration; continue to pull together useful information and to send to Mr. Silverman.
8/25/2020	7.8	Continue to gather relevant material for Mr. Bruce Silverman.
8/26/2020	0.7	Continue to gather relevant material for Mr. Bruce Silverman.
8/27/2020	3.8	Continue to gather relevant material for Mr. Bruce Silverman.

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/31/2020	1.0	Continue to gather relevant material for Mr. Bruce Silverman.
9/1/2020	1.0	Call with Mr. Bruce Silverman to discuss his declaration; continue to gather relevant material for Mr. Bruce Silverman.
8/3/2020	0.5	Conduct phone call with potential expert.
<b>Total =</b>	<b>25.4</b>	

*Trevor Flynn*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/19/2021	0.6	Revise Dr. Greger report tables with updated added sugar disclosed by Clif; run new calculations to determine percent of calories from added sugar; revise FN1 accordingly; perform final proofread and send to Mr. Fitzgerald.
2/22/2021	0.2	Finalize Dr. Greger report and send to him for review and authorization to serve.
3/2/2021	0.6	Prepare expert witness disclosures and exhibits and serve on Clif.
3/16/2021	5.8	Work on Dr. Lustig rebuttal report, including converting Dr. Lustig's notes into a draft report for his review; send to Mr. Fitzgerald and Mr. Joseph for further review.
5/6/2021	0.7	Together with Mr. Joseph and Mr. Fitzgerald, prepare expert Mr. Weir for deposition.
5/12/2021	0.7	Work on Dr. Greger's expert report for May 14 disclosures including reconciling most recent Boolean searches and results.
<b>Total =</b>	<b>8.6</b>	

*Richelle Kemler*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/5/2020	0.6	Phone call with Mr. Sowers.
6/12/2020	0.5	Research RE: added sugars studies.
7/10/2020	0.5	Email experts RE: study; create charts of documents provided to experts.
8/4/2020	5.1	Prepare expert charts.
8/4/2020	1.1	Prepare expert drafts.
8/11/2020	1.6	Pull studies for Dr. Greger.

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/12/2020	5.0	Pull studies for Dr. Greger.
8/13/2020	1.5	Pull studies for Dr. Greger.
8/20/2020	4.1	Review documents; insert into Greger report.
8/21/2020	2.1	Review documents; insert into Greger report.
8/21/2020	0.4	Review documents for experts.
8/24/2020	1.2	Review documents for experts.
8/25/2020	0.7	Review documents for expert report.
8/25/2020	3.2	Review documents; insert into Greger report.
8/26/2020	1.0	Review documents; insert into Greger report.
9/2/2020	3.1	Research FDA filings; review docs RE: FDA.
9/4/2020	0.7	Pull Greger documents.
9/4/2020	2.1	Prepare calculations for Dr. Lustig and Dr. Greger charts.
9/8/2020	3.4	Review documents for experts.
9/9/2020	3.7	Review and pull documents for experts.
9/10/2020	1.0	Update exhibits for experts.
9/14/2020	5.4	Expert chart of documents.
9/15/2020	0.6	Work on expert chart of documents.
9/15/2020	7.0	Prepare exhibits for Silverman Declaration.
9/16/2020	4.7	Revise and redact Greger report.
9/16/2020	4.2	Prepare exhibits for Silverman declaration.
10/7/2020	1.1	Research Mr. Phil Troy.
11/17/2020	0.5	Emails to experts RE: deposition review.
12/3/2020	0.4	Email with experts RE: errata.
12/4/2020	0.3	Revise errata.
12/4/2020	1.6	Review Weir deposition transcript and prepare draft errata.
2/22/2021	1.8	Prepare third party documents for Mr. Colin Weir.
2/25/2021	0.5	Review expert documents; email Mr. Weir.
4/2/2021	0.4	Review Mr. Sowers rebuttal report.
4/9/2021	0.5	Prepare Notice of Rebuttal Experts.

## DETAILED BILLING RECORDS BY CATEGORY – Work With Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/23/2021	3.3	Research facial invalidity and timeliness and prepare response and objections to subpoena to Dr. Lustig; confer with Mr. Joseph.
4/30/2021	0.4	Review Dr. Slavin and University of Minnesota documents.
<b>Total =</b>	<b>74.8</b>	

***Julie Hinton***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/10/2020	3.0	Get materials and documents ready for experts and upload to Dropbox.
8/11/2020	3.0	Get materials and documents ready for experts and upload to Dropbox; share with Dr. Greger; OCR needed docs.
8/12/2020	7.5	Conduct phone call and email with Bruce Silverman; perform document review and pull out scientific studies for Dr. Greger; upload new studies to drop box for Dr. Greger.
9/1/2020	7.7	Finish uploading documents for Dr. Silverman; review and finish OCR of new (5th set of docs).
9/2/2020	6.5	Review CLIF57000-58001; pull documents and organize; upload timelines for Mr. Silverman to hightail and email to Mr. Silverman.
<b>Total =</b>	<b>27.7</b>	



## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

**Motions Regarding Experts*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/20/2020	4.6	Review Clif's Reply in Support of Motion for Summary Judgment and Motions to Exclude Gaskin and Weir, and outline Clif's arguments for purposes of determining how best to respond to arguments; review existing drafts of Oppositions to Motions to exclude Gaskin and Weir and discuss with Mr. Joseph idea of opposing the Motions to Exclude in single merged opposition; begin working on same.
11/22/2020	6.5	Work on Opposition to Motions to Exclude Mr. Gaskin and Mr. Weir.
11/23/2020	2.7	Work on Opposition to Motions to Exclude Mr. Gaskin and Mr. Weir.
11/25/2020	3.9	Work on Opposition to Motions to Exclude Mr. Gaskin and Mr. Weir.
12/4/2020	1.3	Review Clif's Replies in Support of its Motions to Exclude Gaskin and Weir.
4/20/2021	2.4	Review and revise draft letters to Judge Donato regarding Motion to Strike portions of the March 2, 2021 Expert Report of Dr. Joanne Slavin and Motion for sanctions relating to Dr. Slavin's deposition misconduct.
4/21/2021	1.0	Perform additional review and revision of letter motions seeking relief relating to Dr. Slavin.
4/25/2021	10.4	Work on <i>ex parte</i> motion for protective order regarding Dr. Lustig's deposition.
5/11/2021	6.7	Prepare for meeting with Ms. Persinger to discuss approach to motion to strike William Choi by reviewing Choi declarations and deposition transcript and other relevant documents.
5/12/2021	1.3	Together with Ms. Persinger, participate in meeting with Mr. Colin Weir to discuss various aspects of Motion to Strike testimony of Clif expert Dr. William Choi; meet with Ms. Persinger to further discuss strategy for briefing motion.
5/15/2021	1.2	Review Ms. Persinger's draft fact section for Motion to Strike Dr. Choi and provide comments.
5/16/2021	0.3	Confer with Ms. Persinger regarding fact section of draft motion to strike Choi.
5/19/2021	1.6	Review draft Motion to Strike Portions of Dr. Simonson's Report.
5/19/2021	1.6	Review and provide comments and revisions on Ms. Persinger's draft Motion to Strike Dr. Choi.
5/20/2021	1.7	Perform final review of draft Motion to Strike Dr. Simonson.

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/20/2021	2.3	Confer with Ms. Persinger regarding Dr. Choi draft; review and cut revised draft; cite check brief.
6/9/2021	1.4	Review draft Reply in Support of Motion to Exclude Portions of the Testimony of Dr. Itamar Simonson.
6/9/2021	1.9	Review draft Reply in Support of Motion to Exclude Portions of the Testimony of Dr. William Choi.
6/10/2021	0.6	Continue review Reply in Support of Motion to Strike Dr. Choi.
6/14/2021	3.4	Review and revise draft Opposition to Clif's Motion to Strike the Testimony of Mr. Colin B. Weir.
6/15/2021	0.1	Review Mr. Joseph's revisions to Opposition to Strike testimony of Mr. Colin Weir and assign cite checking to Mr. Flynn.
6/17/2021	0.2	Review filing version and file Opposition to Motion to Strike Testimony of Mr. Colin B. Weir.
<b>Total =</b>	<b>58.7</b>	

*Paul Joseph*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/27/2020	0.8	Review Dr. Lustig transcript, edit fact section for Opposition to Motion to Exclude.
11/12/2020	1.2	Review Clif's Motion to Exclude Mr. Gaskin; begin draft of Opposition to Motion to Exclude Gaskin.
11/13/2020	2.3	Continue working on draft Opposition to Motion to Exclude Gaskin, especially argument on methodology.
11/15/2020	0.7	Continue drafting Opposition to Motion to exclude Gaskin, especially section on interpretation of Nutrition for Sustained Energy Claim.
11/16/2020	4.1	Continue drafting for Opposition to Motion to exclude Gaskin, especially sections on interpretation of Nutrition for Sustained Energy Claim and supply side arguments.
3/11/2021	1.0	Continue drafting Opposition to Motion to Exclude testimony of Mr. Gaskin.
3/11/2021	2.2	Continue drafting Opposition to Motion to Exclude testimony of Mr. Gaskin.
3/15/2021	0.2	Call with Mr. Gaskin RE: Opposition to Motion to Exclude Gaskin.
3/15/2021	3.5	Continue working on Opposition to Motion to Exclude Mr. Gaskin.

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/15/2021	6.6	Continue working on draft of Opposition to Motion to Exclude Mr. Gaskin.
4/2/2021	0.8	Review Sowers draft of Rebuttal to Simonson declaration.
4/7/2021	2.3	Review raw data from Dr. Simonson survey.
4/7/2021	4.0	Review and provide feedback RE: Dr. Simonson Rebuttal.
4/8/2021	0.3	Begin reviewing Simonson deposition transcript.
4/8/2021	1.3	Review and provide comments on Mr. Weir's Rebuttal to Dr. Choi.
4/9/2021	0.2	Call with Mr. Colin Weir.
4/9/2021	0.6	Review Dr. Simonson's rebuttal report.
4/9/2021	1.0	Review Mr. Colin Weir's Rebuttal Report to Dr. Choi.
4/9/2021	2.6	Continue review of the Dr. Simonson deposition transcript.
4/14/2021	0.5	Review research RE: Slavin deposition conduct.
4/16/2021	0.2	Meet and confer with Cliff RE: Dr. Slavin.
4/16/2021	0.5	Review Rippe Rebuttal Report.
4/16/2021	0.6	Review Choi Rebuttal Report.
4/16/2021	0.7	Review Simonson Rebuttal Report.
5/4/2021	3.9	Begin work on Motion to Strike Simonson; review current draft; outline additional sections; review transcript from Dr. Simonson's deposition.
5/5/2021	2.7	Continue to work on draft of Motion to Strike Simonson; continue read and summarize deposition transcript.
5/10/2021	0.9	Continue working on draft of Motion to Exclude Dr. Simonson; review transcript and compare with transcript from <i>McMorrow v. Mondelez</i> .
5/11/2021	2.3	Continue working on draft of Motion to Strike Dr. Simonson; draft issues and argument section RE: irrelevance of test and control portion of survey.
5/12/2021	0.4	Continue drafting argument section of Motion to Strike Dr. Simonson.
5/13/2021	6.2	Continue draft argument section of Motion to Strike Simonson.
5/14/2021	1.9	Continue working on draft of Motion to Strike Simonson; research case law RE: survey experts and exclusion.
5/18/2021	7.9	Continue drafting Motion to Strike Dr. Simonson.
5/19/2021	2.1	Continue to draft Motion to Strike Dr. Simonson.
5/20/2021	1.5	Review and edit Motion to Exclude Dr. Choi.

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/20/2021	2.1	Review and finalize Motion to Strike Dr. Simonson.
6/4/2021	6.9	Draft Reply to Motion to Strike Dr. Simonson.
6/7/2021	5.3	Continue to draft Reply in Support of Motion to Strike Simonson.
6/8/2021	9.1	Continue to draft Reply in Support of Motion to Strike Simonson.
6/9/2021	5.0	Continue to draft Reply in Support of Motion to Strike Simonson.
6/10/2021	1.0	Edit Reply in Support of Motion to Strike Dr. Choi.
6/10/2021	2.5	Finalize Motion to Strike the testimony of Dr. Simonson.
6/14/2021	0.5	Review Opposition to Motion to Exclude Mr. Weir.
6/15/2021	0.4	Review and edit Opposition to Motion to Strike Mr. Weir
6/25/2021	0.1	Review Reply in Support of Motion to Strike testimony of Mr. Weir.
7/27/2021	7.6	Prepare for hearing on Motion to Strike testimony of Dr. Choi; read briefs and begin outlining oral argument.
7/30/2021	8.2	Continue to prepare for oral arguments RE Motions to Exclude testimony of Dr. Choi and Dr. Simonson.
8/1/2021	0.6	Meet with Ms. Persinger RE: hearing on Motion to Strike testimony of Dr. Choi.
8/1/2021	8.6	Continue to prepare for oral argument RE: Motions to Strike testimony of Dr. Choi and Dr. Simonson, and Motion to Exclude Mr. Weir.
8/2/2021	1.1	Prepare for oral argument RE: Motion to Exclude Mr. Weir.
8/30/2021	2.0	Prepare for hearing on Plaintiffs' Motion to Strike testimony of Dr. Choi.
8/31/2021	5.2	Continue to prepare for hearing on Motion to Strike Choi.
9/1/2021	4.4	Continue to prepare for hearing on Plaintiffs' Motion to Strike Simonson.
<b>Total =</b>	<b>138.5</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/9/2020	4.0	Begin draft of Motion to strike Dr. Choi; draft motion to seal.
11/10/2020	1.1	Make revisions to Motion to Strike testimony of Dr. Choi; revise motion to seal.
11/13/2020	2.6	Begin draft of Opposition to Motion to Strike Weir.

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/16/2020	6.1	Draft Opposition to Motion to Strike Weir.
11/17/2020	4.6	Draft Opposition to Motion to Strike Weir.
11/18/2020	7.8	Draft Opposition to Motion to Strike testimony of Mr. Weir.
11/19/2020	7.0	Draft Opposition to Motion to Strike Weir; continue work on motion to strike Choi.
11/23/2020	6.2	Continue to draft Motion to Strike testimony of Dr. Choi; review Mr. Weir deposition transcript for testimony to support Opposition to Motion to Strike testimony of Mr. Weir.
11/24/2020	3.6	Edit Opposition to Motion to Strike Weir and Gaskin; draft seal motion; make edits to Flynn declaration.
11/25/2020	6.4	Edit Flynn declaration; edit Seal Motion and supporting materials; create exhibits; finalize for filing the Opposition to Motions to Strike Weir and Gaskin and all supporting documents.
12/1/2020	6.4	Work on Motion to Seal; review and edit Sowers Reply Declaration; draft supporting documents for seal motion; finalize and redact Sowers reply declaration and circulate to team.
1/20/2021	4.0	Begin draft of Motion to Strike Dr. Simonson, including analysis of survey data.
1/21/2021	7.0	Continue draft of Motion to Strike Dr. Simonson; continue data analysis.
1/25/2021	7.5	Continue draft of Motion to Strike Dr. Simonson.
1/27/2021	7.0	Continue draft of Motion to Strike Dr. Simonson.
1/28/2021	2.8	Conduct research for Motion to Strike Dr. Simonson and edit motion.
2/1/2021	1.9	Conduct additional research for Motion to Strike Dr. Simonson and edit motion.
3/12/2021	1.5	Make edits to Mr. Sower's response to Dr. Simonson based on Clif's new filings.
3/18/2021	7.1	Edit Opposition to Motion to Exclude Mr. Gaskin; email Clif's counsel RE: confidentiality of documents.
4/19/2021	1.5	Draft letter Motion to Strike Portions of Dr. Slavin's Report.
4/19/2021	5.2	Draft letter Motion to Compel Dr. Slavin to reappear, including additional research for more factually analogous cases.
4/20/2021	1.0	Draft letter Motion to Strike Slavin Report and send to Mr. Fitzgerald and Mr. Joseph for review and comment.
5/11/2021	6.8	Prepare for call with Mr. Colin Weir to discuss Motion to Strike Choi; read Dr. Choi Report (Dkt. No. 111); outline Motion to Strike Choi;

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		collect relevant Dr. Choi deposition testimony for use in Motion to Strike; send all materials to Mr. Fitzgerald and Mr. Weir for discussion tomorrow.
5/12/2021	0.6	Review notes from Mr. Fitzgerald regarding meeting with Mr. Weir later today to discuss content of Motion to Strike portions of Dr. Choi's testimony; review additional declarations and reports by Dr. Choi (aside from Dkt. No. 111) to identify portions to include in Motion to Strike.
5/12/2021	1.3	Together with Mr. Fitzgerald, participate in meeting with Mr. Weir to discuss Motion to Strike portions of Dr. Choi's testimony; participate in follow-up meeting with Mr. Fitzgerald to discuss outline of Motion to Strike Dr. Choi.
5/12/2021	3.9	Begin draft of Motion to Strike Portions of Dr. Choi's Testimony.
5/13/2021	9.6	Continue draft of Motion to Strike Portions of Dr. Choi's testimony.
5/14/2021	7.8	Continue draft of Motion to Strike Portions of Dr. Choi's Testimony; finish draft of fact section and circulate to Mr. Fitzgerald and Mr. Joseph for review.
5/15/2021	0.3	Review comments from Mr. Fitzgerald regarding draft of Motion to Strike Dr. Choi's testimony; respond to Mr. Fitzgerald to set up meeting time for tomorrow.
5/16/2021	0.3	Meet with Mr. Fitzgerald to discuss Motion to Strike Dr. Choi's testimony.
5/16/2021	5.2	Edit fact section of Motion to Strike Dr. Choi's testimony per Mr. Fitzgerald's comments.
5/17/2021	9.8	Finish editing fact section of Plaintiffs' Motion to Strike Dr. Choi's testimony per Mr. Fitzgerald's comments; perform further research on the various models employed by Dr. Choi, including email correspondence and a telephonic discussion with Mr. Weir; begin drafting argument portion of brief.
5/18/2021	1.4	Review confidentiality of documents to be filed with Plaintiffs' motions to strike Dr. Choi and Dr. Simonson for the purpose of requesting de-designation of those documents for public filing; draft and send email to opposing counsel re de-designation of documents.
5/18/2021	8.5	Continue to draft argument portion of Plaintiffs' Motion to Strike the testimony of Dr. Choi.
5/19/2021	3.6	Edit Plaintiffs' Motion to Strike the testimony of Dr. Simonson per Mr. Fitzgerald's comments, including additional case research RE: when a failure to use a proper control warrants exclusion of expert testimony, cite checking, proofreading, and shortening length of brief.

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/19/2021	4.2	Finish draft of Plaintiffs' Motion to Strike the testimony of Dr. Choi; email draft to Mr. Fitzgerald and Mr. Joseph for review; and upload draft and exhibits to the shared drive.
5/20/2021	0.2	Participate in video conference with Mr. Fitzgerald to discuss Plaintiffs' Motion to Strike the testimony of Dr. Choi.
5/20/2021	0.8	Review Mr. Joseph's Declaration in support of Motion to Strike Dr. Simonson, and correspond with Ms. Kemler RE same.
5/20/2021	10.2	Edit Plaintiffs' Motion to Strike the testimony of Dr. Choi per Mr. Fitzgerald's comments and finalize draft for review.
6/4/2021	2.8	Review Clif's Opposition to Plaintiffs' Motion to Strike the Testimony of Dr. Choi and begin draft of Reply.
6/7/2021	3.5	Continue drafting Reply in Support of Motion to Strike portions of the testimony of Dr. Choi.
6/8/2021	12.3	Continue drafting Reply in support of Motion to Strike portions of the testimony of Dr. Choi.
6/9/2021	1.2	Review and edit Reply in Support of Motion to Strike testimony of Dr. Simonson.
6/9/2021	2.9	Continue working on Reply in Support of Motion to Strike the testimony of Dr. Choi, including drafting supporting declaration and analyzing proposed exhibits for confidentiality.
6/10/2021	0.1	Update list of confidential documents to be filed in connection with Reply in support of Motion to Strike Dr. Choi and send email to opposing counsel RE same.
6/10/2021	0.8	Review Reply in Support of Motion to Strike the testimony of Dr. Simonson and edit same; review and finalize documents to be filed in connection with Reply.
6/10/2021	4.1	Edit Reply in Support of Motion to Strike the Testimony of Dr. Choi per Mr. Fitzgerald's comments; review and finalize supporting declaration; and finalize exhibits.
6/17/2021	0.5	Review and edit opposition to Motion to Strike testimony of Mr. Colin Weir.
6/25/2021	0.1	Review Clif's Reply in Support of Motion to Exclude testimony of Mr. Colin B. Weir and save to docket folder.
8/1/2021	1.5	Prepare for and meet with Mr. Joseph to assist in preparing for hearing on Motion to Strike testimony of Dr. Choi.
1/19/2022	1.0	Research procedure for filing a notice of submitted matters RE: pending <i>Daubert</i> motions; correspond with Mr. Fitzgerald and Mr.



## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		Joseph re same; edit notice of submitted matters and send to Mr. Fitzgerald for review.
<b>Total =</b>	<b>217.6</b>	

**Trevor Flynn**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/24/2020	1.3	Work on Opposition to Strike experts Gaskin and Weir, including cite checking.
5/20/2021	7.7	Work on Motions to Strike Dr. Simonson and Dr. Choi including cite checking and building table of authorities; proofread and make revisions to both motions; draft proposed orders; participate in several telephone and video conference meetings with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger RE: various issues related to both motions.
6/4/2021	0.3	Review Oppositions to Motions to Strike Dr. Choi and Dr. Simonson.
6/4/2021	8.7	Review Motion to Strike Weir; start draft of Opposition RE: same.
6/7/2021	2.4	Continue work on Opposition to Motion to Exclude Mr. Weir, including revising draft, fixing record citations, and finding Clif documents to support opposition.
6/8/2021	3.0	Work on Reply in Support of Motion to Strike testimony of Dr. Choi, including finding evidence to counter Clif's arguments RE: sustainability, fruit flavor, and sugar reduction; locate deposition testimony RE: Clif's reliance on Nielsen data.
6/9/2021	0.9	Work on reply to Motion to Strike testimony of Dr. Simonson.
6/10/2021	0.9	Review and proofread Reply in Support of Motion to Strike Dr. Simonson's testimony.
6/10/2021	1.2	Work on Reply in Support of Motion to Strike testimony of Dr. Choi, including reviewing brief and cite checking.
6/15/2021	0.7	Review Opposition to Motion to Exclude Mr. Weir; proofread and cite check and email with Mr. Fitzgerald RE: same.
<b>Total =</b>	<b>27.1</b>	

**Richelle Kemler**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/30/2020	2.1	Review <i>Daubert</i> standard; research and oppose.
7/31/2020	0.4	Prepare expert drafts.



## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/3/2020	2.6	Prepare expert drafts.
10/16/2020	0.2	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/16/2020	1.7	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/19/2020	5.3	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/20/2020	5.9	Prepare opposition to <i>Daubert</i> motion to strike expert; review Dr. Lustig deposition transcript.
10/21/2020	2.1	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/21/2020	3.5	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/22/2020	1.1	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/23/2020	0.9	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/23/2020	2.0	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/26/2020	0.3	Prepare opposition to <i>Daubert</i> motion to strike expert.
10/26/2020	1.2	Review Weir transcript; prepare expert opposition.
10/27/2020	0.5	Review Mr. Weir transcript; prepare expert opposition.
10/27/2020	1.3	Review Mr. Weir transcript; prepare expert opposition.
11/13/2020	3.3	Review and revise as needed motions to strike experts; review cases cited therein.
11/16/2020	4.5	Research and revise opposition to Motion to Strike Mr. Gaskin; review supportive documents.
11/17/2020	6.8	Review documents in support of Opposition to Motion to Exclude.
11/18/2020	1.4	Conduct research RE: conflicting damages analysis not being a basis to exclude.
11/18/2020	4.1	Review documents in support of Opposition to Motion to Exclude.
11/19/2020	1.0	Conduct research RE: conflicting damages analysis not being a basis to exclude.
11/19/2020	1.5	Review documents in support of Opposition to Motion to Exclude.
11/20/2020	5.1	Revise Opposition to Motion to Exclude Mr. Gaskin.
11/24/2020	0.2	Review exhibits.
11/30/2020	3.1	Review transcripts; prepare errata.
3/11/2021	2.4	Prepare Opposition to Motion to Exclude Mr. Gaskin.
3/12/2021	4.2	Prepare Opposition to Motion to Exclude Gaskin; review Gaskin deposition; research Gaskin cases.

## DETAILED BILLING RECORDS BY CATEGORY – Motions Regarding Experts

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/16/2021	1.4	Work on draft of Opposition to Motion to Exclude Mr. Gaskin.
5/18/2021	1.8	Research reformulation of competing products.
5/19/2021	1.3	Prepare Mr. Joseph's declaration and exhibits.
5/20/2021	6.0	Research, revise and cite check Motions to Strike Choi and Simonson; prepare exhibits.
6/4/2021	0.4	Review Motion to Strike Weir, and Opposition to Motion to Strike Dr. Simonson.
6/8/2021	0.6	Research RE: Simonson testimony RE: subsequent label reading.
6/9/2021	2.8	Review Reply and cite check; draft Mr. Joseph's declaration.
<b>Total =</b>	<b>82.8</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Class Certification

**Class Certification*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/18/2021	2.2	Begin working on revised motion for class certification.
2/19/2021	9.7	Work on revised Motion for Class Certification; confer with Mr. Joseph regarding same.
2/22/2021	4.7	Review and provide comments on updated Brian Sowers Declaration; work on Motion for Class Certification; revise and provide updated draft declaration to Dr. Lustig to finalize; participate in call with Mr. Colin Weir to discuss calculation of California sales and strategy for expert reports supporting Class Certification.
2/23/2021	5.0	Review and work on draft Class Certification brief; participate in call with Mr. Gaskin to discuss Class Certification Declaration.
2/24/2021	1.0	Work on Class Certification Motion, including helping Mr. Gaskin finalize report.
7/27/2021	3.1	Begin preparing for August 5 hearing on Motion for Class Certification.
7/28/2021	3.0	Continue preparing for Class Certification hearing.
8/30/2021	2.8	Prepare for hearing on Class Certification and Partial Summary Judgment.
8/31/2021	4.7	Continue preparing for Class Certification hearing.
9/1/2021	3.5	Continue preparing for Class Certification hearing.
9/2/2021	5.4	Attend and argue Class Certification hearing.
9/3/2021	0.3	Discuss class certification hearing with Ms. Persinger.
9/28/2021	0.5	Meet with Mr. Joseph, Ms. Persinger, and Mr. Flynn to debrief regarding class certification order.
10/12/2021	0.5	Review Clif's Rule 23(f) Petition.
10/13/2021	8.9	Begin working on Opposition to Clif's Rule 23(f) Petition.
10/18/2021	1.9	Continue working on Answer in Opposition to Clif's Rule 23(f) Petition.
10/19/2021	2.9	Continue working on Answer in Opposition to Clif's Rule 23(f) Petition.
10/22/2021	0.3	Together with Ms. Persinger, participate in call with Angeion to discuss class notice.

## DETAILED BILLING RECORDS BY CATEGORY – Class Certification

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/22/2021	2.7	Perform final review and proofread of Rule 23(f) opposition prior to filing; together with Ms. Persinger, participate in call with Angeion regarding class notice.
<b>Total =</b>	<b>63.1</b>	

*Paul Joseph*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/19/2021	0.5	Review current draft of Renewed Class Certification Motion; confer with Mr. Fitzgerald.
2/20/2021	2.9	Research case law RE: common issues and typicality; edit sections RE same.
2/21/2021	6.9	Research case law RE: common issues and typicality, and predominance; work on Class Certification Motion.
2/22/2021	1.2	Continue to work on Renewed Motion for Class Certification.
2/22/2021	7.9	Continue working on draft of Renewed Class Certification Motion.
2/23/2021	0.2	Call with team RE: Gaskin Declaration.
2/23/2021	0.6	Review and provide feedback RE: Gaskin Declaration.
2/23/2021	4.2	Continue to work on renewed motion for Class Certification.
2/24/2021	1.7	Continue to review and edit Renewed Class Certification Motion.
3/2/2021	0.8	Review Mr. Gaskin's Report; confer with Mr. Gaskin and AMS team.
3/12/2021	0.5	Read Clif's filing opposing Plaintiffs' Renewed Certification Motion
3/15/2021	3.6	Working on Reply in Support of Class Certification Motion, especially damages section.
3/17/2021	0.3	Review draft of Mr. Brian Sowers Reply Declaration.
3/17/2021	2.2	Continue drafting damages section of Reply in Support of Class Certification Motion.
3/17/2021	2.3	Edit Reply in Support of Class Certification Motion, especially sections on typicality and predominance.
3/17/2021	3.0	Edit draft of Reply in Support of Renewed Class Certification Motion.
3/18/2021	1.7	Continue review and provide feedback RE: Mr. Sowers Declaration.
3/18/2021	1.9	Review and provide comments on Mr. Gaskin Declaration.
3/18/2021	7.4	Continue to edit and work on Reply in Support of Class Certification; review and make edits to Flynn Declaration and Exhibits.

## DETAILED BILLING RECORDS BY CATEGORY – Class Certification

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/22/2021	0.2	Call with Christopher Van Gundy RE: deposition of Dr. Simonson.
9/2/2021	1.7	Attend hearing RE: class certification and Daubert motions.
9/28/2021	0.5	Read Order on for Class Certification and Daubert Motions; confer with Mr. Fitzgerald, Ms. Persinger, and Mr. Flynn Re: same.
10/20/2021	1.3	Review and edit draft of Answer to Clif's Rule 23 Petition.
10/21/2021	2.8	Continue to review and edit Answer to Clif's 23(f) petition.
12/9/2021	0.1	Read order denying Rule 23(f) petition.
<b>Total =</b>	<b>56.2</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/18/2021	1.8	Begin work on second motion for Class Certification; perform analysis RE: locked documents and seal motions and email opposing counsel RE: same.
2/19/2021	6.3	Continue working on second Motion for Class Certification.
2/22/2021	6.9	Continue working on second Motion for Class Certification.
2/23/2021	5.8	Continue working on second Motion for Class Certification.
2/24/2021	7.3	Continue working on second Motion for Class Certification.
2/25/2021	6.6	Assist Mr. Fitzgerald to edit, review, and finalize all Class Certification documents for filing.
3/15/2021	6.7	Finalize edits to Mr. Sower's response to Dr. Simonson and circulate; draft Reply in Support of Class Certification.
3/16/2021	8.1	Continue drafting Reply in Support of Class Certification.
3/17/2021	7.2	Edit Reply in Support of Class Certification; correspond with team RE: same; edit Mr. Gaskin rebuttal declaration to reflect Clif's new filings.
9/3/2021	0.3	Discuss Class Certification hearing with Mr. Fitzgerald and Mr. Flynn.
9/28/2021	0.5	Review order granting Class Certification and discuss with team.
10/6/2021	0.9	Begin process of collecting bids for class notification; and draft skeleton of joint brief to the Court regarding proposed notice plan.
10/7/2021	0.5	Prepare for and participate in call with potential class notice administrator, Kroll, and send follow-up correspondence.
10/7/2021	0.7	Prepare for and participate in call with potential class notice administrator, P&N, and send related correspondence.

## DETAILED BILLING RECORDS BY CATEGORY – Class Certification

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/7/2021	1.2	Prepare for and participate in call with potential class notice administrator, Brown Greer, and send follow-up correspondence to same.
10/8/2021	0.5	Collect documents to send to potential class notice administrators; send documents to P&N and Brown Greer; and research additional potential class notice administrators.
10/12/2021	0.5	Correspond with potential notice administrator, JND Legal Administration; correspond with defense counsel RE: contact information for individual class members.
10/13/2021	1.1	Review Clif's Rule 23(f) petition.
10/14/2021	1.7	Respond to Brown Greer's request for information for class notice bid; and enter current bids into bid comparison chart.
10/15/2021	0.7	Correspond with potential class notice administrators and update bid comparison chart.
10/19/2021	0.4	Call with opposing counsel to discuss notice plan.
10/19/2021	2	Update bid comparison chart; correspond with opposing counsel regarding deadline to meet and confer regarding a class notice plan; and draft proposed long-form notice and opt out form.
10/20/2021	0.1	Correspond with potential class notice administrator, Angeion.
10/21/2021	0.1	Correspond with potential class administrator, Angeion.
10/22/2021	0.8	Correspond with potential class administrator, Angeion; together with Mr. Fitzgerald, participate in telephone call with Angeion and have follow-up discussion with Mr. Fitzgerald.
10/25/2021	0.3	Prepare for and participate in call with Angeion to discuss class certification notice plan; email opposing counsel regarding the use of product images in banner ad notices.
10/26/2021	1.3	Review and edit draft declaration from Mr. Steven Weisbrot of Angeion regarding Class Notice Plan; send draft of Weisbrot Declaration and draft email notice to opposing counsel for review; edit draft of Joint Brief Re Class Notice and send to opposing counsel for review.
10/28/2021	1.4	Review, edit, and circulate to opposing counsel drafts of class notice documents.
10/29/2021	4.8	Edit Proposed Notice Plan and all exhibits thereto; correspond with Angeion RE: notice plan; correspond with opposing counsel RE notice plan and exhibit drafts; finalize all documents for filing; and file notice plan and exhibits thereto.

## DETAILED BILLING RECORDS BY CATEGORY – Class Certification

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/1/2021	0.4	Review Clif's Motion to File Supplemental Brief.
12/1/2021	1.0	Edit class notice documents and review banner ads; review correspondence from opposing counsel RE: same.
12/2/2021	1.4	Edit and finalize class notice documents and correspond with opposing counsel RE: same.
12/6/2021	0.7	Edit supplemental submission in support of notice plan and file same.
12/22/2021	1.0	Review correspondence and draft notice documents from Angeion; edit class notice documents; correspond with Angeion and opposing counsel regarding class notice.
12/28/2021	0.6	Follow-up with Angeion RE: class certification notice deadline; and review Class Notice website and send proposed edits to Angeion.
12/29/2021	0.1	Review correspondence from Angeion and check notice website to make sure edits were implemented.
1/14/2022	0.1	Contact Angeion for update on opt-outs; and add case deadlines to firm calendar.
3/30/2022	0.1	Correspond with Angeion re filing an updated Wesibrot Declaration.
3/31/2022	0.4	Review correspondence and draft declaration from Angeion; send draft declaration to opposing counsel for review.
4/1/2022	0.2	Review Exhibits to the Weisbrot Declaration from Angeion and forward to opposing counsel for review.
4/5/2022	0.1	Follow up with opposing counsel regarding Weisbrot Declaration.
<b>Total =</b>	<b>82.6</b>	

**Trevor Flynn**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/24/2021	7.0	Work on various projects related to second Class Certification Motion, including proofreading and cite checking brief; creating table of authorities; creating and formatting exhibits.
3/15/2021	0.5	Review Clif filings in Opposition to Class Certification.
3/15/2021	1.9	Review deposition transcript of Mr. Jurek for relevant Class Certification testimony and email to team.
3/16/2021	2.1	Work on Reply to Class Certification, including section related to omissions theory.
3/17/2021	7.2	Work on various matters related to Class Certification Reply and Opposition to Motion to Exclude Gaskin.

## DETAILED BILLING RECORDS BY CATEGORY – Class Certification

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/18/2021	10.1	Work on various matters related to Class Certification Reply and Opposition to Motion to Exclude Mr. Gaskin, to finalize for filing.
9/3/2021	0.3	Discuss Class Certification hearing with Mr. Fitzgerald and Ms. Persinger.
9/28/2021	0.5	Review Order on Class Certification and Daubert motions and meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger to discuss the same and next steps.
10/7/2021	2.0	Investigate documents to identify consumer segments that purchase Clif products to assist with targeted class notice.
10/13/2021	1.3	Review Clif's Rule 23(f) Petition.
10/21/2021	2.1	Review and cite check Answer to Clif's Rule 23(f) Petition.
<b>Total =</b>	<b>35.0</b>	

*Richelle Kemler*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/19/2021	0.4	Revise Plaintiffs' declarations; phone calls with client.
2/20/2021	0.4	Phone call with client regarding class certification declaration.
2/22/2021	0.1	Revise plaintiff declaration for renewed Motion for Class Certification.
2/24/2021	2.1	Work on renewed Motion for Class Certification.
3/12/2021	0.7	Review Opposition to Renewed Motion for Class Certification and supporting documents.
3/17/2021	1.4	Review Dr. Simonson and Dr. Choi report and data.
3/18/2021	0.4	Research fail safe classes.
3/18/2021	3.4	Cite check record cites and expert reports.
3/26/2021	0.2	Conduct phone call with client.
<b>Total =</b>	<b>5.6</b>	



## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

**Summary Judgment*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/19/2020	2.9	Participate in call with Mr. Chris Van Gundy regarding Clif's intent to file summary judgment motion and briefing schedule; research case law interpreting <i>Hinojos</i> in Summary Judgment context.
10/30/2020	1.3	Review Clif's Motion for Summary Judgment.
11/6/2020	2.9	Begin working on Opposition to Clif's Motion for Summary Judgment.
11/7/2020	7.3	Continue working on opposition to Clif's Motion for Summary Judgment.
11/10/2020	12.2	Continue working on opposition to Clif's Motion for Summary Judgment.
11/11/2020	3.4	Continue working on Opposition to Clif's Motion for Summary Judgment.
11/12/2020	2.0	Assist in completing and filing Opposition to Clif's Motion for Summary Judgment.
4/23/2021	2.2	Work on Plaintiffs' Motion for Summary Judgment or Partial Summary Judgment.
4/26/2021	6.7	Continue working on Plaintiffs' Motion for Summary Judgment.
4/27/2021	7.7	Continue working on Plaintiffs' Motion for Summary Judgment, especially relating to omissions claims.
4/28/2021	5.6	Continue working on Plaintiffs' Motion for Summary Judgment.
4/29/2021	0.9	Continue working on Plaintiffs' Motion for Summary Judgment.
4/30/2021	5.7	Continue working on Plaintiffs' Motion for Summary Judgment.
5/1/2021	5.8	Continue working on Plaintiffs' Motion for Summary Judgment.
5/2/2021	3.3	Continue working on Plaintiffs' Motion for Summary Judgment.
5/4/2021	10.6	Continue working on Plaintiffs' Motion for Summary Judgment.
5/5/2021	0.4	Continue working on Plaintiffs' Motion for Summary Judgment.
5/6/2021	2.0	Continue working on Plaintiffs' Motion for Summary Judgment.
5/8/2021	10.1	Continue working on Plaintiffs' Motion for Summary Judgment.
5/10/2021	3.1	Review Mr. Joseph's comments on draft Summary Judgment Motion concerning violation of 21 C.F.R. § 1.21(a)(2), and continue working on motion, including section on materiality.
5/12/2021	3.9	Review record for evidence relating to materiality of "no high fructose corn syrup" for Summary Judgment brief; review Ms. Persinger's

## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		comments on Summary Judgment draft brief and incorporate; finalize draft before circulating for comment.
5/15/2021	0.3	Review Ms. Persinger's comments on draft Partial Summary Judgment brief; make further revisions then assign subsequent tasks.
5/19/2021	1.3	Review near-final drafts of Summary Judgment Motion and supporting declaration and exhibits and finalize for filing.
5/20/2021	1.3	Review potential exhibit cuts with Mr. Joseph; perform final review of filing-ready motion and supporting declaration.
6/3/2021	0.8	Review Clif's oppositions to Plaintiffs' motions for partial summary judgment and to strike portions of Drs. Choi's and Simonson's testimony.
6/4/2021	7.5	Begin working on Reply in Support of Motion for Partial Summary Judgment.
6/7/2021	8.7	Continue working on Reply in Support of Motion for Summary Judgment.
6/8/2021	9.7	Continue working on Reply in Support of Motion for Summary Judgment.
6/10/2021	0.2	Review Mr. Joseph's edits to draft Reply in Support of Motion for Summary Judgment.
7/26/2021	0.8	Begin preparing for Summary Judgment hearing.
8/31/2021	0.3	Discuss summary judgment hearing strategy with Mr. Joseph and Ms. Persinger.
<b>Total =</b>	<b>130.9</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/20/2020	0.5	Review Research RE: summary judgment.
10/23/2020	1.7	Review draft of Motion for Partial Summary Judgment; research law RE: materiality tests under California law.
10/26/2020	0.6	Edit draft of Summary Judgment Motion.
10/29/2020	2.7	Continue working on draft of Plaintiffs' Summary Judgment motion.
11/2/2020	0.3	Research law and draft argument section of Opposition to Clif's Summary Judgment Motion RE: Plaintiffs' standing.
11/7/2020	7.4	Continue working on Opposition to Clif's Summary Judgment Motion.
11/9/2020	5.8	Continue working on Opposition to Clif's Summary Judgment Motion.

## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/10/2020	6.5	Continue working on Opposition to Clif's Summary Judgment Motion
11/11/2020	7.2	Work on draft of Opposition to Clif's Summary Judgment Motion; mark table of authorities; cite check record cites; draft Fitzgerald Declaration.
11/12/2020	6.4	Continue cite checking record cites; cut to make page limit and proofread; proofread Fitzgerald Declaration and prepare exhibits.
2/15/2021	2.1	Prepare for Hearing on Summary Judgment.
2/18/2021	2.5	Attend hearing for Summary Judgment and Class Certification; debrief with co-counsel.
4/15/2021	0.2	Review relevant case law.
5/5/2021	0.1	Look into issue regrading Dr. Simonson's opinions regarding meaning of Nutrition for Sustained Energy claim for Mr. Fitzgerald.
5/9/2021	0.4	Read draft of Summary Judgment Motion RE: omission under 21 C.F.R. § 1.21.
5/13/2021	2.6	Review and edit draft of Summary Judgment Motion.
5/14/2021	0.4	Edit brief and add documents from Clif production to brief.
5/20/2021	3.3	Review and edit Motion for Summary Judgment.
6/3/2021	0.3	Read Clif's Opposition to Plaintiffs' Motion for Partial Summary Judgment.
6/9/2021	3.3	Edit Reply in Support of Motion for Summary Judgment.
6/10/2021	3.4	Edit Reply in Support of Motion for Summary Judgment.
8/27/2021	2.1	Prepare for Hearing on Summary Judgment.
8/28/2021	1.1	Prepare for hearing on Plaintiffs' Motion for Partial Summary Judgment.
8/29/2021	2.3	Continue to prepare for hearing on Plaintiffs' Motion for Summary Judgment.
8/30/2021	3.5	Continue to prepare for hearing on Plaintiffs' Motion for Summary Judgment.
8/31/2021	0.3	Confer with Mr. Fitzgerald and Ms. Persinger RE: summary judgment hearing.
<b>Total =</b>	<b>67.0</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/19/2020	7.0	Meet and confer call RE: Motion for Summary Judgment; begin research for and draft of Motion for Summary Judgment.
10/20/2020	6.9	Continue drafting Motion for Summary Judgment.
10/21/2020	7.4	Continue drafting Motion for Summary Judgment.
10/22/2020	6.6	Continue to draft Motion for Summary Judgment.
10/23/2020	4.9	Continue to draft Motion for Summary Judgment.
10/30/2020	5.7	Download and review Clif's Motion for Summary Judgment and Opposition to Motion for Class Certification; research pleading omission issue and begin draft of portion of opposition to Clif's Motion for Summary Judgment.
11/3/2020	5.6	Draft Opposition to Clif's Motion for Summary Judgment; perform Simonson data analysis.
11/9/2020	4.0	Edit Opposition to Clif's Motion for Summary Judgment.
11/10/2020	1.0	Research various legal issues for opposition to Clif's Motion for Summary Judgment.
11/11/2020	3.2	Work on seal motion; perform research for opposing Clif's Motion for Summary Judgment.
11/12/2020	9.6	Work on seal motion; edit Declaration in Opposition to Clif's Motion for Summary Judgment; edit Opposition to Motion for Summary Judgment and file same.
12/9/2020	6.5	Work on joint seal briefing, including call to court and with opposing counsel.
12/10/2020	6.6	Work on joint seal briefing.
12/11/2020	3.8	Work on joint seal briefing.
12/14/2020	4.4	Work on joint seal briefing; edit draft of Motion for Summary Judgment; review Order regarding hearing dates.
5/11/2021	0.6	Review draft Motion for Summary Judgment circulated by Mr. Fitzgerald and send comments via email; include research on consumer-oriented conduct under the NY General Business Law.
5/13/2021	0.1	Review correspondence from Mr. Fitzgerald to opposing counsel regarding Clif possibly stipulating to certain elements of Plaintiffs' claims and send follow-up correspondence with Mr. Fitzgerald and opposing counsel.
5/14/2021	0.8	Review updated draft of motion for Partial Summary Judgment and provide feedback to Mr. Fitzgerald.

## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/18/2021	2.2	Review confidentiality of documents to be filed with Plaintiffs' Motion for Partial Summary Judgment for the purpose of requesting de-designation of those documents for public filing.
6/10/2021	0.1	Review supporting documents and finalize for filing.
8/31/2021	0.3	Discuss upcoming hearing with Mr. Joseph and Mr. Fitzgerald.
9/1/2021	0.1	Review Order on Motion for Partial Summary Judgment.
<b>Total =</b>	<b>87.4</b>	

*Trevor Flynn*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/30/2020	6.4	Work on Opposition to Summary Judgment sections, including preemption.
11/2/2020	7.0	Continue to work on Opposition to Summary Judgment, including First Amendment, standing, and preemption sections.
11/3/2020	3.2	Continue to work on Opposition to Summary Judgment, including First Amendment and punitive damages sections.
11/9/2020	3.7	Work on tasks associated with opposing Summary Judgment including identification of potential exhibits and testimony from medical experts that their views on sugar are not in the minority.
11/11/2020	2.5	Review Dr. Lustig's deposition and expert report to pull all relevant testimony and opinion that is contrary to Clif's assertions in its Motion for Summary Judgment Motion.
11/12/2020	6.3	Continue work on Opposition to Summary Judgment including culling exhibits, reviewing deposition testimony, and proofreading and cite checking brief.
5/11/2021	0.3	Prepare declaration and exhibits supporting opposition to summary judgment; review current draft of motion and email Mr. Fitzgerald RE: same.
5/12/2021	0.3	Work on Plaintiffs' Motion for Partial Summary Judgment including by identifying evidence that Kid Z Bars are high glycemic index foods.
5/12/2021	2.5	Work on Declaration of Mr. Fitzgerald in support of Plaintiffs' Motion for Summary Judgment, including drafting and preparing exhibits.
5/13/2021	2.0	Work on Declaration of Mr. Fitzgerald in support of Plaintiffs' Motion for Summary Judgment, including drafting and preparing exhibits.

## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/15/2021	1.3	Continue to work on Declaration of Mr. Fitzgerald in support of Plaintiffs' Motion for Partial Summary Judgment, including drafting and preparing exhibits.
5/17/2021	9.1	Review and proofread Motion for Partial Summary Judgment; continue to work on supporting Declaration of Mr. Fitzgerald including finalizing all exhibits, and reconciling exhibits listed in the declaration to the motion.
5/18/2021	4.9	Continue to work on finalizing exhibits to Partial Summary Judgment Motion, including pulling all relevant pages from full documents, identifying page ranges of full documents for record, highlighting relevant portions, and reconciling order of exhibits with the motion and the declaration of Mr. Fitzgerald; cite check all legal citations in the brief and create table of authorities.
5/19/2021	0.1	Work on various tasks for Motion for Partial Summary Judgment including locating exhibits.
5/20/2021	2.6	Continue work on Motion for Partial Summary Judgment including revising all exhibits to include only relevant pages of documents, renumbering exhibits as necessary, and revising declaration of Mr. Fitzgerald to reflect the same; draft Proposed Order.
6/4/2021	0.3	Review Clif's Opposition to Motion for Partial Summary Judgment.
6/8/2021	4.7	Work on Reply in Support of Motion for Partial Summary Judgment, including by looking for evidence and testimony to support various arguments regarding usage occasions; research case law for Mr. Fitzgerald RE: materiality of anything that can negatively impact health.
6/9/2021	2.1	Work on Reply in support of Motion for Partial Summary Judgment including by creating Reply Fitzgerald Declaration and exhibits thereto; proofread and cite check brief.
6/10/2021	0.8	Work on Reply in support of Motion for Partial Summary Judgment, including final cite check and table of authorities; finalize reply and reply declaration of Mr. Fitzgerald for filing.
<b>Total =</b>	<b>60.1</b>	

**Richelle Kemler**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/9/2020	2.6	Review documents and transcripts for support for Opposition to Motion for Summary Judgment.
11/11/2020	0.9	Research puffery.

## DETAILED BILLING RECORDS BY CATEGORY – Summary Judgment

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/10/2020	5.7	Review documents for Support for Opposition to Motion for Summary Judgment.
11/12/2020	6.6	Proof and cite check; review documents.
<b>Total =</b>	<b>23.5</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

**Pretrial Work and Trial Preparation*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/29/2021	0.2	Draft portion of joint pretrial order relating to settlement status.
6/29/2021	2.5	Begin drafting trial brief; meet with Mr. Joseph and Ms. Persinger to discuss pretrial filings.
6/30/2021	1.6	Continue working on trial brief.
7/6/2021	0.3	Meet with Mr. Joseph, Ms. Persinger, and Mr. Flynn to discuss Clif document review for trial project.
7/6/2021	5.9	Work on bookmarking and cataloging documents in furtherance of effort to choose trial exhibits.
7/7/2021	3.8	Continue bookmarking and cataloging documents for pretrial exhibit review.
7/8/2021	3.9	Develop spreadsheet for cataloging trial exhibits; meet with Mr. Joseph and Ms. Persinger to strategize about trial exhibit review process; continue working on trial brief.
7/12/2021	10.2	Meet with Mr. Joseph, Ms. Persinger, and Mr. Flynn to discuss strategy for trial exhibit review and begin review.
7/13/2021	7.2	Continue trial exhibit review, including cataloging selected exhibits and periodically meeting with team to review findings.
7/14/2021	11.0	Continue trial exhibit review and team meetings.
7/15/2021	11.5	Continue trial exhibit review, including logging chosen documents and meeting with team.
7/16/2021	6.5	Continue trial exhibit review and attend team meeting.
7/18/2021	8.3	Meet with Mr. Joseph and Ms. Persinger regarding trial preparation; continue logging potential trial exhibits and meeting with team.
7/19/2021	11.4	Continue trial exhibit review, including logging document and meeting with team.
7/20/2021	10.1	Continue working on trial exhibit review and logging and team meeting.
7/23/2021	9.8	Continue trial exhibit review and logging and team meeting.
7/26/2021	2.0	Participate in team meeting regarding meet and confer conference with Clif concerning pretrial issues.
7/26/2021	4.1	Continue trial exhibit review and logging.
7/27/2021	5.8	Continue trial exhibit review and logging; confer with Mr. Joseph regarding pretrial conference with defense counsel.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/28/2021	7.5	Continue trial exhibit review and logging and team meeting.
7/29/2021	9.3	Continue trial exhibit review and logging and team meeting.
8/2/2021	0.4	Continue working on pretrial exhibit review and logging.
8/2/2021	1.5	Together with Mr. Joseph, Ms. Persinger, and Mr. Flynn, prepare for and participate in the pretrial meet and confer conference with Clif's counsel.
8/4/2021	5.7	Continue pretrial exhibit review and logging and team meeting.
8/5/2021	2.5	Continue pretrial exhibit review and logging.
8/9/2021	2.4	Continue pretrial exhibit logging.
8/10/2021	3.5	Continue trial exhibit logging; meet with Ms. Persinger and Mr. Flynn to discuss Cliff usage occasion campaign.
8/11/2021	6.3	Continue pretrial exhibit logging and team meeting.
8/12/2021	2.4	Continue trial exhibit logging.
8/16/2021	0.7	Continue logging pretrial exhibits.
8/17/2021	7.9	Continue trial exhibit logging and team meeting.
8/18/2021	0.4	Continue trial exhibit logging.
9/13/2021	1.5	Continue logging trial exhibits.
9/14/2021	1.2	Continue logging trial exhibits.
9/22/2021	3.5	Continue trial exhibit logging.
10/11/2021	0.6	Together with Mr. Joseph, participate in call with Greg Cusimano of Wining Works jury consultants.
10/22/2021	4.2	Review and work on draft materials for Winning Works.
11/2/2021	2.0	Continue working on logging trial exhibits.
11/3/2021	4.2	Continue trial exhibit logging.
11/8/2021	2.1	Continue working on trial preparation RE: focus group materials.
11/9/2021	6.3	Continue working on analysis for focus group and settlement conference brief.
11/10/2021	0.5	Work on draft screener for Winning Works.
11/10/2021	6.4	Continue working on developing trial strategy by analyzing selected documents for fit into various potential trial stories.
11/12/2021	3.2	Continue working to develop trial story lines with record evidence.
11/15/2021	0.5	Continue working on document analysis for trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/22/2021	0.8	Review Mr. Joseph's draft materials for Winning Works.
11/29/2021	1.9	Prepare for and, together with Mr. Joseph, Ms. Persinger, and Mr. Flynn, participate in focus group pre-meeting with Greg Cusimano from Winning Works.
11/30/2021	1.2	Review and revise draft Joint Status Conference Statement; discuss same with Ms. Persinger; send same to Clif for review.
11/30/2021	4.5	Participate in focus group technical check, focus group, and debrief.
12/1/2021	0.4	Per Mr. Greg Cusimano, work on short case story for second focus group.
12/2/2021	2.4	Continue working on trial story for second focus group.
12/6/2021	4.1	Prepare for and observe second focus group.
12/7/2021	4.6	Continue working on Clif trial document review and organization; confer with Mr. Joseph regarding settlement and focus group strategy.
12/8/2021	5.0	Continue working on trial document analysis.
12/9/2021	7.0	Continue working on trial exhibit analysis; review final hour of second focus group.
12/10/2021	2.1	Work on researching FDA response to Clif's request RE: "healthy for activity," for purposes of developing trial story; work on Settlement Conference Brief.
12/11/2021	8.0	Continue working on pretrial matters and Settlement Conference Brief.
12/12/2021	2.1	Meet with Mr. Joseph to discuss trial preparation including selection of trial exhibits and witnesses.
12/13/2021	6.1	Continue working on trial document analysis; meet with team regarding strategy for developing trial examination outlines; meet with Mr. Flynn to discuss starting to develop outline for Mr. Jessica Chon and start working on outline.
12/14/2021	4.4	Continue working on Ms. Jessica Chon trial examination outline, including meeting with Mr. Flynn; continue trial document analysis.
12/15/2021	1.5	Continue working on Ms. Chon trial outline, including meeting with Mr. Flynn.
12/16/2021	8.0	Continue working on Ms. Jessica Chon trial outline.
12/17/2021	0.9	Together with Mr. Joseph, Ms. Persinger, and Mr. Flynn, participate in video conference with Mr. Greg Cusimano to debrief second focus group.
12/19/2021	6.2	Continue working on Ms. Jessica Chon trial outline.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/20/2021	5.5	Continue working on trial exhibit review and analysis; meet with Mr. Flynn regarding work on Ms. Chon trial outline.
12/21/2021	10.2	Continue working on trial document analysis; meet with Mr. Joseph, Ms. Persinger, Mr. Flynn, and Ms. Mendez to discuss trial strategy and work on Jessica Chon and Michelle Ferguson deposition outlines; discuss settlement strategy with Mr. Joseph.
12/22/2021	5.9	Continue working on trial exhibit analysis.
12/23/2021	6.8	Continue working on trial exhibit analysis.
12/27/2021	3.9	Work on trial outline; continue working on trial exhibit analysis; meet with Mr. Joseph, Ms. Persinger, and Mr. Flynn to discuss trial examination strategy.
12/28/2021	6.1	Continue working on trial exhibit analysis.
12/29/2021	2.8	Continue working on trial exhibit analysis.
12/30/2021	11.7	Continue working on trial exhibit analysis.
12/31/2021	3.7	Continue working on trial exhibit analysis.
1/4/2022	7.4	Continue working on trial exhibit analysis.
1/14/2022	5.2	Engage in general trial planning.
1/16/2022	2.6	Engage in general trial strategy and planning, including meeting with Mr. Joseph and Ms. Persinger.
1/17/2022	1.1	Continue general trial preparations, including contacting Chris Denove and various experts; participate in call with Mr. Denove to discuss jury survey.
1/17/2022	5.1	Review deposition video of Ms. Jessica Chon and transcript and extract possible Plaintiff and Defendant excerpts.
1/18/2022	11.2	Continue analysis of Jessica Chon deposition video.
1/19/2022	0.8	Meet with Mr. Joseph to discuss trial and trial preparation strategy.
1/19/2022	5.6	Continue reviewing and analyzing deposition video of Ms. Jessica Chon and transcript for trial; meet with Mr. Flynn to discuss trial examination of Dr. Lustig.
1/20/2022	9.2	Continue reviewing and analyzing Ms. Jessica Chon deposition video.
1/21/2022	0.8	Together with Mr. Joseph, Ms. Persinger, Mr. Flynn, and Ms. Emhardt, participate in call with Winning Works to discuss further focus grouping for trial.
1/21/2022	4.3	Continue analyzing Jessica Chon deposition video for trial; meet with Ms. Persinger to discuss omissions claims.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/22/2022	5.9	Continue analyzing Ms. Chon deposition transcript and video for trial; begin drafting structured focus group argument; draft trial evidence outline in preparation for meeting with Mr. Joseph and Ms. Persinger.
1/23/2022	6.1	Meet with Mr. Joseph and Ms. Persinger to discuss trial strategy and Ms. Chon analysis.
1/24/2022	0.7	Together with Mr. Joseph, Ms. Persinger, Mr. Flynn, Ms. Emhardt, and Ms. Mendez, participate in conference with Steve Gaskin and Colin Weir to discuss trial and related issues; review testimony of Mr. Weir in <i>Thomas v. Global Vision</i> ; draft email to David Becker regarding request for updated IRI sales data.
1/24/2022	7.1	Continue reviewing and analyzing Jessica Chon deposition video and transcript and meet with Mr. Joseph and Ms. Persinger regarding the same.
1/25/2022	1.5	Research Rule 32(a)(3) in relation to Jessica Chon deposition transcript.
1/25/2022	2.2	Continue to work on Jessica Chon deposition analysis including meeting with Mr. Joseph and Ms. Persinger to discuss same.
1/25/2022	6.2	Continue working on Plaintiffs' argument for structured focus group.
1/26/2022	0.3	Meet with Ms. Emhardt to discuss assignment to begin drafting Plaintiff direct examination outlines.
1/26/2022	1.8	Continue analyzing Jessica Chon video deposition for trial clips, including meeting with Mr. Joseph and Ms. Persinger regarding the same.
1/26/2022	2.7	Continue working on Plaintiffs' structured argument for third Winning Works focus group.
1/27/2022	2.2	Begin reviewing Gary Erickson deposition video for trial.
1/27/2022	2.3	Continue working on Plaintiffs' argument for structured focus group.
1/27/2022	3.7	Meet with Mr. Joseph and Ms. Persinger to continue discussing Jessica Chon deposition excerpts for trial; complete reviewing excerpts and meeting with Mr. Joseph and Ms. Persinger regarding same.
1/28/2022	0.5	Together with Ms. Persinger, meet with Ms. Emhardt to discuss Ms. Elizabeth Arnold direct examination.
1/29/2022	5.6	Work on trial plan and strategy generally.
1/30/2022	9.3	Continue working on developing trial plan and participate in team meeting regarding trial strategy and tasks; work on Plaintiffs' structured argument for third focus group and meet with Ms. Persinger

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		regarding same; meet with Mr. Joseph and Ms. Persinger to continue analyzing Casey Lewis deposition transcript.
1/31/2022	1.0	Begin researching and drafting pocket brief regarding how binding Rule 30(b)(6) testimony is.
1/31/2022	2.8	Continue to analyze Casey Lewis deposition excerpts, including meeting with Mr. Joseph and Ms. Persinger regarding the same.
1/31/2022	6.1	Continue culling all documentary evidence relating to consumers' actual usage of the bars.
2/1/2022	0.7	Complete analysis of Casey Lewis deposition transcript, including meeting with Mr. Joseph and Ms. Persinger regarding the same.
2/1/2022	4.5	Continue culling evidence relating to consumers' actual usage of the bars.
2/2/2022	10.3	Continue culling documents relating to consumers' actual use of the bars.
2/3/2022	1.6	Begin reviewing and analyzing Michelle Ferguson deposition testimony for trial, including meeting with Mr. Joseph and Ms. Persinger regarding the same.
2/3/2022	3.2	Review revised draft of Plaintiffs' structured argument.
2/3/2022	5.9	Continue reviewing and analyzing Gary Erickson deposition video (Volume I) for trial.
2/4/2022	6.9	Continue working on Plaintiffs' structured argument for focus group; together with Mr. Joseph and Ms. Persinger, review clips of Michelle Ferguson's deposition.
2/5/2022	7.6	Continue working on focus group presentation for Plaintiffs' structured argument.
2/6/2022	6.7	Continue working on Plaintiffs' presentation for structured argument focus group; meet with Ms. Persinger regarding same.
2/7/2022	8.5	Continue working on focus group presentation, including participating in team meeting regarding same.
2/8/2022	10.1	Continue working on Plaintiffs' structured argument presentation; meet with Ms. Persinger and Ms. Emhardt regarding same; confer with Ms. Mendez regarding running Cloud9 document searches.
2/9/2022	10.3	Continue working on Plaintiffs' structured argument for third Winning Works focus group, including re-presenting argument and debriefing and strategizing with Mr. Joseph.
2/10/2022	0.9	Meet with Mr. Joseph to discuss his revisions to Plaintiffs' structured argument.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/10/2022	1.4	Review Ms. Emhardt’s draft pocket brief regarding the usability of Jessica Chon’s deposition transcript under Rule 32(a) and meet with Ms. Emhardt to discuss same.
2/10/2022	2.0	Run searches in Cloud9 for documents relating to “health halo” and similar.
2/10/2022	4.7	Continue reviewing and analyzing Gary Erickson deposition transcript.
2/11/2022	8.7	Revise Plaintiffs’ structured argument presentation based on Mr. Joseph’s work.
2/13/2022	2.9	Review comments from Greg Cusimano and, together with Mr. Joseph, continue working on Plaintiffs’ structured argument.
2/14/2022	10.4	Continue working on Plaintiffs’ structured argument.
2/15/2022	10.3	Meet with Mr. Joseph to review Plaintiffs’ and Defendant’s structured arguments and continue working on Plaintiffs’ opening argument; begin working on Plaintiffs’ rebuttal argument.
2/16/2022	4.9	Together with Mr. Joseph, continue working on Plaintiffs’ rebuttal for structured focus group; continue working on opening argument, including recording.
2/17/2022	12.5	Meet with Mr. Joseph to review defense structured argument; continue working on structured argument including team meeting with Mr. Greg Cusimano and the Winning Works team; create and complete Plaintiffs’ rebuttal for structured focus group.
2/18/2022	4.9	Observe structured focus group and debrief with Mr. Cusimano afterwards.
2/21/2022	6.1	Search Cloud Nine Review for Clif documents regarding sugar addictiveness and “health halo” and log same for trial stories.
2/22/2022	1.0	Meet with Mr. Joseph and Ms. Persinger to discuss Michelle Ferguson deposition excerpts.
2/22/2022	1.3	Meet with team to discuss strategy for next structured focus group while continuing to develop trial story.
2/22/2022	6.9	Continue working on “health halo” trial story.
2/23/2022	2.3	Continue reviewing Michelle Ferguson deposition transcript and meet with Mr. Joseph and Ms. Persinger regarding the same.
2/23/2022	7.7	Work on developing nutrition influencer story for fourth focus group and trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/24/2022	2.2	Continue analyzing Michelle Ferguson Rule 30(b)(6) deposition transcript and meet with Mr. Joseph and Ms. Persinger regarding the same.
2/24/2022	8.8	Continue working on nutrition influencer document analysis and story-building.
2/25/2022	2.5	Begin reviewing Gary Erickson deposition video clips.
2/25/2022	4.7	Continue working on nutrition influencer story for next focus group and trial.
2/26/2022	0.9	Review documents regarding Clif's financials.
2/26/2022	5.8	Review Mr. Flynn's draft of module concerning Clif's modifications to bar ingredient lists.
2/27/2022	0.7	Continue working on nutrition influencer story.
2/27/2022	6.4	Review documents reproduced unredacted for relevant financial information.
2/28/2022	1.0	Continue reviewing Gary Erickson deposition transcript excerpts.
2/28/2022	2.7	Continue reviewing and culling Clif financial information.
3/1/2022	1.5	Continue reviewing and analyzing Gary Erickson deposition transcript and meet with Mr. Joseph and Ms. Persinger regarding the same.
3/1/2022	6.1	Continue culling Clif financial information.
3/2/2022	1.5	Continue evaluating deposition video of Gary Erickson and meet with Mr. Joseph and Ms. Persinger regarding same.
3/2/2022	9.2	Continue culling and analyzing Clif financial information.
3/3/2022	0.4	Continue culling and analyzing Clif financial information.
3/3/2022	1.7	Continue reviewing and analyzing Gary Erickson deposition transcript and meet with Mr. Joseph and Ms. Persinger regarding the same.
3/3/2022	7.3	Review Chris Denove's statement for mock trial survey and discuss same with Mr. Joseph.
3/4/2022	2.0	Continue analyzing Gary Erickson deposition and meeting with Mr. Joseph and Ms. Persinger regarding the same.
3/4/2022	4.9	Continue culling Clif financial information for trial.
3/6/2022	5.9	Meet with Mr. Joseph, Ms. Persinger, Mr. Flynn, and Ms. Emhardt to review focus group results and discuss case strategy, themes, assignments, and status.
3/7/2022	1.0	Organize assignments based on team meeting and distribute to team; meet with team members to discuss joint tasks.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/7/2022	9.1	Continue culling Clif's financial information for trial.
3/8/2022	2.8	Locate in Clif's production and cull Clif press releases.
3/8/2022	5.3	Continue culling Clif financial information for trial.
3/9/2022	1.3	Review Chris Denove's revised survey mock trial statement and work on Zbar module for same.
3/9/2022	1.3	Review and continue working on draft trial story module concerning Clif's manipulation of the Nutrition Facts Box and Ingredients List.
3/9/2022	3.0	Continue reviewing and analyzing Gary Erickson deposition transcript and meet with Mr. Joseph and Ms. Persinger regarding the same.
3/9/2022	5.1	Log all Clif press releases for use at trial.
3/10/2022	0.3	Review Chris Denove's module on Zbar.
3/10/2022	2.9	Continue reviewing and analyzing Gary Erickson deposition transcript and video and meet with Mr. Joseph and Ms. Persinger regarding the same.
3/10/2022	4.6	Work on trial module regarding Clif's gamesmanship concerning the Nutrition Facts Box and Ingredients List.
3/11/2022	1.1	Continue working on trial module concerning Clif's compliance with NLEA conversion (added sugars disclosure in Nutrition Facts Box).
3/11/2022	5.8	Review draft sugar addiction trial module and provide comments to Ms. Persinger.
3/12/2022	3.3	Complete first draft of trial module on addiction.
3/13/2022	5.5	Continue working on nutrition influencer module for trial; discuss addictiveness module with Ms. Persinger.
3/14/2022	0.5	Review revised addiction trial module.
3/14/2022	9.0	Continue working on nutrition influencer trial module.
3/15/2022	0.7	Add Gary Erickson deposition excerpts into relevant areas of trial proof outline.
3/15/2022	7.5	Continue working on nutrition influencer trial module, including meeting with Ms. Emhardt to discuss same.
3/16/2022	0.9	Review Ms. Emhardt's notes on first set of influencer documents for module and meet with Ms. Emhardt to discuss same.
3/16/2022	1.3	Continue working on NLEA conversion trial module.
3/16/2022	7.0	Continue inserting selected Gary Erickson deposition excerpts into trial proof outline.
3/17/2022	5.9	Continue working on NLEA conversion trial module.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/18/2022	4.7	Continue working on NLEA conversion module.
3/20/2022	3.8	Continue working on NLEA conversion trial module.
3/21/2022	0.2	Meet with Ms. Emhardt regarding the Nutrition Influencer Module.
3/21/2022	3.9	Continue working on NLEA conversion trial module.
3/22/2022	6.4	Continue working on NLEA conversion trial module.
3/23/2022	6.5	Continue working on NLEA conversion trial module.
3/24/2022	10.3	Continue working on NLEA conversion trial module.
3/25/2022	0.2	Continue working on NLEA conversion trial module.
3/26/2022	8.3	Continue working on NLEA conversion trial module.
3/27/2022	8.2	Continue working on NLEA conversion trial module.
3/28/2022	9.0	Continue working on NLEA conversion trial module.
3/29/2022	8.9	Continue working on NLEA conversion trial module.
3/30/2022	6.7	Continue working on NLEA conversion trial module.
3/31/2022	7.6	Continue working on NLEA conversion trial module.
4/1/2022	0.4	Review select deposition transcripts for any testimony relevant to NLEA module.
4/1/2022	2.7	Work on SB12/SB19/Smart Snacks trial story.
4/2/2022	2.2	Begin working on trial module concerning Clif's targeting of children.
4/2/2022	2.9	Review Ms. Emhardt's current draft of nutrition influencer trial module in preparation for meeting with Ms. Emhardt.
4/3/2022	0.3	Add Casey Lewis deposition testimony to NLEA conversion trial module.
4/3/2022	7.2	Continue working on trial module regarding Clif's targeting of children.
4/4/2022	0.2	Meet with Ms. Mendez to discuss finalizing NLEA conversion module.
4/4/2022	0.6	Meet with Ms. Emhardt to discuss nutrition influencer trial module.
4/4/2022	8.8	Continue working on trial module regarding Clif targeting children.
4/5/2022	9.5	Continue working on module regarding targeting of children.
4/6/2022	0.7	Review Mr. Flynn's current draft of trial module concerning distribution channels and shelving and meet with Mr. Flynn regarding same.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/6/2022	4.8	Conduct final audit and review of handful of additional potentially relevant documents relating to trial module concerning Clif's manipulation of Nutrition Facts Box and Ingredients List.
4/6/2022	7.1	Continue working on trial module regarding Clif targeting children.
4/7/2022	12.5	Continue working on trial module concerning Clif's targeting of children; confer with Ms. Emhardt on various tasks.
4/8/2022	4.8	Continue working on trial module regarding Clif's targeting of children and young adults.
4/9/2022	7.0	Continue working on trial module regarding Clif's targeting of children.
4/10/2022	7.3	Continue working on trial module concerning Clif's targeting of children; confer with Mr. Joseph regarding trial preparation.
4/11/2022	11.7	Continue working on trial module regarding Clif's targeting of children.
4/12/2022	10.1	Continue working on trial module regarding Clif's targeting of children.
4/13/2022	10.8	Continue working on trial module regarding Clif's targeting of children and young adults; discuss Chris Denove survey results with Mr. Joseph.
4/14/2022	8.6	Continue working on trial module concerning Clif's targeting of children.
4/15/2022	6.5	Continue working on module concerning Clif's targeting of children.
4/16/2022	1.4	Review draft trial module regarding distribution channels and shelving.
4/16/2022	5.2	Review results of Mr. Chris Denove's online mock trial and meet with group to discuss case strategy in light of results.
4/17/2022	6.4	Draft letter to Clif regarding improper claims of privilege and other redactions.
4/18/2022	3.3	Continue working on trial module regarding Clif targeting children.
4/18/2022	8.7	Continue drafting letter to Clif regarding improper privilege assertions and redactions.
4/19/2022	10.9	Continue working on trial module regarding Clif's targeting of children and young adults.
4/20/2022	3.3	Continue working on trial module regarding Clif's targeting of children and young adults.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/20/2022	7.7	Together with Mr. Joseph, participate in call with Chris Denove regarding results of mock trial survey and next steps for conducting additional survey; meet with Mr. Joseph to discuss same; begin drafting mock trial argument relating to uselessness of Clif Bar for anyone (including athletes).
4/21/2022	0.5	Review Mr. Joseph's draft of revised mock trial story to emphasize issues with Nutrition Facts Box; meet with Mr. Joseph regarding same.
4/21/2022	10.5	Continue working on trial module regarding Clif's targeting of children.
4/22/2022	0.9	Prepare for and participate in meet-and-confer conference with Clif's counsel regarding document redactions.
4/22/2022	7.8	Continue working on trial module regarding Clif's targeting of children; meet with Mr. Joseph to begin mapping out case for trial.
4/23/2022	1.7	Revise draft for second online mock trial with Chris Denove.
4/23/2022	4.5	Continue working on module regarding Clif's targeting of children; resume trial-planning meeting with Mr. Joseph.
4/24/2022	12.0	Continue working on trial module regarding targeting of children; continue meeting with Mr. Joseph to map out trial story and strategy.
4/25/2022	0.9	Participate in call with Chris Denove regarding additional online mock trials; review Mr. Joseph's draft of "Clif Bars not useful for athletes" mock trial module.
4/25/2022	5.9	Review Ms. Emhardt's draft nutrition influencer module and provide comments.
4/25/2022	7.1	Work on sugar strategy trial module.
4/26/2022	1.5	Continue working on two new modules for Chris Denove's online mock trial surveys.
4/26/2022	3.3	Continue working on overall trial story and strategy outlining.
4/26/2022	8.6	Continue reviewing nutrition influencer trial module.
4/27/2022	10.9	Continue working on preparing for trial; together with Mr. Joseph and Ms. Persinger, participate in call with Winning Works.
4/28/2022	12.7	Continue working on trial strategy and preparation, including participating in team meeting regarding same.
4/29/2022	8.4	Continue working on putting together trial case, including meeting with Mr. Joseph and Ms. Emhardt.
4/30/2022	9.4	Continue working on outlining Plaintiffs' trial story.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/1/2022	11.1	Continue working on trial strategy and other preparation.
5/2/2022	12.3	Together with Mr. Joseph, continue working on trial preparations.
5/3/2022	12.3	Continue working on trial preparations.
5/4/2022	3.8	Continue working on trial plan and preparation.
5/5/2022	3.7	Continue working on trial outline and strategy; together with Ms. Persinger, participate in call with Act of Communication regarding witness preparation for trial.
5/7/2022	7.4	Continue working on trial strategy and story development; meet with Ms. Persinger regarding same.
5/8/2022	2.7	Continue working on trial strategy and preparing for trial, including working on jury instructions.
5/9/2022	8.6	Continue working on jury instructions; continue trial preparation including working with Mr. Joseph and Ms. Persinger on trial plan; review Clif's supplemental unredacted production.
5/10/2022	10.9	Continue working on trial preparation, including meeting with Mr. Joseph and Ms. Persinger to discuss trial story and witness strategy.
5/11/2022	10.2	Together with Mr. Joseph and Ms. Persinger, continue preparing for trial.
5/12/2022	10.5	Continue working on trial preparation, including Gary Erickson deposition video sequences and sugar science knowledge admissions.
5/13/2022	3.1	Together with Mr. Joseph and Ms. Persinger, continue to prepare for trial, including reviewing documents relating to Clif and Gary Erickson's spat with Kind.
5/15/2022	4.8	Continue to work on trial preparation including reviewing Chris Denove survey results and meeting with Mr. Joseph and Ms. Persinger regarding Gary Erickson and Dr. Lustig trial strategies; prepare for additional mediation with Clif.
5/16/2022	2.3	Together with Mr. Joseph and Ms. Persinger, participate in video conference with Dr. Lustig to discuss trial testimony; together with Mr. Joseph and Ms. Persinger, participate in call with Chris Denove to discuss survey results.
1/24/2022	1.5	Work on Plaintiffs' structured argument for third focus group with Winning Works.
<b>Total =</b>	<b>1,033.6</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

*Paul Joseph*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/29/2021	0.5	Meet with Mr. Fitzgerald and Ms. Persinger to discuss pretrial filings.
7/1/2021	1.0	Meet and confer with Clif RE: confidentiality designations; debrief and discuss further trial strategy with Ms. Persinger.
7/1/2021	2.7	Work on trial document review plan; meet with Mr. Flynn RE: same.
7/7/2021	8.3	Review and catalog documents to prepare for trial.
7/6/2021	0.3	Meet with team regarding review of Clif documents for trial.
7/8/2021	2.8	Work on pretrial document review and exhibit preparation; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
7/9/2021	1.1	Review list of Clif's likely trial defenses and arguments; begin draft of witness list.
7/11/2021	3.1	Prepare for trial exhibit review; prepare trial plan, including witness testimony and possible exhibits.
7/12/2021	0.6	Review and edit list of Clif's likely trial defenses and evidence it is likely to rely on.
7/12/2021	7.3	Meet with team RE: trial preparation plan; continue review of potential trial documents.
7/13/2021	7.4	Continue to review and select documents for trial exhibits and meet with team RE: same.
7/14/2021	9.1	Continue to review documents for selection of trial exhibits and meet with team RE: same.
7/15/2021	7.5	Continue to review and categorize documents for trial exhibits and meet with team RE: same.
7/16/2021	8.2	Continue to review and categorize documents for trial exhibits and meet with team RE: same.
7/18/2021	8.9	Continue to review and categorize documents for trial exhibits and meet with team RE: same.
7/19/2021	7.7	Continue to review and select potential exhibits for trial and meet with team RE: same.
7/20/2021	10.2	Continue to review and select potential trial exhibits and meet with team RE: same.
7/21/2021	8.8	Continue to review documents and select potential trial exhibits and meet with team RE: same.
7/22/2021	10	Continue to review and select possible exhibits for trial and meet with team RE: same.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/23/2021	7.9	Continue to review and select possible exhibits for trial and meet with team RE: same.
7/24/2021	2.0	Continue to review and select possible exhibits for trial and meet with team RE: same.
7/25/2021	10	Continue to review and select possible exhibits for trial and meet with team RE: same.
7/26/2021	1.4	Continue to review and select possible exhibits for trial and meet with team RE: same.
7/26/2021	2.0	Meet with team to plan for pretrial conference with Clif.
7/26/2021	4.0	Edit and draft jury instructions; research model jury instructions.
7/27/2021	1.0	Confer with Mr. Fitzgerald RE: upcoming pretrial conference with defense counsel.
7/28/2021	1.2	Meet with team RE: document review and exhibit list preparation.
7/28/2021	1.8	Review Ms. Jodi Olson Deposition and take notes on key points.
7/28/2021	3.0	Continue to review and select possible exhibits for trial.
7/28/2021	4.3	Continue working on proposed jury instructions and verdict form.
7/29/2021	8.0	Continue to review and select possible exhibits for trial and meet with team RE: same.
8/2/2021	1.5	Conduct pretrial conference with counsel for Clif and confer with team RE: same.
8/5/2021	5.3	Continue to log documents for trial exhibit list and meet with team RE: same.
8/13/2021	3.3	Continue to review and catalog potential trial exhibits.
8/19/2021	0.3	Continue to review and log potential trial exhibits.
9/13/2021	2.9	Continue to review and log potential trial exhibits.
9/14/2021	0.9	Continue to review potential trial exhibits.
9/15/2021	2.3	Continue to review and log potential trial exhibits.
10/11/2021	0.6	Along with Mr. Fitzgerald, conduct call with Mr. Cusimano of Winning Works.
11/1/2021	0.1	Review and edit materials for trial focus group.
11/8/2021	0.9	Continue to work on Winning Works focus group materials.
11/10/2021	0.3	Confer with Mr. Flynn RE: Motion in Limine for Clif Athletes.
11/10/2021	3.0	Continue to work on materials for Winning Works focus group.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/11/2021	2.2	Continue working on Winning Works focus group materials.
11/15/2021	5.8	Continue to draft Winning Works materials.
11/16/2021	6.8	Continue working on Winning Works materials.
11/18/2021	4.9	Continue to work on Winning Works materials.
11/23/2021	0.1	Review Winning Works focus group panel.
11/29/2021	1.5	Participate in Winning Works focus group preparation meeting.
11/30/2021	0.6	Participate in Winning Works focus group rehearsal and preparation meeting.
11/30/2021	3.8	Watch first Winning Works focus group session; confer with team RE: same.
12/2/2021	2.4	Edit trial story for second Winning Works focus group.
12/6/2021	4.1	Attend Winning Works focus group preparation session and focus group.
12/7/2021	0.2	Email experts RE: trial date and scheduling.
12/7/2021	0.3	Confer with Mr. Fitzgerald RE: focus group and settlement conference strategy.
12/12/2021	2.1	Meet with Mr. Fitzgerald to outline next steps of trial preparation, exhibit selection and examination of Clif's key witnesses.
12/13/2021	4.5	Begin to outline possible direct and cross trial examination of Ms. Michelle Ferguson and meet with Ms. Persinger RE: same; review key documents relating to Ms. Ferguson; meet with team RE: trial examination outlines.
12/14/2021	2.8	Continue to prepare for examination of Ms. Michelle Ferguson; continue reviewing key related documents and deposition testimony.
12/15/2021	5.0	Continue to develop trial story and trial examination of Ms. Michelle Ferguson.
12/16/2021	7.4	Continue to develop trial examination materials for Ms. Michelle Ferguson.
12/17/2021	1.1	Continue to prepare trial examination and cross of Ms. Michelle Ferguson.
12/17/2021	1.7	Watch remainder of Winning Works focus group; debrief with the Winning Works team.
12/19/2021	1.8	Continue to work on Ms. Ferguson trial examination outline.
12/21/2021	2.1	Meet with trial team regarding witness examination preparation and document review.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/23/2021	1.8	Review clips of video of Mr. Erickson deposition and provide comment; review revised video and provide further comments.
12/30/2021	3.4	Review and take notes on Ms. Casey Lewis deposition.
1/5/2022	3.6	Continue reviewing and cataloging documents for trial and settlement conference.
1/16/2022	2.6	Meet with Mr. Fitzgerald and Ms. Persinger to discuss trial strategy and tasks.
1/18/2022	2.5	Review deposition of Michelle Ferguson; take excerpts of transcript and video, and begin general topic outline for examination; meet with Mr. Flynn regarding trial themes.
1/19/2022	0.8	Confer with Mr. Fitzgerald regarding strategy for preparing cross examinations.
1/20/2022	4.1	Continue to review and create excerpts of relevant portion of Ms. Ferguson deposition.
1/21/2022	0.8	Along with Mr. Fitzgerald, Ms. Persinger, Mr. Flynn, and Ms. Emhardt, participate in call with Winning Works.
1/21/2022	2.1	Begin review of Michelle Ferguson 30(b)(6) deposition transcript.
1/23/2022	5.4	Continue reviewing and creating excerpts of videos from Ms. Ferguson's 30(b)(6) deposition.
1/23/2022	6.1	Confer with Mr. Fitzgerald and Ms. Persinger RE: Ms. Jessica Chon examination and trial evidence.
1/24/2022	0.3	Finish reviewing and taking excerpts and clips of Ms. Ferguson 30(b)(6) deposition.
1/24/2022	0.5	Along with team, confer with Plaintiffs' damages experts, Mr. Weir and Mr. Gaskin, regarding trial.
1/24/2022	2.2	Along with Mr. Fitzgerald and Ms. Persinger, review clips of Ms. Jessica Chon deposition to prepare cross or impeachment.
1/25/2022	2.3	Continue to review Ms. Chon excerpts and clips; review with Mr. Fitzgerald and Ms. Persinger.
1/26/2022	0.3	Continue analysis of deposition of Ms. Jessica Chon.
1/27/2022	6.2	Continue to prepare and evaluate Ms. Chon testimony for trial; confer with Mr. Fitzgerald and Ms. Persinger RE: same.
1/28/2022	3.9	Begin review of Casey Lewis deposition and outline and meet with Ms. Persinger RE: same; meet with Mr. Fitzgerald, Ms. Persinger, and Ms. Emhardt to discuss Plaintiffs' direct examinations.
1/29/2022	1.1	Continue review and analysis of Casey Lewis 30(b)(6) deposition.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/30/2022	6.4	Meet with Mr. Fitzgerald, Ms. Persinger, Mr. Flynn, and Ms. Emhardt regarding trial preparation strategy and task list; continue work on analysis of Casey Lewis Deposition, including meeting with Mr. Fitzgerald and Ms. Persinger; prepare Defendant's argument for structured focus group.
1/31/2022	4.3	Continue to work on Defendant's structured argument.
1/31/2022	4.5	Continue review and analysis of Ms. Lewis deposition; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
2/1/2022	1.1	Continue to review and analyze Ms. Lewis deposition; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
2/1/2022	1.5	Review draft of direct examination of Ms. Elizabeth Arnold.
2/1/2022	2.1	Continue to analyze Michelle Ferguson deposition excerpts and video clips.
2/1/2022	5.6	Continue to work on Defendant's structured argument.
2/2/2022	1.9	Continue to work on Defendant's structured argument.
2/3/2022	0.8	Meet with Mr. Fitzgerald and Ms. Persinger regarding excerpts of Ms. Ferguson Deposition.
2/3/2022	7.6	Continue to work on Defendant's structured argument for focus group.
2/4/2022	8.3	Continue to work on Defendant's portion of structured argument; review Ferguson deposition clips with Mr. Fitzgerald and Ms. Persinger.
2/6/2022	11.1	Continue to work on Defendant's structured argument for focus group.
2/7/2022	9.0	Continue to prepare Defendant's structured argument and meet with team RE: same.
2/8/2022	9.8	Continue to prepare Defendant's structured argument.
2/9/2022	5.8	Continue to work on Defendant's portion of structured argument for focus group; strategize with Mr. Fitzgerald RE: same; present defendant's structured argument.
2/10/2022	1.6	Review excerpts of deposition of Michelle Ferguson.
2/10/2022	9.8	Continue to work on Defendant's presentation for structured focus group; meet with Mr. Fitzgerald RE: same.
2/11/2022	0.2	Review excerpts of deposition of Michelle Ferguson.
2/11/2022	5.0	Continue to work on Defendant's presentation for structured focus group.
2/13/2022	3.5	Work with Mr. Fitzgerald on presentations for structured arguments.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/14/2022	6.8	Continue working on Clif's argument for 3rd focus group; meet with Mr. Flynn and Ms. Emhardt regarding same.
2/15/2022	9.7	Continue working on Clif's argument for 3rd focus group and meet with Mr. Fitzgerald RE: same; rehearse and give presentation; send presentation to Winning Works team.
2/16/2022	6.2	Continue working on Clif's argument for 3rd focus group; work with Mr. Fitzgerald RE rebuttal for Plaintiffs' argument.
2/17/2022	13.3	Continue working on Clif's argument for third focus group; rehearse and give final recorded presentation for focus group; confer with Mr. Fitzgerald on structured argument; participate in team meeting with Winning Works.
2/18/2022	4.9	Watch focus group and debrief with team.
2/22/2022	1.0	Review excerpts and video clips of Ms. Ferguson deposition; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
2/22/2022	4.6	Continue to work on trial story based on focus group feedback; meet with team RE: same.
2/23/2022	1.1	Review documents related to Clif's influencer program and nutrition credibility.
2/23/2022	3.4	Continue review of excerpts and clips of Ms. Ferguson deposition; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
2/24/2022	2.0	Continue to review excerpts and video of Ms. Ferguson depositions; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
2/24/2022	3.0	Review documents for trial story.
2/27/2022	0.7	Review documents for trial story RE: contradictions.
2/28/2022	1.7	Continue to review excerpts and clips of Mr. Erickson's deposition.
3/1/2022	1.0	Continue to review excerpts and videos of Mr. Erickson deposition, meet with Mr. Fitzgerald and Ms. Persinger.
3/2/2022	1.0	Review excerpts and videos of Mr. Erickson deposition; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
3/2/2022	3.5	Review documents for potential trial exhibits.
3/3/2022	0.6	Review documents for trial story RE glycemic index and Clif's contradictions.
3/3/2022	1.6	Review excerpts from Mr. Erickson deposition; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
3/3/2022	5.6	Review Chris Denove survey story; work with Mr. Fitzgerald to edit.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/4/2022	2.6	Continue to develop trial stories through documents and potential exhibits.
3/4/2022	3.1	Review Mr. Erickson excerpts and videos; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
3/6/2022	5.9	Review results from focus group; along with Mr. Fitzgerald, Mr. Flynn, Ms. Persinger and Ms. Emhardt, plan next steps for trial preparation.
3/7/2022	2.3	Review and work on trial stories RE: Clif positioning bars as healthy or as snacks.
3/8/2022	9.5	Continue researching and constructing trial stories RE: Clif wanting to position bars as healthy or as snacks.
3/9/2022	3.1	Continue to work on story RE: Clif wanting to position Clif Bars as healthy.
3/9/2022	4.2	Continue to review and watch excerpts of Mr. Erickson deposition; meet with Mr. Fitzgerald and Ms. Persinger to discuss.
3/10/2022	0.6	Continue to work on trial story for Clif trying to position bars as healthy.
3/10/2022	1.9	Continue reviewing Mr. Erickson transcript excerpts and videos; meet with Mr. Fitzgerald and Ms. Persinger RE: same.
3/10/2022	6.7	Enter selected portions of Ms. Ferguson deposition into trial proof outline.
3/11/2022	1.3	Enter selected portions of Ms. Ferguson deposition into trial proof outline.
3/11/2022	3.7	Continue working on trial story related to Clif attempting to position bars as healthy and as snacks.
3/13/2022	5.0	Review documents and draft trial story RE Clif wanting to position bars as healthy foods.
3/15/2022	0.7	Meet with team on modules for trial.
3/15/2022	0.8	Review module on addiction.
3/15/2022	4.0	Continue to work on module RE: Clif wanting to market bars as healthy.
3/16/2022	1.2	Continue working on trial module RE: Clif wanting to frame bars as healthy.
3/16/2022	3.0	Search and catalog documents regarding purchase drivers for bars.
3/17/2022	2.9	Continue working on trial story RE: purchase drivers.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/22/2022	7.4	Continue working on purchase driver and materiality module; review deposition transcripts.
3/23/2022	6.8	Continue working on purchase driver module.
3/24/2022	8.2	Continue to prepare materiality and purchase driver modules.
3/25/2022	5.7	Continue working on trial story for purchase driver module.
3/27/2022	3.5	Continue working on purchase driver and materiality module.
3/28/2022	6.8	Continue drafting purchase driver module.
3/29/2022	4.9	Continue to work on purchase driver module for trial.
3/30/2022	9.8	Continue to work on purchase driver module for trial.
3/31/2022	8.5	Continue working on trial story RE: purchase drivers.
4/1/2022	5.6	Continue working on purchase driver module.
4/2/2022	1.1	Review NLEA module.
4/2/2022	8.7	Continue working on purchase driver module.
4/3/2022	0.6	Review module on NLEA.
4/3/2022	2.2	Continue working on purchase driver module.
4/4/2022	2.7	Continue reviewing documents for purchase driver module.
4/5/2022	8.4	Continue working on purchase driver module.
4/6/2022	8.9	Continue drafting module or story RE: purchase drivers and materiality.
4/7/2022	6.8	Continue working on purchase drivers and materiality modules.
4/8/2022	1.3	Read transcript of <i>Johnstech Int. v. JF Microtechnology</i> .
4/8/2022	6.3	Continue working on purchase drivers module.
4/9/2022	1.4	Continue working on purchase drivers module.
4/10/2022	0.4	Confer with Mr. Fitzgerald RE: trial preparation.
4/11/2022	13.2	Continue working on modules for trial.
4/12/2022	0.9	Listen to Clif Cast podcasts regarding nutrition topics.
4/12/2022	10.6	Continue working on healthy positioning and snacking modules.
4/13/2022	0.5	Read results of Chris Denove jury survey; debrief with Mr. Fitzgerald.
4/13/2022	6.4	Continue reviewing documents RE: purchase drivers and healthy snacking trial stories.
4/14/2022	5.1	Continue working on trial story RE: healthy snacking.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/15/2022	5.3	Continue working on healthy snacks module.
4/16/2022	2.8	Review responses from trial survey; meet with team RE: same.
4/16/2022	3.2	Continue working on trial modules.
4/17/2022	6.2	Continue working purchase driver module.
4/18/2022	0.7	Review letter to Clif RE: redactions.
4/18/2022	9.7	Continue working on purchase driver and snacking modules.
4/19/2022	8.4	Continue to work on trial module RE: purchase drivers.
4/20/2022	0.8	Along with Mr. Fitzgerald, call Mr. Denove RE: survey results and next round of surveys; debrief with Mr. Fitzgerald.
4/20/2022	2.5	Continue to work on healthy framing module.
4/20/2022	3.7	Begin drafting new story for next trial survey.
4/21/2022	1.6	Continue editing survey story to address nutrition facts boxes.
4/21/2022	6.2	Review jury analysis from first trial survey; confer with Mr. Fitzgerald; further map out trial plan.
4/22/2022	0.6	Confer with Clif RE: improper redaction of documents.
4/22/2022	7.3	Along with Mr. Fitzgerald, work on exhibit list preparation RE: nutrition landscapes and influencer presentations.
4/23/2022	0.7	Review Mr. Fitzgerald's edits to survey story.
4/23/2022	1.5	Confer with Mr. Fitzgerald RE: trial strategy.
4/24/2022	0.7	Continue working on purchase driver module.
4/24/2022	10.8	Meet with Mr. Fitzgerald to strategize for trial and work on materials.
4/25/2022	0.2	Continue working on healthy snacking module.
4/25/2022	1.7	Review influencer module.
4/25/2022	4.3	Edit draft of trial story RE: Clif Bars not being well designed for athletes, for trial survey
4/26/2022	1.5	Begin to review influencer module.
4/26/2022	1.8	Make further revisions to the trial stories for the next set of trial surveys.
4/26/2022	2.1	Continue to review influencer module.
4/26/2022	4.7	Begin drafting trial story for fourth trial survey.
4/27/2022	1.8	Continue to review influencer module.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/27/2022	2.0	Along with Mr. Fitzgerald and Ms. Persinger, discuss focus groups with Mr. Cusimano.
4/27/2022	2.1	Continue to work on trial story for fourth trial survey.
4/27/2022	3.2	Work on high level strategy to refocus trial prep.
4/28/2022	11.7	Work on trial themes and write trial story; meet with team RE: same.
4/29/2022	9.4	Continue working on modules and trial evidence RE: consumer research; meet with Mr. Fitzgerald and Ms. Emhardt to discuss nutrition influencers trial story.
5/1/2022	2.7	Continue working on healthy snacking module.
5/2/2022	8.2	Work with Mr. Fitzgerald to finalize story regarding the early history of Clif Bar.
5/9/2022	5.4	Work with Mr. Fitzgerald and Ms. Persinger on trial plan.
5/10/2022	9.4	Work with Mr. Fitzgerald and Ms. Persinger on trial story and witness strategy.
5/11/2022	7.1	Continue working with Mr. Fitzgerald and Ms. Persinger on trial plan and strategy.
5/12/2022	10.3	Continue working on Mr. Erickson videos.
5/13/2022	4.0	Continue to work on trial prep, including working with Mr. Fitzgerald and Ms. Persinger on Mr. Erickson deposition and testimony.
5/15/2022	2.0	Meet with Mr. Fitzgerald and Ms. Persinger RE: Gary Erickson trial strategy and testimony topics.
5/16/2022	0.4	Along with Mr. Fitzgerald and Ms. Persinger, discuss latest survey results with Mr. Denove.
5/16/2022	1.9	Along with Mr. Fitzgerald and Ms. Persinger, participate in conference call with Dr. Lustig.
<b>Total =</b>	<b>845.1</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/17/2021	1.4	Draft letter to opposing counsel regarding the de-designation of Clif documents for use at trial.
6/18/2021	0.7	Continue to draft letter to opposing counsel regarding the de-designation of Clif documents for use at trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/21/2021	0.2	Finalize and send letter to opposing counsel regarding challenge to confidentiality of Clif's document production.
6/21/2021	7.3	Review Judge Donato's pre-trial rules and begin draft of jury instructions.
6/22/2021	4.4	Continue drafting jury instructions; meet with Mr. Fitzgerald and Mr. Joseph RE: same.
6/23/2021	0.5	Continue to draft jury instructions; confer with Mr. Flynn regarding drafting proposed voir dire questions.
6/24/2021	4.9	Continue drafting jury instructions.
6/25/2021	0.1	Review correspondence from opposing counsel RE: scheduling a meet and confer to discuss Plaintiffs' confidentiality challenge to Clif's document production; respond to opposing counsel's request for availability.
6/25/2021	2.9	Finish first draft of proposed jury instructions; research whether Plaintiffs' equitable claims can ever be tried to a jury; send research RE: equitable claims to Mr. Fitzgerald and Mr. Joseph for review.
6/28/2021	3.1	Draft motion in limine RE: fructose content, nutrient testing, and related Dr. Rippe testimony.
6/29/2021	0.5	Together with Mr. Fitzgerald and Mr. Joseph, discuss pretrial filings and divide up tasks.
6/29/2021	2.7	Continue drafting motions in limine RE: fructose content, nutrient testing, and related Dr. Rippe testimony; begin draft of motion in limine RE: Clif's corporate character.
6/29/2021	4.3	Begin drafting joint pretrial statement.
6/30/2021	1.6	Continue to draft motion in limine RE: Clif's corporate character, including conducting additional research.
6/30/2021	4.8	Continue working on draft of joint pretrial statement, including researching bifurcation of trial.
7/1/2021	1.3	Research regarding Clif's redaction of documents in preparation for making trial exhibits and discussions with Mr. Joseph RE: same.
7/1/2021	1.3	Prepare for and, together with Mr. Joseph, participate in meet and confer call with Clif's counsel to discuss Clif's confidentiality designations and selecting a date for pretrial meet and confer; participate in follow up discussion with Mr. Joseph.
7/1/2021	1.6	Draft motion in limine RE: the physical health of individual class members.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/2/2021	3.9	Continue to draft motion in limine RE: the physical health of individual class members.
7/6/2021	0.3	Team meeting to discuss process of reviewing documents to designate trial exhibits.
7/6/2021	2.0	Review and finalize drafts of first three motions in limine RE: nutrient testing and related Dr. Rippe testimony, Clif's corporate character, and the health of individual class members.
7/6/2021	5.3	Bookmark and index portion of Clif's document production in preparation for designating trial exhibits.
7/7/2021	5.2	Continue to bookmark and index portions of Clif's document production in preparation for designating trial exhibits.
7/8/2021	5.9	Review Clif's expert reports and summarize Clif's main defenses to prepare for trial; discuss project with Mr. Fitzgerald and Mr. Joseph; continue to list Clif's defenses found throughout record.
7/9/2021	3.2	Finalize list of Clif's defenses found throughout the record and circulate to Mr. Joseph and Mr. Fitzgerald.
7/12/2021	7.6	Participate in team meeting to discuss reviewing documents to select trial exhibits and begin review of documents.
7/13/2021	7.2	Continue reviewing documents to select possible trial exhibits and participate in team meetings RE: same.
7/14/2021	10.8	Continue reviewing documents to select possible trial exhibits; participate in team meetings RE: same; enter selected documents into catalogue.
7/15/2021	11.6	Continue reviewing documents to select possible trial exhibits; participate in team meetings RE: same; enter selected documents into catalogue.
7/16/2021	6.3	Continue reviewing documents to select possible trial exhibits; participate in team meetings RE: same; enter selected documents into catalogue.
7/18/2021	7.9	Continue reviewing documents to select possible trial exhibits; participate in team meetings RE: same; enter selected documents into catalogue; meet with Mr. Fitzgerald and Mr. Joseph RE: trial prep.
7/19/2021	8.9	Continue reviewing documents to select possible trial exhibits; participate in team meetings RE: same; enter selected documents into catalogue.
7/20/2021	10.3	Continue reviewing documents to select possible trial exhibits; participate in team meetings RE: same; enter selected documents into catalogue.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/21/2021	10.4	Participate in team meetings RE: Clif documents that may be useful at trial and enter selected documents into catalogue.
7/22/2021	4.0	Participate in team meetings RE: Clif documents that may be useful at trial and enter selected documents into catalogue.
7/23/2021	7.8	Participate in team meetings RE: Clif documents that may be useful at trial and enter selected documents into catalogue.
7/24/2021	6.4	Continue entering selected Clif documents into catalogue of potential trial exhibits.
7/25/2021	5.3	Continue entering selected Clif documents into catalogue of potential trial exhibits.
7/26/2021	0.3	Continue entering selected Clif documents into catalogue of potential trial exhibits.
7/26/2021	0.5	Prepare for team meeting to discuss upcoming pretrial meet and confer with opposing counsel.
7/26/2021	2.0	Participate in team meeting RE: upcoming meet and confer on pretrial issues and move pretrial reference materials to new folder.
7/27/2021	5.4	Continue entering selected Clif documents into catalogue of potential trial exhibits.
7/28/2021	9.0	Participate in team meetings RE: Clif documents that may be useful at trial and enter selected documents into catalogue.
7/29/2021	7.9	Participate in team meetings RE: Clif documents that may be useful at trial and enter selected documents into catalogue.
8/1/2021	4.1	Continue entering selected documents into catalogue of potential trial exhibits.
8/2/2021	1.5	Together with Mr. Fitzgerald, Mr. Joseph, and Mr. Flynn, participate in pretrial meet and confer with opposing counsel; participate in follow-up discussion with team.
8/2/2021	3.8	Review notes for upcoming pre-trial meet and confer and continue to catalogue potential trial exhibits.
8/3/2021	3.6	Organize potential trial exhibits and continue to catalogue potential trial exhibits.
8/5/2021	2.0	Team meeting RE: potential trial exhibits.
8/9/2021	4.1	Continue to catalogue potential trial exhibits.
8/10/2021	3.6	Continue to catalogue potential trial exhibits; research other Clif Bar lawsuits; discuss with Mr. Fitzgerald and Mr. Flynn Clif's recent

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		public relations campaign surrounding the bars' proper usage occasion.
8/17/2021	1.9	Continue to review and catalogue potential trial exhibits.
9/15/2021	3.5	Log potential trial exhibits.
9/16/2021	1.2	Log potential trial exhibits.
9/23/2021	0.2	Log potential trial exhibits.
10/6/2021	0.7	Put together proposed pre-trial schedule, send to team and read follow-up correspondence.
10/27/2021	1.7	Log potential trial exhibits.
11/3/2021	3.6	Continue logging potential trial exhibits.
11/4/2021	2.7	Continue logging potential trial exhibits.
11/5/2021	5.7	Continue logging potential trial exhibits.
11/8/2021	4.8	Log potential trial exhibits.
11/9/2021	0.8	Log potential trial exhibits.
11/9/2021	6.8	Edit motions in limine regarding fructose content, nutrient testing and related Dr. Rippe testimony, physical health of individual Class Members, and Clif's corporate character.
11/10/2021	8.1	Edits drafts of motions in limine and begin draft of motion in limine regarding Plaintiff Elizabeth Arnold's previous lawsuits.
11/15/2021	5.4	Finish draft of motion in limine regarding Plaintiff Elizabeth Arnold's previous lawsuits; begin draft of motion in limine regarding class representative solicitation emails.
11/16/2021	5.5	Continue drafting motion in limine regarding solicitation emails.
11/17/2021	1.5	Finish draft of motion in limine RE: solicitation emails.
11/18/2021	2.5	Begin draft of motion in limine RE: Clif specific studies being unnecessary.
11/19/2021	0.6	Edit statement of the case for use in Winning Works focus group.
11/29/2021	1.5	Together with team, participate in call with Winning Works to prepare for upcoming focus group.
11/30/2021	3.8	Observe Winning Works focus group and participate in follow-up discussion with team.
12/6/2021	4.1	Review documents to prepare for upcoming focus group; together with team, participate in call with Winning Works to discuss focus group; participate in focus group; participate in follow-up team discussion.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/7/2021	1.5	Calendar pretrial events per the Court's recent order; read loss framing article from Winning Works; email pretrial schedule to team.
12/7/2021	1.8	Log potential trial exhibits.
12/8/2021	4.3	Continue to log potential trial exhibits.
12/9/2021	2.9	Create Clif Bar and ZBar competitive set comparison documents.
12/10/2021	2.7	Continue to compile competitive set information.
12/13/2021	9.2	Participate in team meeting regarding trial preparation; begin preparing to examine and cross-examine Ms. Michelle Ferguson at trial, including by reviewing documents and deposition testimony, and brainstorming trial stories.
12/14/2021	8.1	Meet with Mr. Joseph to discuss Ms. Michelle Ferguson trial preparation; continue to prepare for direct and cross-examination of Ms. Michelle Ferguson.
12/15/2021	7.0	Continue preparing to examine and cross-examine Ms. Michelle Ferguson at trial; continue to log potential trial exhibits.
12/16/2021	9.6	Continue preparing to examine and cross-examine Ms. Michelle Ferguson at trial; continue to log potential trial exhibits.
12/17/2021	0.9	Participate in team debrief with Winning Works.
12/20/2021	7.5	Continue to log potential trial exhibits and work on trial outline documents.
12/21/2021	10.7	Continue to log potential trial exhibits; meet with team to discuss trial strategy for witnesses Ms. Michelle Ferguson and Ms. Jessica Chon; review Ms. Chon witness outline; edit Ms. Ferguson witness outline.
12/22/2021	5.7	Continue to log potential trial exhibits and work on trial outlines; research Clif's profits during the pandemic and from inflation.
12/26/2021	3.6	Continue to log potential trial exhibits and collect documents for use in Mr. Gary Erickson montage video.
12/27/2021	3.4	Continue to gather documents discussing "healthy" for use in Gary Erickson video.
12/27/2021	4.0	Continue to work on trial witness outline for Ms. Jessica Chon; and continue to work on industry tactics outline; meet with Mr. Fitzgerald, Mr. Joseph, and Mr. Flynn to discuss trial examination strategy.
12/28/2021	9.0	Continue to work on outline for trial witness Ms. Jessica Chon.
12/29/2021	5.3	Continue work on outline for trial witness Ms. Jessica Chon.
1/3/2022	7.1	Work on draft of facts for trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/4/2022	0.7	Review correspondence from Ms. Mendez regarding Clif competitive set project; review status of project; engage in follow-up correspondence with Ms. Mendez.
1/6/2022	0.3	Review Judge Donato's calendar for upcoming pretrial conferences and jury trials and send information to team for use in trial preparation; add dates to firm calendar.
1/16/2022	2.6	Meet with Mr. Fitzgerald and Mr. Joseph to discuss trial strategy and team assignments.
1/18/2022	9.6	Begin process of breaking down depositions into useful clips and excerpts for trial, beginning with Casey Lewis.
1/19/2022	1.7	Continue to make deposition video clips synced with deposition testimony of Ms. Casey Lewis for possible use at trial.
1/20/2022	8.6	Continue to make deposition video clips synced with deposition testimony of Ms. Casey Lewis for possible use at trial.
1/21/2022	0.9	Discuss with Mr. Fitzgerald research RE: omissions claims and additional related research projects.
1/21/2022	7.4	Research regarding omissions claims for purposes of deciding which claims to pursue at trial.
1/22/2022	1.1	Brainstorm trial stories and correspond with Mr. Fitzgerald RE: same; participate in team call with Winning Works.
1/23/2022	6.1	Meet with Mr. Fitzgerald and Mr. Joseph to discuss potential use of deposition testimony of Jessica Chon at trial.
1/23/2022	0.2	Add notes to potential trial themes document.
1/24/2022	2.1	Review clips of deposition testimony of Jessica Chon for possible use at trial and discuss same with Mr. Fitzgerald and Mr. Joseph; participate in team conference with experts Mr. Gaskin and Mr. Weir to discuss trial strategy.
1/24/2022	5.2	Continue to make deposition video clips synced with deposition testimony of Casey Lewis for possible use at trial.
1/25/2022	4.2	Review clips of deposition testimony of Ms. Jessica Chon for possible use at trial and discuss same with Mr. Fitzgerald and Mr. Joseph.
1/25/2022	4.1	Continue to make deposition video clips synced with deposition testimony of Casey Lewis for possible use at trial.
1/26/2022	0.8	Finish pulling and categorizing deposition testimony and video clips of Ms. Casey Lewis for possible use at trial.
1/26/2022	1.1	Review clips of deposition testimony of Jessica Chon for possible use at trial and discuss same with Mr. Fitzgerald and Mr. Joseph.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/27/2022	4.7	Review clips of deposition testimony of Jessica Chon for possible use at trial and discuss same with Mr. Fitzgerald and Mr. Joseph.
1/28/2022	0.5	Meet with Mr. Fitzgerald and Ms. Emhardt to discuss direct examination of plaintiff Ms. Elizabeth Arnold.
1/28/2022	3.5	Review clips of deposition testimony of Casey Lewis for possible use at trial and discuss same with Mr. Joseph; organize selected deposition testimony into trial outline.
1/30/2022	4.1	Continue to review and select deposition testimony of Casey Lewis for possible use at trial and incorporate selected testimony into trial outline and meet with Mr. Fitzgerald and Mr. Joseph to discuss same; participate in team trial strategy meeting.
1/30/2022	2.3	Watch Plaintiffs' structured argument for third focus group and meet with Mr. Fitzgerald RE: same.
1/31/2022	5.8	Review clips of deposition testimony of Casey Lewis for possible use at trial and discuss same with Mr. Fitzgerald and Mr. Joseph; organize selected deposition testimony into trial outline.
1/31/2022	0.1	Discuss categorization of Simonson survey responses with Mr. Flynn.
2/1/2022	0.1	Add documents re Clif's "vulnerability" to trial story folder.
2/1/2022	1.9	Continue to review clips of deposition testimony of Casey Lewis for possible use at trial and discuss same with Mr. Fitzgerald and Mr. Joseph; organize selected deposition testimony into trial outline.
2/1/2022	6.3	Collect documents and edit focus group outline.
2/2/2022	9.3	Continue collecting documents and editing focus group outline.
2/3/2022	2.0	Review clips of Michelle Ferguson deposition and discuss with Mr. Fitzgerald and Mr. Joseph their possible use at trial.
2/3/2022	6.4	Continue collecting documents and editing focus group outline.
2/4/2022	1.5	Continue reviewing clips of Michelle Ferguson deposition and discussing with Mr. Fitzgerald and Mr. Joseph their possible use at trial.
2/6/2022	5.7	Meet with Mr. Fitzgerald to discuss Plaintiffs' portion of third focus group; collect documents for use in presentation; assist Mr. Fitzgerald in preparing presentation.
2/7/2022	2.2	Continue to review deposition clips of Michelle Ferguson for possible use at trial.
2/7/2022	5.4	Continue working on Plaintiffs' portion of focus group presentation and participate in team meeting regarding same.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/8/2022	8.7	Continue working on Plaintiffs' portion of focus group presentation and meet with Mr. Fitzgerald and Ms. Emhardt regarding the same.
2/9/2022	8.1	Continue work on Plaintiffs' portion of focus group presentation.
2/10/2022	1.1	Continue to review deposition clips of Michelle Ferguson for possible use at trial.
2/10/2022	9.9	Search for, save, and log documents relating to trial stories and tasks.
2/11/2022	8.1	Continue to search for, save, and log documents relating to trial stories and tasks.
2/14/2022	7.8	Continue to search for, save, and log documents relating to trial stories and tasks.
2/15/2022	8.9	Continue to search for, save, and log documents relating to trial stories and tasks.
2/16/2022	2.6	Continue working on Plaintiffs' portion of focus group presentation.
2/16/2022	3.0	Continue to search for, save, and log documents related to trial stories and tasks.
2/17/2022	0.8	Watch Mr. Joseph give updated version of Clif's defense for upcoming focus group and give comments to Mr. Joseph on presentation.
2/17/2022	1.0	Participate in team call with Winning Works to prepare for upcoming focus group.
2/17/2022	6.4	Continue to search for, save, and log documents related to trial stories and tasks.
2/18/2022	3.4	Continue to search for, save, and log documents related to trial stories and tasks.
2/18/2022	4.9	Observe focus group and debrief with team and Winning Works afterwards.
2/22/2022	1.0	Meet with Mr. Fitzgerald and Mr. Joseph to select excerpts from the depositions of Ms. Ferguson for possible use at trial.
2/22/2022	1.3	Meet with team to discuss possible trial themes for use in the next focus group.
2/23/2022	2.1	Meet with Mr. Fitzgerald and Mr. Joseph to continue to select excerpts from the depositions of Michelle Ferguson for possible use at trial.
2/24/2022	2.4	Meet with Mr. Fitzgerald and Mr. Joseph to continue to select excerpts from the depositions of Michelle Ferguson for possible use at trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/25/2022	0.4	Assist in looking for documents to use in next focus group.
2/25/2022	3.3	Review clips from the deposition of Gary Erickson for possible use at trial.
2/27/2022	7.5	Review documents received from Mr. Fitzgerald; continue to review and collect documents for use in various trial stories.
2/28/2022	1.5	Continue to review and select clips of deposition of Gary Erickson for possible use at trial.
2/28/2022	2.5	Continue to search for and log documents for various trial stories and tasks.
3/1/2022	1.6	Continue to review and select clips of deposition of Gary Erickson for possible use at trial; meet with Mr. Fitzgerald and Mr. Joseph Re: same.
3/1/2022	10.1	Continue to collect and log documents for various trial stories and tasks.
3/2/2022	1.6	Continue to review and select clips of deposition of Gary Erickson for possible use at trial; meet with Mr. Fitzgerald and Mr. Joseph Re: same.
3/2/2022	4.5	Continue to collect and log documents for various trial stories and tasks.
3/3/2022	2.9	Continue to review and select clips of deposition of Gary Erickson for possible use at trial; meet with Mr. Fitzgerald and Mr. Joseph Re: same.
3/3/2022	5.7	Continue to collect and log documents for various trial stories and tasks.
3/4/2022	2.4	Continue to review and select clips of deposition of Gary Erickson for possible use at trial; meet with Mr. Fitzgerald and Mr. Joseph Re: same.
3/4/2022	5.8	Continue to collect and log documents for various trial stories and tasks.
3/6/2022	5.9	Meet with team to discuss tasks and assignments for next focus group.
3/7/2022	7.6	Continue to work on addiction module.
3/8/2022	11.0	Continue to work on addiction module.
3/9/2022	3.7	Continue to review and select clips of deposition of Gary Erickson for possible use at trial; meet with Mr. Fitzgerald and Mr. Joseph Re: same.
3/9/2022	5.0	Continue to work on addiction module.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/10/2022	2.4	Continue to review and select clips of deposition of Gary Erickson for possible use at trial; meet with Mr. Fitzgerald and Mr. Joseph Re: same.
3/10/2022	9.3	Continue to work on addiction module.
3/11/2022	1.3	Continue to work on addiction module.
3/13/2022	3.5	Discuss trial module on the addictiveness of sugar with Mr. Fitzgerald; and review changes to module.
3/14/2022	3.9	Edit addiction module.
3/15/2022	2.3	Meet with team to discuss trial modules; collect documents for module regarding Clif's internal product characterization over time.
3/16/2022	0.5	Continue to collect and log documents for trial module re Clif's internal product characterization over time.
3/17/2022	2.2	Continue to collect and log documents for trial module re Clif's internal product characterization over time.
3/20/2022	0.9	Continue to collect and log documents for trial module RE: Clif's internal product characterization over time.
3/21/2022	1.0	Continue to collect and log documents for module re Clif's internal product categorization over time.
3/22/2022	1.5	Continue to collect and log documents for module re Clif's internal product categorization over time.
3/23/2022	9.0	Continue to collect and log documents for module re Clif's internal product categorization over time.
3/24/2022	6.9	Continue to collect and log documents for module re Clif's internal product categorization over time.
3/25/2022	3.3	Continue to collect and log documents re Clif's internal product categorization over time.
3/27/2022	2.0	Continue to collect and log documents for module re Clif's internal product categorization over time.
3/28/2022	8.8	Continue to collect and log documents for trial module on Clif's internal product categorization over time.
3/29/2022	10.3	Continue to collect and log documents for trial module on Clif's internal product categorization over time.
3/30/2022	7.1	Continue to collect and log documents for trial module on Clif's internal product categorization over time.
3/31/2022	10.5	Continue to collect and log documents for trial module on Clif's internal product categorization over time.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/1/2022	6.9	Continue to collect and log documents for trial module on Clif's internal product categorization over time.
4/3/2022	5.7	Continue to collect and log documents for trial module on Clif's internal product categorization over time; and begin to collect and log documents for trial module on target consumers over time.
4/4/2022	11.0	Continue to collect and log documents for trial module on target consumers over time.
4/5/2022	10.2	Continue to collect and log documents for trial module on target consumers over time.
4/6/2022	11.5	Continue to collect and log documents for trial module on target consumers over time.
4/7/2022	10.1	Continue to collect and log documents for trial module on target consumers over time.
4/8/2022	6.3	Continue to collect and log documents for trial module on target consumers over time.
4/9/2022	6.1	Continue to collect and log documents for trial module on target consumers over time.
4/10/2022	5.7	Continue working on module RE: categorization of the products and target consumers over time.
4/11/2022	12.0	Continue to work on module RE: target consumers and product categorization over time.
4/12/2022	12.2	Continue to work on module RE: target consumers and product categorization over time.
4/13/2022	10.6	Continue to work on module RE: target consumers and product categorization over time.
4/14/2022	8.0	Continue to work on module re target consumers and product categorization over time.
4/15/2022	7.6	Continue to work on module RE: target consumers and product categorization over time.
4/16/2022	2.3	Attend team meeting to discuss focus group results and strategy for next focus group.
4/16/2022	7.9	Continue to work on module RE: target consumers and product categorization over time.
4/18/2022	12.7	Continue to work on module RE: target consumers and product categorization over time.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/19/2022	11.1	Continue to work on module RE: target consumers and product categorization over time.
4/20/2022	7.4	Continue to work on module RE: target consumers and product categorization over time.
4/21/2022	11.6	Continue to work on module RE: target consumers and product categorization over time.
4/22/2022	0.6	Meet and confer with opposing counsel regarding privilege redactions.
4/22/2022	8.1	Continue to work on module RE: target consumers and product categorization over time.
4/23/2022	6.0	Continue to work on module RE: target consumers and product categorization over time.
4/24/2022	6.2	Continue to work on module RE: target consumers and product categorization over time.
4/25/2022	12.6	Continue to work on module RE: target consumers and product categorization over time.
4/26/2022	10.8	Continue to work on module RE: target consumers and product categorization over time.
4/27/2022	7.7	Continue to work on module RE: target consumers and product categorization over time; participate in telephone call with Greg Cusimano and follow-up discussions with Mr. Fitzgerald and Mr. Joseph.
4/28/2022	12.6	Continue to work on module RE: target consumers and product categorization over time; participate in team meeting.
4/29/2022	7.8	Continue to work on module RE: target consumers and product categorization over time.
5/2/2022	13.2	Continue to work on module RE: target consumers and product categorization over time; begin working on Dr. James Rippe module.
5/3/2022	3.7	Work on trial outline and key stories.
5/3/2022	7.4	Continue to work on module regarding Dr. Rippe.
5/4/2022	7.0	Continue to work on Dr. Rippe module and trial outline.
5/5/2022	0.7	Together with Mr. Fitzgerald, call Act of Communication to discuss witness preparation for experts and Plaintiffs.
5/6/2022	2.9	Continue to work on trial outline and key stories.
5/7/2022	6.0	Meet with Mr. Fitzgerald to discuss case and continue working on trial outline.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/9/2022	7.4	Work with Mr. Fitzgerald and Mr. Joseph on trial strategy regarding the examination of witnesses in Plaintiffs' case in chief; continue work on target consumer module.
5/10/2022	10.7	Continue to work with Mr. Fitzgerald and Mr. Joseph on trial strategy regarding the examination of witnesses in Plaintiffs' case in chief.
5/11/2022	9.8	Continue to work with Mr. Fitzgerald and Mr. Joseph on trial strategy regarding the examination of witnesses in Plaintiffs' case in chief.
5/12/2022	8.5	Continue to work with Mr. Fitzgerald and Mr. Joseph on trial strategy regarding the examination of witnesses in Plaintiffs' case in chief.
5/13/2022	2.6	Continue to work with Mr. Fitzgerald and Mr. Joseph on trial strategy regarding the examination of witnesses in Plaintiffs' case in chief.
5/15/2022	2.9	Continue to work with Mr. Fitzgerald and Mr. Joseph on trial strategy regarding the examination of witnesses in Plaintiffs' case in chief.
5/16/2022	0.4	Together with Mr. Joseph and Mr. Fitzgerald, participate in telephone call with Chris Denove to discuss latest mock trial results.
5/16/2022	1.9	Together with Mr. Fitzgerald and Mr. Joseph, participate in a call with Dr. Lustig to discuss his testimony at trial; follow-up discussion with Mr. Fitzgerald and Mr. Joseph.
5/16/2022	3.5	Continue to work on target consumer module.
<b>Total =</b>	<b>1,100.2</b>	

**Trevor Flynn**

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/23/2021	0.7	Start drafting potential voir dire questions for consideration; meet with Ms. Persinger RE: same.
6/23/2021	1.5	Work on pretrial preparation, including by reviewing Clif's discovery responses and determining which should be designated as trial evidence.
6/24/2021	7.1	Continue work on various pretrial matters, including work on potential voir dire questions; investigate how Judge Donato conducts pretrial conferences; perform general research on voir dire strategies.
6/25/2021	1.8	Continue work on pretrial matters, including further research on voir dire strategies; further draft potential voir dire questions.
6/29/2021	1.7	Work on trial brief, including by finding example pretrial documents prepared in other consumer fraud cases.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/30/2021	1.8	Continue work on various pretrial matters including voir dire and trial brief.
7/1/2021	1.1	Meet with Mr. Joseph RE: pretrial document review plan; research how to best prepare documents for review.
7/2/2021	1.0	Work on preparing Clif document production to facilitate review.
7/6/2021	0.3	Meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger RE: organizing efforts to print out Clif document production chronologically for manual review of entire production.
7/6/2021	6.0	Review and bookmark Clif production and enter data into spreadsheet to prepare for manual review of all Clif documents.
7/7/2021	6.7	Continue reviewing and bookmarking Clif production and entering data into spreadsheet to prepare for manual review of all Clif documents.
7/8/2021	0.3	Review case sent by Mr. Fitzgerald for team to review as relevant to trial issues.
7/12/2021	5.7	Meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger RE: Clif document review and trial plan; review documents and meet further with team.
7/13/2021	8.1	Continue team document review for all relevant trial exhibits.
7/14/2021	8.2	Continue document review to identify trial exhibits including periodically meeting with entire team to discuss.
7/15/2021	8.3	Continue document review with team to identify trial exhibits.
7/16/2021	8.2	Continue document review with team to identify trial exhibits.
7/19/2021	10.5	Continue document review with team to identify trial exhibits.
7/20/2021	10.6	Continue document review with team to identify trial exhibits.
7/21/2021	10.6	Continue document review with team to identify trial exhibits.
7/22/2021	10.6	Continue document review with team to identify trial exhibits.
7/23/2021	8.5	Continue document review with team to identify trial exhibits.
7/26/2021	2.0	Meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger to discuss all tasks associated with pretrial filings, status of all items, and division of labor going forward; discuss all potential in limine motions.
7/26/2021	2.7	Find useful verdict forms as models; find and save Judge Donato civil trial transcripts; find useful in limine motions and rulings; begin review of trial transcripts; update notes and references on voir dire.
7/26/2021	3.8	Continue document review with team to identify trial exhibits.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/27/2021	6.2	Continue document review with team to identify trial exhibits.
7/28/2021	8.9	Continue document review with team to identify trial exhibits.
7/29/2021	8.2	Continue document review with team to identify trial exhibits.
7/30/2021	6.8	Continue document review with team to identify trial exhibits.
7/31/2021	0.5	Meet with Mr. Fitzgerald, Mr. Joseph and Ms. Persinger RE: pretrial meet and confer and Clif's revealed strategies; further discuss Court Order moving class certification hearing and vacating pretrial dates.
7/31/2021	1.7	Continue document review with team to identify trial exhibits.
8/2/2021	1.5	Prepare for pre-trial meet and confer with Clif; together with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, participate in telephonic pretrial meet and confer with Clif's counsel.
8/2/2021	5.0	Continue document review with team to identify trial exhibits.
8/3/2021	3.8	Continue document review with team to identify trial exhibits.
8/4/2021	7.7	Continue document review to identify trial exhibits.
8/5/2021	5.5	Continue document review with team to identify trial exhibits.
8/9/2021	2.2	Continue document review to identify trial exhibits.
8/10/2021	8.3	Continue document review with team to identify trial exhibits; meet with Mr. Fitzgerald and Ms. Persinger regarding Clif's recent advertising campaign.
8/11/2021	4.9	Continue document review with team to identify trial exhibits.
8/12/2021	7.8	Continue document review with team to identify trial exhibits.
8/13/2021	4.6	Continue document review with team to identify trial exhibits.
9/8/2021	3.4	Continue document review to identify trial exhibits.
9/13/2021	6.9	Continue document review to identify trial exhibits.
9/14/2021	8.4	Continue document review to identify trial exhibits.
9/15/2021	3.6	Continue document review to identify trial exhibits.
9/16/2021	1.7	Continue document review to identify trial exhibits.
9/21/2021	1.0	Continue document review to identify trial exhibits.
9/22/2021	2.8	Continue document review to identify trial exhibits.
9/24/2021	0.7	Continue document review to identify trial exhibits.
9/28/2021	0.9	Continue document review to identify trial exhibits.
10/4/2021	2.1	Continue document review to identify trial exhibits.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/15/2021	0.7	Begin drafting materials required by Winning Works for focus group, including neutral statement of case.
10/19/2021	6.6	Continue work on materials required by Winning Works for focus group, including drafting Plaintiffs' and Defendant's positions.
10/20/2021	3.1	Continue work on materials required by Winning Works for focus group, including finalizing Defendant's position and reviewing and editing each other's sections.
11/3/2021	6.1	Perform further document review.
11/4/2021	6.1	Continue document review for trial exhibits.
11/5/2021	3.8	Continue document review for trial exhibits.
11/8/2021	5.1	Continue document review for trial exhibits.
11/9/2021	2.0	Continue document review for trial exhibits.
11/9/2021	5.1	Work on motion in limine RE: Clif athlete witnesses, including legal research on relevancy, personal knowledge, and competency, and begin draft of same.
11/10/2021	5.9	Continue work on motion in limine RE: Clif athlete witnesses including further research; email Mr. Fitzgerald and Mr. Joseph RE: same; meet with Mr. Joseph RE: same.
11/10/2021	2.4	Continue document review for trial exhibits.
11/11/2021	3.2	Continue legal research and drafting of motion in limine RE: Clif athletes.
11/11/2021	4.8	Continue document review for trial exhibits.
11/12/2021	3.9	Continue document review for trial exhibits.
11/15/2021	2.8	Continue document review for trial exhibits.
11/16/2021	1.3	Assist Mr. Joseph with various tasks associated with preparing Winning Works materials, including identifying relevant documents and discovery responses.
11/16/2021	5.3	Continue document review for trial exhibits.
11/17/2021	7.8	Continue document review for trial exhibits.
11/29/2021	1.7	Review Winning Works material and other docket items to prepare for initial meeting with Winning Works for trial preparation; together with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger, participate in meeting with Winning Works.
11/29/2021	6.3	Continue document review for trial exhibits.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
11/30/2021	4.4	Prepare for focus group including by reviewing participant demographic information; observe focus group RE: Clif claims and defenses; participate in debrief with Mr. Joseph, Mr. Fitzgerald, Ms. Persinger and Winning Works staff.
11/30/2021	3.0	Continue document review.
12/1/2021	8.2	Continue document review.
12/2/2021	2.4	Continue document review.
12/6/2021	4.1	Meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger and Winning Works to prepare for upcoming second focus group; review Clif story materials; review participant grid; observe focus group.
12/8/2021	5.4	Continue document review.
12/9/2021	5.2	Continue document review.
12/10/2021	3.1	Work on various pretrial tasks, including identifying documents showing from where Clif products are purchased; continue general document review.
12/13/2021	0.2	Meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger to discuss trial strategy.
12/13/2021	0.2	Meet with Mr. Fitzgerald to discuss division of labor on preparing trial examination outline for Ms. Jessica Chon.
12/13/2021	7.9	Work on various tasks associated with preparing trial examination outline for Ms. Jessica Chon, including reviewing her deposition transcript and conducting general research into her professional career.
12/14/2021	0.6	Continue work on trial examination outline for Ms. Jessica Chon, including meetings with Mr. Fitzgerald.
12/15/2021	8.1	Continue work on trial examination outline for Ms. Jessica Chon, including meetings with Mr. Fitzgerald RE: same.
12/16/2021	10.1	Continue work on trial examination outline for Ms. Jessica Chon, including meetings with Mr. Fitzgerald RE: same.
12/17/2021	0.9	Debrief with Ms. Persinger, Mr. Fitzgerald, and Mr. Joseph RE: focus group.
12/17/2021	7.4	Continue work on trial examination outline for Ms. Jessica Chon.
12/19/2021	6.6	Continue work on trial examination outline for Ms. Jessica Chon.
12/20/2021	8.1	Continue work on trial examination outline for Ms. Jessica Chon, including meetings with Mr. Fitzgerald.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/21/2021	2.9	Continue work on trial examination outline for Ms. Jessica Chon; meet with team RE: status of Clif trial preparation, discuss new ideas on strategies, and plan further tasks and agenda.
12/21/2021	7.1	Continue document review.
12/23/2021	7.2	Continue to log potential trial exhibits and work on trial outlines; review Mr. Gary Erickson montage video; locate documents for use in Mr. Erickson montage; perform research regarding food manufacturers' profits during the Pandemic.
12/23/2021	2.1	Continue document review.
12/27/2021	2.1	Begin work with Mr. Fitzgerald on Ms. Michelle Ferguson examination outline (taking over from Mr. Joseph and Ms. Persinger's work).
12/27/2021	1.9	Continue document review.
12/28/2021	4.2	Continue document review.
12/28/2021	5.7	Continue work on Ms. Ferguson trial examination outline.
12/29/2021	6.2	Continue work on Ms. Ferguson trial examination outline.
12/30/2021	3.3	Continue work on Ms. Ferguson trial examination outline.
12/31/2021	1.7	Continue work on Ms. Ferguson trial examination outline.
1/2/2022	3.6	Continue work on Ferguson trial examination outline.
1/4/2022	3.2	Continue work on outline for trial examination of Ms. Ferguson.
1/5/2022	2.6	Continue document review.
1/6/2022	3.6	Use CloudNine software to begin tagging documents with appropriate user fields.
1/6/2022	1.7	Review consumer survey to determine if user review data can be extracted.
1/6/2022	5.1	Continue document review of post-July 2017 documents with good key words.
1/18/2022	3.3	Meet with Mr. Joseph to discuss task of putting together comprehensive list of trial stories/themes; begin work on the same.
1/19/2022	2.5	Meet with Mr. Fitzgerald to discuss task of beginning examination outlines for Dr. Lustig, followed by same for other experts; begin work on the same.
1/20/2022	0.6	Research issues related to bench versus jury trials and which findings of juries are binding on courts.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/20/2022	4.3	Continue work on outline for Dr. Lustig direct examination; begin work on outline for Dr. Greger direct examination.
1/21/2022	1.0	Review draft email to mock trial survey expert and provide thoughts on potential questions; participate in team meeting with Winning Works to discuss focus group.
1/21/2022	6.7	Continue work on outline for Dr. Lustig direct examination; continue work on outline for Dr. Greger direct examination.
1/24/2022	1.0	Research materiality proof through price premium for Mr. Gaskin and send to Mr. Fitzgerald and Mr. Joseph for review.
1/24/2022	0.5	Participate in zoom meeting with FJLLP team and Mr. Colin Weir and Ms. Steve Gaskin to strategize for trial preparation on all damages related issues and to coordinate review of all relevant testimony transcripts.
1/24/2022	1.1	Continue work on expert witness direct examination outlines, including starting work on Mr. Bruce Silverman.
1/25/2022	4.6	Continue work on expert witness direct examination outlines, including starting work on Mr. Brian Sowers and Mr. Steve Gaskin.
1/28/2022	1.0	Pull and save all Clif production documents related to Kate Geegan per Mr. Fitzgerald's request.
1/28/2022	2.9	Draft direct examination outlines for Plaintiffs' experts including Mr. Gaskin and Mr. Weir.
1/30/2022	4.0	Meet with Mr. Joseph to prepare Clif structured arguments for focus group; work on Clif argument, specifically as it relates to the health science issues.
1/30/2022	4.1	Continue to pull and save all documents related to Ms. Kate Geegan; participate in team meeting with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger and Ms. Emhardt to discuss ongoing Clif trial matters.
1/31/2022	0.3	Search and retrieve all documents related to "Energy Balance" for potential exhibits.
1/31/2022	0.6	Pull relevant documents for the trial story, "Industry Standards & Behavior."
1/31/2022	0.6	Work on categorizing Sowers Report consumer responses to open-ended question; meet with Ms. Persinger RE: same.
1/31/2022	8.5	Continue work on Clif structured arguments for focus group, adding additional evidence to support Clif's arguments on science and Plaintiffs' standing.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/1/2022	4.6	Meet with Mr. Joseph to discuss Clif structured argument and draft presentation outline; pull best evidence in support of various arguments for discussion.
2/1/2022	6.9	Search and retrieve documents from list of selective document searches.
2/2/2022	7.5	Continue work on Clif's structured arguments for presentation to focus group.
2/3/2022	1.4	Continue to search and retrieve documents from list of selective document searches to identify all potential exhibits.
2/3/2022	10.8	Continue work on Clif's structured arguments for presentation to focus group, including identifying relevant admissions from science experts.
2/4/2022	7.7	Continue to work on structured Clif arguments including by editing and finalizing relevant deposition video testimony.
2/6/2022	8.7	Continue to work on structured Clif arguments, including by finalizing Clif trial story.
2/7/2022	9.1	Continue to work on structured Clif arguments, including by finalizing presentation draft and assisting Mr. Joseph with last details to present Clif's arguments to group; participate in structured argument presentation with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt, and Ms. Mendez.
2/8/2022	9.6	Continue to work on structured Clif arguments, including by further revising PowerPoint presentation to more effectively present deposition video testimony.
2/9/2022	9.2	Continue to work on structured Clif arguments, including by further revising PowerPoint presentation; participate in presentations by Mr. Fitzgerald and Mr. Joseph.
2/10/2022	3.8	Search for specific documents related to claims and defenses in support of focus group presentations.
2/10/2022	6.1	Continue reviewing specific document searches for relevant potential exhibits.
2/11/2022	6.9	Continue reviewing specific document searches for relevant potential exhibits; participate in team meeting regarding structured arguments.
2/14/2022	4.1	Continue reviewing document production for potential trial exhibits.
2/14/2022	4.5	Find relevant documents to support Clif's structured argument presentation; meet with Mr. Joseph and Ms. Emhardt regarding same.
2/15/2022	4.9	Continue to review documents for potential trial exhibits.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/16/2022	3.5	Apply search terms to find relevant Clif documents for potential trial exhibits.
2/16/2022	3.7	Work on various aspects of Clif's structured argument including researching issues related to glycemic index, including what unhealthy foods are low GI, what factors affect GI, and data on postprandial glucose timeline; research PowerBar history and ingredients.
2/17/2022	0.6	Attend Winning Works team meeting and preparation session.
2/17/2022	1.8	Search for documents relevant to timeline of Clif's rollout of new NLEA labels on all products vs. Clif; search for documents relevant to Clif structured argument.
2/17/2022	2.3	Search for various relevant documents for potential exhibits.
2/18/2022	4.9	Send email to Mr. Fitzgerald and Mr. Joseph RE: finalizing presentations; observe structured arguments focus group and debrief with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt, and Ms. Mendez; further debrief with Winning Works staff.
2/22/2022	4.7	Meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt, and Ms. Mendez to brainstorm all categories of searches pertaining to Clif's immoral or unscrupulous behavior for future division and assignment; begin work on pulling relevant documents.
2/23/2022	6.3	Continue work on identifying documents relevant to showing Clif's unscrupulous behaviors.
2/24/2022	9.8	Work on module related to Clif's manipulation of Zbar ingredient list to remove sugar from first position.
2/25/2022	5.9	Continue identifying story lines and relevant exhibits to support those story lines for future structured arguments.
2/27/2022	5.9	Research whether Kid Zbar ever had tapioca syrup (or another sugar) listed as first ingredient; meet with Mr. Fitzgerald RE: same.
2/28/2022	8.1	Continue research on archived websites for potential trial exhibits; continue identifying other potential trial exhibits with targeted key word searches.
3/1/2022	7.8	Continue research on archived websites for potential trial exhibits; continue identifying other potential trial exhibits with targeted key word searches.
3/2/2022	8.8	Continue reviewing Clif documents for potential trial exhibits, including archived websites related to Clif and Clif products, and targeted key word searches.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/3/2022	11.7	Continue reviewing Clif documents for potential trial exhibits, including archived websites related to Clif and Clif products, and targeted key word searches.
3/4/2022	0.6	Review results and notes from 3rd focus group (structured arguments).
3/4/2022	8.1	Continue reviewing Clif documents for disgusting Clif behavior and drafting module for presentation at focus group.
3/6/2022	5.9	Review and discuss results of structured focus group with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, and Ms. Emhardt; review narratives for “mock trial” prepared for Mr. Denove; meet with all FJLLP attorneys to go over all current trial stories and brainstorm for presentation at fourth focus group; continue to review documents through targeted searches for various trial stories.
3/7/2022	10.8	Collect documents relevant to showing advantage Clif gained in shelving and distribution, hidden sugars, Clif’s website and FAQ, and social media accounts for Clif and KIND.
3/8/2022	11.1	Collect documents relevant to showing advantage Clif gained in shelving and distribution, adventure (and Feed Your Adventure advertising campaign), and FAQs.
3/9/2022	8.3	Collect documents relevant to Clif’s admission that sugar is unhealthy, website and FAQ, and manipulation of ingredient list.
3/10/2022	11.9	Continue document review through targeted searches on various topics related to modules.
3/11/2022	7.6	Continue document review through targeted searches on various topics related to modules.
3/13/2022	7.8	Continue document review through targeted searches on various topics related to modules.
3/14/2022	11.1	Continue document review through targeted searches on various topics related to modules.
3/15/2022	0.8	Review module on sugar addiction; prepare for meeting with team to discuss further modules; meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt, and Ms. Mendez to strategize and discuss all future modules.
3/24/2022	11.3	Continue review of Clif documents for anything relevant to distribution and shelving.
3/29/2022	3.5	Continue reviewing production for documents relevant to assigned modules.
3/30/2022	10.2	Continue searching for documents relevant to assigned modules.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/31/2022	9.9	Finish culling all relevant discovery and other information for Clif's distribution and shelving of its products and begin drafting related module.
4/1/2022	7.2	Continue work on draft module related to Clif's distribution and shelving of its products.
4/3/2022	5.8	Continue work on draft module related to Clif's distribution and shelving of its products.
4/4/2022	11.1	Continue work on trial modules.
4/5/2022	11.1	Continue work on trial modules.
4/6/2022	3.5	Continue reviewing production for potential trial exhibits.
4/6/2022	8.5	Continue work on trial modules, including finalizing documents cited in module RE: Clif's distribution and shelving of its products; meet with Mr. Fitzgerald RE: status of distribution module.
4/7/2022	12.4	Continue work on trial story modules.
4/8/2022	1.5	Search for any information related to technology use in courtroom during trial presentations.
4/8/2022	6.5	Continue working on trial story modules.
4/9/2022	7.8	Continue working on trial story modules.
4/10/2022	1.9	Continue to review document production for relevant trial exhibits.
4/10/2022	4.2	Continue working on trial story modules.
4/11/2022	4.4	Continue review of documents for relevant trial exhibits.
4/11/2022	6.8	Continue working on trial story modules.
4/12/2022	1.9	Continue reviewing documents for relevant potential trial exhibits.
4/12/2022	8.1	Continue working on trial story modules.
4/13/2022	0.4	Review results from mock trial.
4/13/2022	4.7	Continue working on trial story modules.
4/13/2022	7.2	Continue to review production to identify relevant trial exhibits.
4/14/2022	4.3	Finalize shelving and distribution trial module, including by formatting and organizing exhibits and topics.
4/14/2022	6.9	Begin work on defining and explaining hidden sugars.
4/15/2022	7.4	Continue work on trial modules.
4/16/2022	2.2	Work on revisions to distribution and shelving module.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/16/2022	2.3	Meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger and Ms. Emhardt to discuss and strategize mock trials, focus groups, and trial modules.
4/16/2022	4.9	Review substantive responses from mock trial; prepare for team meeting to present all thoughts and ideas.
4/17/2022	4.3	Continue work on trial modules.
4/18/2022	10.2	Continue working on trial modules.
4/19/2022	0.3	Review letter to Clif regarding improperly redacted documents.
4/19/2022	3.5	Continue to review documents to identify relevant trial exhibits for various trial stories.
4/19/2022	6.5	Continue working on trial modules.
4/20/2022	10.3	Continue working on trial modules.
4/21/2022	3.4	Continue reviewing documents to identify relevant trial exhibits.
4/21/2022	7.3	Continue work on trial modules.
4/22/2022	6.9	Continue reviewing documents to identify relevant trial exhibits for various trial modules.
4/23/2022	6.9	Continue work on trial modules.
4/24/2022	2.2	Continue reviewing documents for relevant trial exhibits and to ensure module on distribution and shelving is complete.
4/25/2022	11.6	Continue reviewing documents for relevant trial exhibits.
4/26/2022	12.0	Continue working on trial modules.
4/27/2022	11.0	Continue reviewing documents to identify relevant trial exhibits.
4/28/2022	12.3	Continue working on trial modules; meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt, and Ms. Mendez to brainstorm discrete trial themes; draft mock opening statement for specific themes and present to team.
4/29/2022	2.5	Revise trial theme story on off-label use and improper usage occasions.
4/29/2022	3.2	Finalize work on trial module for distribution and shelving per conversation with Mr. Joseph.
4/29/2022	3.5	Research publicly-filed documents and statements regarding the sugar industry coverup.
5/2/2022	12.4	Compile comprehensive webpages for each iteration of Clif's website for relevant trial exhibits; find and collect specific webpages for various tasks, including timeline of nutrition facts and ingredients for various flavors at specific points in time.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/3/2022	12.1	Continue retrieving and compiling various Clif website iterations as they changed.
5/4/2022	11.8	Continue retrieving and compiling various Clif website iterations as they changed.
5/5/2022	8.3	Continue retrieving and compiling various Clif website iterations as they changed.
5/6/2022	8.1	Review and save current Clif website.
5/7/2022	3.2	Continue reviewing production for relevant trial exhibits.
5/7/2022	4.0	Research and review documents to support consumer confusion regarding nutrition facts panels and ingredient list; prepare exhibit table.
5/9/2022	11.3	Continue work on module and table for consumer confusion re: nutrition facts.
5/10/2022	1.8	Continue work on module and table RE: consumer confusion of label and nutrition facts.
5/10/2022	10.1	Review re-production from Clif dated May 9, 2022 containing unredacted or differently-redacted documents.
5/11/2022	7.3	Continue work on consumer confusion trial modules.
<b>Total =</b>	<b>1,186.4</b>	

***Richelle Kemler***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/8/2021	4.1	Review Clif documents RE: trial strategy.
7/12/2021	0.8	Review and document Clif's defenses.
7/13/2021	5.9	Continue trial exhibit review.
7/14/2021	5.8	Continue trial exhibit review.
7/15/2021	6.1	Continue trial exhibit review.
7/16/2021	5.9	Continue trial exhibit review.
7/19/2021	3.0	Continue trial exhibit review.
7/20/2021	2.3	Continue trial exhibit review.
7/21/2021	0.9	Research RE: admissibility of emails.
<b>Total =</b>	<b>34.8</b>	



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

*Caroline Emhardt*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/21/2022	0.8	Participate in team call with Winning Works to discuss focus group.
1/24/2022	0.3	Participate in team call with damages experts Mr. Gaskin and Mr. Weir.
1/25/2022	2.3	Draft notes for Plaintiffs' trial examination of Mr. Gary Erickson, based on deposition testimony pages 1-94.
1/26/2022	1.4	Draft notes for Plaintiffs' examination of Gary Erickson, based on deposition testimony pages 95-183.
1/26/2022	4.8	Draft and revise notes for direct examination of Plaintiffs Mr. Ralph Milan and Ms. Elizabeth Arnold; meet with Mr. Fitzgerald RE same.
1/27/2022	0.8	Revise notes for direct examination of Plaintiff Arnold, incorporating her deposition testimony pages 1-77.
1/27/2022	0.8	Revise notes for direct examination of Plaintiff Arnold, incorporating her deposition testimony pages 167-184 (end).
1/27/2022	1.4	Arrange chronology of direct examination of Plaintiff Arnold.
1/27/2022	1.4	Revise notes for direct examination of Plaintiff Arnold, incorporating her deposition testimony pages 108-133.
1/27/2022	1.7	Revise notes for direct examination of Plaintiff Arnold, incorporating her deposition testimony pages 133-167.
1/27/2022	1.8	Finish first draft of direct examination plan for Plaintiff Arnold.
1/28/2022	0.4	Revise notes for direct examination of Plaintiff Arnold, incorporating her deposition testimony pages 77-108.
1/28/2022	0.5	Meet with Mr. Fitzgerald and Ms. Persinger to discuss direct examination of Plaintiff Arnold.
1/28/2022	1.7	Incorporate Plaintiff Arnold's deposition exhibits into the direct examination plan.
1/30/2022	1.3	Draft version 2 of direct examination plan for Plaintiff Arnold, focusing on relevancy and preparing for what defense may attack.
1/30/2022	0.7	Attend team trial strategy meeting.
1/31/2022	1.3	Finish new draft of outline for Plaintiff Elizabeth Arnold examination.
1/31/2022	1.6	Add "omission" questions to outline for direct examination of Plaintiff Elizabeth Arnold.
2/1/2022	0.9	Attend meeting with Mr. Joseph RE direct examination of Plaintiff Elizabeth Arnold.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/1/2022	0.9	Revise subsection “Trial Exhibits: Photos of Labels” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/1/2022	0.9	Revise subsection “Omission: Misleading” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/1/2022	1.1	Revise subsection “Eating Habits & Personal Health” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/1/2022	1.9	Revise subsection “Attorney-Client Solicitation” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/2/2022	0.3	Revise subsection “Cannot Articulate What is Misleading” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/2/2022	0.5	Incorporate Mr. Milan’s deposition testimony pages 7-23 into outline for his direct examination.
2/2/2022	0.7	Incorporate defendant’s Motion for Summary Judgment citations from Ms. Arnold’s deposition into outline for her direct examination.
2/2/2022	0.7	Revise subsection “Benefits of Clif Bar” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/2/2022	0.7	Revise subsection “Possibly Helpful” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/2/2022	0.7	Incorporate defendant’s Motion for Summary Judgment citations from Mr. Milan’s deposition into outline for his direct examination.
2/2/2022	0.8	Incorporate Mr. Milan’s deposition pages 57-75 into outline for his direct examination.
2/2/2022	0.8	Revise subsection “Concerned RE: sugar content” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/2/2022	0.9	Revise subsection “Comparison to Stonyfield Yogurt” in outline for direct examination of Plaintiff Elizabeth Arnold.
2/2/2022	1.8	Revise subsections in “anticipate lines of attack” section of outline for direct examination of Plaintiff Elizabeth Arnold.
2/3/2022	0.3	Incorporate Mr. Milan’s deposition testimony pages 24-57 into outline for his direct examination.
2/3/2022	0.7	Attend team meeting watching deposition video clips preparing for Plaintiffs’ direct examination.
2/3/2022	0.7	Incorporate Mr. Milan’s deposition testimony into outline for his direct examination.
2/3/2022	0.9	Incorporate Mr. Milan’s deposition testimony pages 175-188 into outline for his direct examination.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/3/2022	1.0	Revise direct examination strategy notes (use of video clips) for Plaintiff Milan's deposition testimony.
2/3/2022	1.2	Revise direct examination strategy notes (use of video clips) for Plaintiff Elizabeth Arnold's deposition testimony.
2/3/2022	1.5	Incorporate Mr. Milan's deposition testimony pages 76-95 into outline for his direct examination.
2/3/2022	1.5	Incorporate Mr. Milan's deposition testimony pages 136-156 into outline for his direct examination.
2/3/2022	2.8	Incorporate Mr. Milan's deposition pages 156-175 into outline for his direct examination.
2/4/2022	0.4	Incorporate Mr. Milan's deposition testimony pages 96-135 into outline for his direct examination.
2/4/2022	0.4	Revise outline for Mr. Milan's direct examination RE: memory and knowledge of Clif bar label.
2/4/2022	0.5	Incorporate Mr. Milan's deposition testimony pages 201-209 into outline for his direct examination.
2/4/2022	0.5	Draft list for video clips of plaintiff Elizabeth Arnold's deposition testimony RE: being misled by product label.
2/4/2022	0.6	Incorporate Mr. Milan's deposition testimony pages 210-222 into outline for his direct examination.
2/4/2022	0.8	Create Elizabeth Arnold deposition video clips RE: reliance on misrepresentation.
2/4/2022	1.2	Add to list of video clips of Ms. Elizabeth Arnold's deposition testimony RE: being misled by product label.
2/4/2022	1.5	Draft list for video clips of Mr. Milan's deposition testimony RE: misleading nature of product labeling.
2/6/2022	0.2	Incorporate Mr. Milan's deposition testimony pages 188-201 into outline for his direct examination.
2/6/2022	0.6	Select data from Dr. Simonson Expert Report to use in Plaintiffs' structured argument.
2/6/2022	0.6	Revise list for video clips of Mr. Milan's deposition testimony RE: misleading nature of product labeling.
2/6/2022	0.7	Revise "omissions/misleading," "possibly helpful," and "anticipate lines of attack" sections in outline for direct examination of Mr. Milan.
2/6/2022	1.1	Create Mr. Milan's deposition video clips RE: reliance on misrepresentation.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/6/2022	1.1	Revise citations to deposition in outline for direct examination of Plaintiff Elizabeth Arnold.
2/7/2022	0.2	Revise “omissions/misleading,” “possibly helpful,” and “anticipate lines of attack” sections in outline for direct examination of Plaintiff Elizabeth Arnold.
2/7/2022	0.5	Proofread Defendant’s case in chief presentation.
2/7/2022	2.9	Attend team meeting RE: themes for defendant’s case in chief and reactions to Plaintiffs’ and Defendant’s structured argument presentations.
2/8/2022	1.0	Attend Plaintiffs’ and Defendant’s structured argument presentations.
2/8/2022	2.0	Meet twice with Mr. Fitzgerald and Ms. Persinger RE: introduction of plaintiffs’ structured argument.
2/8/2022	2.0	Draft strategy plan for order of slides in Plaintiffs’ structured argument presentation.
2/8/2022	2.0	Revise slides RE: Clif presentation.
2/9/2022	0.5	Revise slides RE: Plaintiffs’ presentation.
2/9/2022	0.5	Draft Rule 32 video deposition brief RE: Clif nutritionist Jessica Chon.
2/9/2022	0.7	Discuss with team new draft of Plaintiffs’ “Cl-opening” presentation.
2/9/2022	0.7	Attend Defendant’s “Cl-opening” presentation presented by Mr. Joseph.
2/9/2022	2.0	Attend Plaintiffs’ “Cl-opening” presentation presented by Mr. Fitzgerald.
2/9/2022	2.0	Revise Defendant’s “Cl-opening” presentation.
2/10/2022	0.3	Revise Plaintiffs’ “Cl-opening” presentation.
2/10/2022	0.3	Discuss revisions with Mr. Fitzgerald RE: memorandum on Rule 32 and admissibility of Ms. Chon video deposition testimony.
2/10/2022	0.3	Draft analysis feedback for new draft of Plaintiffs’ “Cl-opening” presentation.
2/10/2022	0.6	Draft analysis feedback for new draft of Defendant’s “Cl-opening” presentation.
2/10/2022	1.2	Begin incorporating Jessica Chon deposition testimony (pages 1-29) into internal memorandum regrading Rule 32 and admissibility of deposition testimony.
2/10/2022	1.2	Continue to revise internal memo RE: Rule 32 and use of Ms. Chon deposition testimony at trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/10/2022	3.8	Continue to revise internal memo RE: Rule 32 and use of Ms. Chon deposition testimony at trial, adding case law ( <i>Estate of Thompson v. Kawasaki</i> ).
2/11/2022	0.3	Revise internal memo RE: Rule 32 and use of Ms. Chon deposition testimony at trial.
2/11/2022	0.3	Incorporate additional case law ( <i>JamSport</i> ) into internal memorandum regarding Rule 32 and trial admissibility of Chon deposition testimony.
2/11/2022	0.3	Attend presentation of Plaintiffs’ revised “Cl-opening.”
2/11/2022	1.0	Attend team meeting RE: discussion of strengths and weaknesses of plaintiffs’ “Cl-opening.”
2/11/2022	1.4	Begin incorporating Ms. Chon deposition testimony (pages 29-47) into internal memorandum regarding Rule 32 and trial admissibility.
2/11/2022	1.6	Incorporate additional case law ( <i>Niver, Henkel, Jurek, Estenfelder</i> ) into internal memorandum regarding Rule 32 and trial admissibility of Ms. Chon deposition testimony.
2/14/2022	0.2	Incorporate additional case law ( <i>Young</i> ) into internal memorandum regarding Rule 32 and trial admissibility of Ms. Chon deposition testimony.
2/14/2022	0.4	Draft theme headings for Clif’s “Cl-opening” presentation.
2/14/2022	0.5	Revise subsection organization into internal memorandum regarding Rule 32 (use of deposition testimony at trial).
2/14/2022	0.6	Attend meeting with Mr. Joseph and Mr. Flynn RE: themes of Defendant’s “Cl-opening” argument presentation.
2/14/2022	0.8	Incorporate additional case law ( <i>Rundquist</i> ) into internal memorandum regarding Rule 32.
2/14/2022	0.9	Incorporate additional case law ( <i>Sugarhill</i> ) into internal memorandum regarding Rule 32.
2/14/2022	1.0	Incorporate additional case law ( <i>U.S. v. Afram Lines</i> ) into internal memorandum regarding Rule 32.
2/14/2022	1.1	Incorporate additional case law ( <i>Founding Church</i> ) into internal memorandum regarding Rule 32.
2/14/2022	2.2	Incorporate additional case law ( <i>Reed Paper Co.</i> ) into internal memorandum regarding Rule 32 use of deposition at trial.
2/15/2022	0.2	Find Clif portfolio documents showing innovation/renovation decision to lower sugar content in products.
2/15/2022	0.5	Revise “Role of Jessica Chon” section in Rule 32 brief.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/15/2022	0.6	Incorporate additional case law ( <i>Rubin</i> ) into internal memorandum regarding Rule 32.
2/15/2022	0.6	Incorporate citing references from <i>Dubai, M.F. Bank</i> , and <i>E.I. DuPont</i> into internal memorandum regarding Rule 32.
2/15/2022	0.7	Incorporate citing references from <i>Reed, Rubin</i> , and <i>Afram Lines</i> , into internal memorandum regarding Rule 32.
2/15/2022	0.7	Incorporate additional case law ( <i>General Tire Inc., Prescott, State ex rel. Bunker, J.S.C. Foreign Econ.</i> ) into internal memorandum regarding Rule 32.
2/15/2022	0.8	Incorporate additional case law ( <i>E.E.O.C., Richard Wolf Medical, Malletier</i> ) into internal memorandum regarding Rule 32.
2/15/2022	0.9	Incorporate additional case law ( <i>Lowe's, Colonial Capital Co., Libbey Glass</i> ) into internal memorandum regarding Rule 32.
2/15/2022	1.0	Incorporate additional case law ( <i>In re Honda</i> ) into internal memorandum regarding Rule 32.
2/15/2022	1.3	Incorporate citing references from <i>In re Honda American Motor Co.</i> into internal memorandum regarding Rule 32.
2/15/2022	1.5	Incorporate additional case law ( <i>Dubai Bank, Murata Mfg.</i> ) into internal memorandum regarding Rule 32.
2/16/2022	0.5	Incorporate additional case law ( <i>Calderon, M.F. Bank, E.I. DuPont</i> ) into internal memorandum regarding Rule 32.
2/16/2022	0.6	Incorporate <i>Moore</i> and <i>Global Savings Bank</i> into Rule 32 brief.
2/16/2022	0.7	Incorporate <i>Boston Diagnostics</i> and <i>Terry</i> , and their internal citations, into internal memorandum regarding Rule 32.
2/16/2022	0.8	Incorporate <i>Skogen v. Dow</i> into internal memorandum regarding Rule 32.
2/16/2022	0.8	Incorporate <i>Stone v. Morton</i> and <i>Black v. UPS</i> into internal memorandum regarding Rule 32.
2/16/2022	0.9	Incorporate Jessica Chon deposition testimony pages 46-93 into internal memorandum regarding Rule 32.
2/16/2022	1.1	Incorporate <i>Sherman</i> and <i>Odsather</i> into internal memorandum regarding Rule 32.
2/16/2022	1.4	Incorporate <i>Calgene, Dunn</i> , and internal citations, into internal memorandum regarding Rule 32.
2/17/2022	0.3	Incorporate <i>Hynix, Melton, Brandon, Newark Ins. Co.</i> , and <i>Moran</i> , into internal memorandum regarding Rule 32.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/17/2022	0.5	Attend team meeting RE: feedback on new draft of Clif CI-opening presentation.
2/17/2022	0.5	Add citations to Jessica Chon deposition testimony RE: nutrition consulting into internal memorandum regarding Rule 32.
2/17/2022	0.8	Attend revised presentation of Clif’s “CI-opening.”
2/17/2022	0.9	Add citations to Ms. Chon deposition testimony RE: educational background and Clif job duties into internal memorandum regarding Rule 32.
2/17/2022	1.0	Incorporate Ms. Chon deposition testimony pages 213-263 into internal memorandum regarding Rule 32.
2/17/2022	1.4	Attend Winning Works focus group strategy meeting.
2/17/2022	1.8	Incorporate Ms. Chon deposition testimony pages 94-150 into internal memorandum regarding Rule 32.
2/18/2022	0.5	Incorporate Chon depo testimony pages 151-212 into internal memorandum regarding Rule 32.
2/18/2022	4.9	Observe focus group and attend strategy meeting with Winning Works post-focus group.
2/18/2022	0.6	Attend team meeting RE: strengths and weaknesses and path forward.
2/18/2022	1.4	Begin personal draft of Plaintiffs’ structured argument.
2/23/2022	0.5	Discuss “CNAC,” “academic advisor,” and “ambassador” documents with Mr. Fitzgerald RE: trial themes.
2/23/2022	1.6	Draft “CNAC” topic/document spreadsheet RE: exhibits (5 references).
2/24/2022	0.7	Draft “CNAC” topic/document spreadsheet RE: exhibits (18 references).
2/24/2022	1.2	Draft “CNAC” topic/document spreadsheet RE: exhibits (8 references).
2/24/2022	1.5	Draft “CNAC” topic/document spreadsheet RE: exhibits (11 references).
2/24/2022	2.3	Draft “CNAC” topic/document spreadsheet RE: exhibits (16 references).
2/25/2022	1.0	Draft “CNAC” topic/document spreadsheet RE: exhibits (31 references).
2/25/2022	1.0	Draft “CNAC” topic/document spreadsheet RE: exhibits (23 references, some duplicates).
2/25/2022	1.0	Draft “CNAC” topic/document spreadsheet RE: exhibits (19 references, some duplicates).

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/25/2022	1.7	Draft “CNAC” topic/document spreadsheet RE: exhibits (26 references).
2/25/2022	2.0	Draft “CNAC” topic/document spreadsheet RE: exhibits (13 references, additional trigger words).
2/27/2022	3.3	Draft “CNAC” topic/document spreadsheet RE: exhibits (31 references, some duplicates).
2/28/2022	1.1	Draft “CNAC” topic/document spreadsheet RE: exhibits (45 references).
2/28/2022	1.1	Draft “academic advisor” topic/document spreadsheet (24 references).
2/28/2022	1.3	Draft “academic advisor” topic/document spreadsheet (26 references).
3/1/2022	1.1	Draft “academic advisor” topic/document spreadsheet (30 references).
3/2/2022	0.9	Draft “academic advisor” topic/document spreadsheet (18 references and supporting documents).
3/2/2022	1.3	Draft “academic advisor” topic/document spreadsheet (20 references and supporting documents).
3/3/2022	8.7	Draft “nutrition advisory council” topic/document spreadsheet (18 references and related documents).
3/4/2022	0.6	Draft “nutrition advisory council” topic/document spreadsheet (43 references and related documents).
3/4/2022	1.1	Add documents pulled during “CNAC” search into correct trial story folder.
3/4/2022	4.5	Draft “nutrition advisory council” topic/document spreadsheet (Group 5 and first half of Groups 6 of 7).
3/6/2022	5.9	Draft “influencer” topic/document spreadsheet (first half of Group 20 and related documents); participate in team meeting.
3/7/2022	1.5	Attend team strategy meeting RE: fourth focus group.
3/7/2022	4.9	Draft “influencer” topic/document spreadsheet (and related Trial stories) (Group 20).
3/8/2022	8.2	Draft “influencer” topic/document spreadsheet (and related Trial stories) (Group 21).
3/9/2022	9.7	Draft “influencer” topic/document spreadsheet (and related Trial stories) (Groups 22-24).
3/10/2022	8.7	Draft “influencer” topic/document spreadsheet (and related Trial stories) (Groups 25-27).
3/11/2022	1.2	Draft “influencer” topic/document spreadsheet (and related Trial stories) (Group 28).



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/13/2022	0.7	Draft focus group module for influencer story.
3/13/2022	3.0	Add documents to specific Trial Story folder (found while doing “influencer” direct search).
3/14/2022	7.8	Log “influencer” documents (Groups 18-19 and 29-30).
3/15/2022	0.6	Log “influencer” documents (Group 19).
3/15/2022	0.7	Attend meeting with Mr. Fitzgerald RE: “nutrition influencer” module.
3/15/2022	1.6	Prepare for and attend team meeting RE: “addictiveness of sugar” trial story and all modules.
3/15/2022	4.3	Draft “nutrition influencer” module RE: 2006 to 2013 in Excel log.
3/16/2022	2.9	Log “influencer” documents (Group 17) and meet with Mr. Fitzgerald.
3/16/2022	3.6	Revise “nutrition influencer” Excel log.
3/17/2022	3.8	Draft “nutrition influencer” module RE: 2006 to 2013 in Excel log.
3/18/2022	4.7	Revise “nutrition influencer” Excel log for drafting module.
3/20/2022	2.3	Revise “nutrition influencer” Excel log for drafting module.
3/20/2022	4.2	Draft “nutrition influencer” module from 2014 to June 2015.
3/21/2022	8.0	Revise “nutrition influencer” excel log for drafting module; meet with Mr. Fitzgerald regarding same.
3/22/2022	4.0	Revise “nutrition influencer” module from 2011 to 2015.
3/22/2022	5.0	Revise “nutrition influencer” log for PowerPoint presentations.
3/23/2022	2.9	Revise “nutrition influencer” module from 2015 to 2016.
3/23/2022	4.8	Revise “influencer” log with newly added documents.
3/24/2022	0.4	Draft “sampling” log and exhibits; meet with Ms. Mendez regarding same.
3/24/2022	0.5	Search documents for “consumer confusion” regarding nutrition facts and labels, and consumer knowledge of health and sugar science.
3/24/2022	0.7	Place miscellaneous module citations into corresponding Trial Story.
3/24/2022	1.0	Revise “Gary and Kit communications” exhibits.
3/24/2022	1.9	Revise “nutrition influencer” module by finishing 2016 documents.
3/24/2022	4.4	Revise “Sampling” log, finishing Group 1-3 documents.
3/25/2022	1.2	Revise “Sugar as a Vulnerability” exhibits.
3/25/2022	1.3	Draft trial exhibits for “pediatrician” and targeting children.
3/25/2022	3.0	Revise “Sampling” log, adding Groups 4, 6, and 7 documents.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/27/2022	1.8	Revise “Sampling” log, adding Group 5 documents.
3/28/2022	3.3	Revise “nutrition influencers” module with documents from January through April 2017.
3/28/2022	6.3	Revise “nutrition influencers” module with documents from 2017.
3/29/2022	7.0	Revise “Sampling” document log (finish Group 7 and log Groups 8-12).
3/30/2022	1.0	Revise “Sampling” document log (log Groups 13-16).
3/30/2022	3.5	Revise exhibits for “Specific Examples of What the Bars Are and Are Not For.”
3/30/2022	4.5	Revise “nutrition influencers” module with documents from 2017 and 2018.
4/4/2022	0.4	Revise “Sampling” document log (log Groups 17-20).
4/4/2022	0.6	Attend meeting with Mr. Fitzgerald RE: “nutrition influencer” story.
4/4/2022	7.8	Revise “use of product sampling” log in Excel spreadsheet (Groups 21-23).
4/5/2022	1.0	Categorize “Nutrition Influencer” Exhibits into module subsections.
4/5/2022	9.0	Add Exhibits to “Nutrition Influencer” excel log RE: “Eat Like an Athlete” and Registered Dietitians.
4/6/2022	0.5	Revise “Nutrition Influencer” module.
4/6/2022	1.0	Revise exhibits for “Clif Public Statements” log.
4/6/2022	2.3	Revise exhibits for “Media Manipulation” log.
4/6/2022	3.0	Add Exhibits to “Nutrition Influencer” excel log RE: “CNAC experts” and internal employee education.
4/6/2022	4.5	Add Exhibits to “Nutrition Influencer” excel log RE: “ambassadors” and “RD bench.”
4/7/2022	1.5	Revise “Nutrition Influencer” module regarding Exhibit context and fact witnesses.
4/7/2022	1.8	Revise “Nutrition Influencer” module RE: internal education materials for employees.
4/7/2022	2.0	Revise “Aspirational Marketing” exhibit log.
4/7/2022	2.5	Revise “Sampling” exhibit log, Groups 21-23.
4/7/2022	4.0	Revise “Nutrition Influencer” module RE: sugar landscape and defense strategies.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/8/2022	1.5	Add Exhibits to “Nutrition Influencer” excel log RE: “RD Ambassador Survey” and “Pulse Wave.”
4/8/2022	1.5	Revise “Consumer confusion - energy bars” exhibit log.
4/8/2022	1.8	Revise “Sampling” exhibit log, Groups 24-25.
4/8/2022	2.5	Revise “Nutrition Influencer” module RE: Pulse materials and CNAC articles.
4/9/2022	5.3	Revise “NFSE” exhibit log.
4/10/2022	0.8	Revise “Sampling” exhibit log, Groups 26-33.
4/10/2022	4.8	Revise “Clif acknowledges bars are potentially dangerous” exhibit log.
4/11/2022	1.8	Revise “Sampling” exhibit log, Groups 34-40.
4/11/2022	1.8	Revise “positive energy” exhibit log.
4/11/2022	3.5	Revise “energy & health” exhibit log.
4/11/2022	3.8	Revise “influencer” log with “nutrition advisory council” materials, Groups 1-2.
4/12/2022	5.5	Revise “Influencer” module with exhibit RE: health professionals.
4/13/2022	1.0	Revise “Influencer” module with exhibits overlapping with media manipulation.
4/13/2022	9.5	Revise “Values as a Competitive Advantage” exhibit log.
4/14/2022	8.0	Revise “Sampling” exhibit log, Groups 41-53.
4/15/2022	9.5	Revise “Influencer” module with exhibit RE: Pulse materials and surveys for Clif Bar.
4/16/2022	2.3	Revise “Influencer” module with exhibit RE: Pulse materials and surveys for Kid ZBar.
4/16/2022	4.8	Attend team meeting (with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Mr. Flynn) discussing Mock Trial Survey Results.
4/17/2022	7.5	Draft Report on Top Takeaways from Verdict Explanations.
4/18/2022	11.5	Add Exhibits to “Influencer” module RE: nutrition experts and events.
4/19/2022	10.0	Revise Exhibits in “Influencer” module RE: ambassadors, RDs, and advisors.
4/20/2022	10.0	Revise Exhibits in “Influencer” module RE: targeting parents (Kid Zbar) and targeting high school/college market.
4/21/2022	11.0	Revise Exhibits in “Influencer” module RE: marketing campaigns.
4/22/2022	6.5	Revise Exhibits in “Influencer” module RE budgeting and materials.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/23/2022	6.5	Revise Exhibits in “Influencer” module RE: new vision from 2018-2019.
4/24/2022	5.0	Revise Exhibits in “Influencer” module RE: nutrition advisory council members.
4/25/2022	2.5	Revise Exhibits in “Influencer” module RE: development of “nutrition for sustained energy” phrase.
4/25/2022	8.3	Finish first draft of “Nutrition Influencer” module.
4/26/2022	0.5	Draft “Use of Sampling” module RE: exhibits from 2011 to May 2018.
4/26/2022	0.8	Add trial exhibits RE: “easy to find us” to social media manipulation and consumer confusion modules.
4/26/2022	1.5	Draft module outline RE: overarching trial themes and opening statement.
4/26/2022	2.0	Add exhibits to “Use of Sampling” module RE: Natural Products Expo appearances/booths.
4/26/2022	2.5	Revise “Use of Sampling” module RE: early history of company.
4/26/2022	3.0	Revise “Use of Sampling” module RE exhibits May 2018 to October 2019.
4/27/2022	1.5	Revise “Use of Sampling” module RE: event sampling booth.
4/27/2022	2.5	Add trial exhibits to “consumer confusion” trial story.
4/27/2022	5.7	Revise “Use of Sampling” module RE: field marketing budget.
4/28/2022	1.3	Add trial exhibits to “manipulation of Nutrition Facts and Ingredient List” trial story.
4/28/2022	2.0	Attend Team Meeting RE: Plaintiffs’ opening statement.
4/28/2022	2.0	Attend Team Meeting RE: trial themes and subcategories.
4/28/2022	2.5	Revise opening statement RE: internal and external communications and marketing and messaging.
4/28/2022	3.5	Draft opening statement RE: corporate hypocrisy for group presentation.
4/29/2022	0.8	Attend meeting with Mr. Fitzgerald and Mr. Joseph RE: Nutrition Influencers.
4/29/2022	1.0	Add exhibits to “Clif Public Statements” trial story RE: videos and interviews.
4/29/2022	2.3	Add exhibits for “Media Manipulation” and “Clif Public Statements” modules.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/29/2022	4.0	Add exhibits for “Manipulation on Nutrition Facts Panel and Ingredient List” module.
4/30/2022	1.0	Revise “Nutrition Influencer” module RE: Pulse marketing and survey analysis (2013 to 2015).
4/30/2022	5.0	Add exhibits for “Media Manipulation” module.
5/1/2022	7.0	Add exhibits for “Manipulation on Nutrition Facts Panel and Ingredient List” module.
5/2/2022	1.0	Draft “Product Sampling” module.
5/2/2022	1.0	Add exhibits to “Clif Targeted Children” module.
5/2/2022	1.8	Add exhibits to “Sugar is Addictive” module.
5/2/2022	3.3	Find exhibits on consumer “tracking.”
5/2/2022	4.0	Finish drafting “Sampling” module.
5/3/2022	3.0	Revise exhibits for “Organic” module RE: pesticides.
5/3/2022	7.0	Add exhibits for mini module on “Clif Public Statements/Media Manipulation” crossover.
5/4/2022	1.0	Revise Exhibits for “Organic” module RE: pesticides.
5/4/2022	1.5	Sort Press Releases as exhibits or non-exhibits in “Clif Public Statements” module.
5/4/2022	1.5	Sort exhibits (from non-exhibits) for positive media coverage in “Clif Public Statements” module.
5/4/2022	5.0	Sort exhibits (from non-exhibits) for negative media coverage in “Clif Public Statements” module.
5/9/2022	5.0	Add exhibits for mini module on “Clif Public Statements/Media Manipulation” crossover.
5/9/2022	5.3	Add potential exhibits from “FAQ” (early 2000s to 2014) into “Clif Public Statements” mini module.
5/10/2022	3.5	Add potential exhibits from “FAQ” (early 2014 to 2019) into “Clif Public Statements” mini module.
5/10/2022	6.5	Separate second round of exhibits for “Clif Public Statements” mini module.
5/11/2022	4.3	Add new exhibits per new redaction changes (document 3, with 785 pages total) produced May 9, 2022.
5/11/2022	4.5	Revise “Clif Public Statements” module with exhibits for proactive media placements.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/12/2022	6.0	Revise “Clif Public Statements” module with exhibits for reaction(s) to negative media coverage, including incorporating Runner’s World UK, Bicycling, and Outside magazine exhibits.
5/12/2022	4.0	Incorporate “Fed Up” documentary exhibits and related documents into “Clif Public Statements” module.
5/13/2022	1.0	Incorporate SEO exhibits and related documents into “Clif Public Statements” module.
5/13/2022	1.0	Incorporate “FAQ” exhibits and documents into “Clif Public Statements” module.
5/13/2022	2.5	Finish “Fed Up” mini module with potential exhibits.
5/15/2022	3.8	Finish first draft of “Clif Public Statements” module.
5/16/2022	7.0	Add and cut exhibits for “Consumer Confusion” module.
5/17/2022	4.5	Add and cut exhibits for “Consumer Confusion (general)” module.
5/18/2022	5.0	Revise “Consumer Confusion (general)” module.
4/12/2023	0.7	Finish “Consumer Confusion (general)” module.
<b>Total =</b>	<b>655.6</b>	

*Christina Mendez*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/14/2021	2.1	To familiarize self with case, review Motion for Class Certification, Partial Summary Judgment, Complaint, Motion to Dismiss, Opposition to Motion to Dismiss, Order RE: Motions to Dismiss and Strike, and Answer to Complaint.
12/15/2021	5.3	Confer with Ms. Persinger on Clif competitive set sheet; complete data entry and research for competitive set.
12/16/2021	5.7	Research product nutritional information for Clif competitive set and enter data in preparation for trial.
12/17/2021	6.5	Enter data into Clif competitive set sheet including researching product nutritional information.
12/21/2021	0.9	Enter data into Clif competitive set sheet, including researching product nutritional information.
12/21/2021	2.1	Confer with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger and Mr. Flynn to coordinate and assign tasks and to discuss trial story.
12/29/2021	4.0	Continue research and data entry for Clif competitive set.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
12/30/2021	1.1	Conduct research and compile information on list of ingredients that are available for purchase.
12/30/2021	2.8	Continue research and data entry for Clif competitive set.
12/30/2021	2.8	Prepare document with Clif product release timeline.
12/31/2021	6.2	Continue research and data entry for Clif competitive set.
1/3/2022	2.9	Research Clif competitors and input data for Clif competitive set.
1/4/2022	5.6	Research Clif competitors and input data for Clif competitive set; draft email and send to Ms. Persinger with status of assignment and questions.
1/5/2022	5.4	Research Clif competitors and input data for Clif competitive set.
1/6/2022	5.3	Research Clif competitors and input data for Clif competitive set.
1/7/2022	3.3	Research Clif competitors and input data for Clif competitive set.
1/10/2022	2.0	Review and research Clif competitors and input data for Clif competitive set.
1/11/2022	2.4	Research Clif competitors and conduct analysis for the Clif competitive set.
1/12/2022	2.1	Research Clif competitors and input data for Clif competitive set.
1/13/2022	2.0	Research Clif competitors and input data for Clif competitive set.
1/14/2022	1.3	Review ingredient list for Clif and Zbar and determine items that are available for purchase.
1/14/2022	3.4	Research Clif competitors and input data for Clif competitive set.
1/18/2022	0.8	Create graphs for Clif competitive set and enter updated research into spreadsheet.
1/18/2022	1.8	Research hotel accommodations for trial and request quotes from various vendors; respond to emails from vendors as needed.
1/19/2022	0.4	Draft notice of matter under submission for Motions to Strike testimony of Dr. Simonson and Dr. Choi for Ms. Persinger's review.
1/19/2022	1.9	Create graphs for Clif competitive set and enter updated research into spreadsheet.
1/20/2022	0.6	Use tracking system to organize hotel accommodations and respond to communications as needed in preparation for trial.
1/20/2022	1.2	Enter updated research into Clif competitive set spreadsheet.
1/24/2022	0.6	Update naming convention for Ms. Jessica Chon deposition files in server.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/24/2022	0.9	Audit ingredients and track what has been ordered for Clif bar and Z bar; send follow-up email to Mr. Joseph regarding the status of the items.
1/24/2022	0.3	Attend meeting with expert witnesses Mr. Weir and Mr. Gaskin, and attorneys Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Mr. Flynn, and Ms. Emhardt to discuss next steps in preparation for trial.
1/25/2022	1.2	Make updates to Clif competitive set.
1/26/2022	1.4	Research and update Clif competitive set.
1/27/2022	0.4	Update tracking sheet with hotel accommodations and email Hyatt Regency; follow-up with hotel over the phone.
1/27/2022	1.1	Update Clif competitive set sheet.
1/28/2022	1.1	Review proposals from vendors regarding hotel accommodations and email Mr. Fitzgerald and Mr. Joseph regarding same.
1/31/2022	0.1	Label and organize recent delivery of ingredients for Clif Bar ingredient list.
2/1/2022	0.4	Read article sent by Ms. Persinger RE: GI of High Carb energy bar.
2/1/2022	1.5	Format Plaintiffs' deposition excerpt table.
2/2/2022	4.1	Review documents and create spreadsheet logging documents that discuss "sugar for quick energy."
2/3/2022	5.4	Review documents and create spreadsheet logging documents that discuss "sugar for quick energy."
2/4/2022	0.3	Research availability of Clif bars with latest packaging available for purchase.
2/4/2022	1.2	Review documents and create spreadsheet logging documents that discuss "sugar for quick energy."
2/4/2022	2.8	Organize and label documents for Plaintiffs' argument draft for the first structured focus group.
2/7/2022	0.2	Locate official titles of Clif employees for the structured argument.
2/7/2022	3.1	Attend and discuss structured argument presentations conducted by Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, and Mr. Flynn in preparation for the Winning Works focus group.
2/7/2022	3.5	Review documents and create spreadsheet logging documents that discuss "sugar for quick energy."
2/8/2022	0.9	Review documents and create spreadsheet logging documents that discuss "sugar for quick energy."

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/8/2022	1.7	Log documents in tracking sheets that pertain to different trial stories listed in firm word document.
2/8/2022	2.4	Locate document using Cloud9 system for Plaintiffs' structured argument after conferring with Mr. Fitzgerald.
2/9/2022	2.6	Attend and discuss structured arguments presentations conducted by Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, and Mr. Flynn in preparation for the Winning Works focus group.
2/9/2022	4.5	Log documents in tracking sheets that pertain to the Activity and Health Level trial story.
2/10/2022	0.4	Name deposition clips to correspond with transcript and video analysis document.
2/10/2022	1.1	Review documents and create spreadsheet logging documents that discuss "sugar for quick energy."
2/10/2022	3.9	Perform selective searches in Cloud9 to review documents and log.
2/11/2022	0.7	Attend and discuss structured arguments presentations conducted by Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, and Mr. Flynn in preparation for Winning Works focus group.
2/11/2022	6.5	Perform selective word searches in Cloud 9, review documents, and log.
2/14/2022	6.8	Perform selective word searches in Cloud9, review documents, and log.
2/15/2022	7.5	Perform selective word searches in Cloud9, review documents, and log.
2/16/2022	0.5	Perform selective document search for "influencers" and other key terms using the Cloud9 system.
2/16/2022	1.0	Assist with filming Plaintiffs' structured argument in preparation for the focus group.
2/16/2022	4.8	Perform selective searches in Cloud9 to review documents and log.
2/17/2022	0.6	Attend defense structured argument in preparation for focus group.
2/17/2022	0.8	Assist with Plaintiffs' structured argument in preparation for focus group.
2/17/2022	3.8	Perform selective document search for "influencers" and other key terms using the Cloud9 system.
2/18/2022	0.5	Perform selective document search using the Cloud9 system.



## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
2/18/2022	5.1	Attend structured focus group and take detailed notes of discussion; attend debrief meeting with Mr. Cusimano and the firm; review spreadsheet containing participant data prior to meeting.
2/22/2022	1.1	Create list of potential points for trial stories in preparation for firm discussion.
2/22/2022	1.8	Discuss trial story themes with Mr. Fitzgerald, Ms. Persinger, Mr. Joseph, Mr. Flynn and Ms. Emhardt; create table of themes discussed to be used for assigning tasks using written notes.
2/22/2022	2.6	Perform selective document searches in the Cloud9 system.
2/23/2022	5.3	Audit trial stories spreadsheets and extract documents to save in their respective folders.
2/24/2022	5.5	Update trial planning document and audit spreadsheets pertaining to trial stories.
2/25/2022	2.2	Update trial planning document and audit spreadsheets pertaining to trial stories.
2/28/2022	0.2	Review emails from Mr. Fitzgerald discussing Clif documents.
2/28/2022	6.0	Update trial planning document and audit spreadsheets pertaining to trial stories.
3/1/2022	4.3	Update trial planning document and audit trial story spreadsheets
3/2/2022	0.6	Update trial planning document and audit spreadsheets pertaining to trial stories.
3/3/2022	3.9	Update trial planning document and audit trial stories spreadsheets.
3/4/2022	0.6	Review reports from the Winning Works Focus group in preparation for trial.
3/4/2022	5.9	Update trial planning document and audit spreadsheets pertaining to trial stories.
3/7/2022	2.5	Log all state of the business and strategic business plans using Cloud9 software.
3/7/2022	4.5	Update trial planning document and audit needs state trial story spreadsheet; discuss Clif assignments with Mr. Fitzgerald.
3/8/2022	1.4	Update trial planning document and audit spreadsheets pertaining to trial stories.
3/8/2022	6.5	Log all state of the business and strategic business plans; extract documents and save to their respective folders.
3/9/2022	1.3	Update log with descriptions for Kate Geagan related documents in preparation for trial.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/9/2022	5.5	Update trial planning document and audit spreadsheets pertaining to trial stories.
3/10/2022	1.5	Add descriptions and date for documents related to soda industry trial story in preparation for trial.
3/10/2022	2.5	Update manifesto trial story log in preparation for trial.
3/10/2022	3.7	Update log with descriptions for Kate Geagan-related documents in preparation for trial.
3/11/2022	4.6	Audit “sugar as a vulnerability” spreadsheet as part of potential trial stories.
3/14/2022	2.6	Update numbering in the addictiveness of sugar module and locate related articles.
3/14/2022	3.1	Audit sugar as a vulnerability spreadsheet as part of potential trial stories.
3/15/2022	0.7	Meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt and Mr. Flynn to discuss Clif modules best practices and tasks.
3/15/2022	6.1	Audit sugar as a vulnerability spreadsheet as part of potential trial stories.
3/16/2022	1.0	Audit sugar as a vulnerability spreadsheet as part of potential trial stories.
3/16/2022	6.6	Review list of trial stories; audit state of the business spreadsheet to conform with updated formatting and date documents.
3/17/2022	1.7	Audit nutrition influencers folder and spreadsheet.
3/17/2022	1.9	Audit state of the business spreadsheet to conform with updated formatting and date documents.
3/18/2022	3.1	Assemble binder of the addictiveness of sugar trial story module.
3/18/2022	3.7	Audit nutrition influencers folder and spreadsheet.
3/21/2022	3.0	Audit nutrition influencers spreadsheet and save documents to folder.
3/22/2022	6.8	Audit nutrition influencers spreadsheet and save documents to folder.
3/23/2022	7.0	Audit nutrition influencers spreadsheet and save documents to folder.
3/24/2022	0.2	Coordinate with Ms. Emhardt to pull documents for the module on “Sampling.”
3/24/2022	7.0	Audit nutrition influencers spreadsheet and save documents to folder.
3/25/2022	0.6	Collect documents for the “Clif’s Use of Product Sampling” trial story module.
3/25/2022	2.8	Audit nutrition influencers spreadsheet and save documents to folder.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
3/29/2022	3.2	Extract and organize documents for the “Clif’s Use of Product Sampling” module.
3/30/2022	3.4	Extract and organize documents for the “Clif’s Use of Product Sampling” module.
3/30/2022	4.3	Audit the nutrition influencers spreadsheet and extract documents for the module.
3/31/2022	1.3	Organize and rename documents for the Kate Geagan-related trial story.
3/31/2022	2.8	Extract documents and audit spreadsheet for the nutrition influencers module.
3/31/2022	3.7	Organize and rename documents for the sugar for quick energy related module.
4/1/2022	2.8	Update the log and documents for “VO2” selective word search.
4/1/2022	2.0	Update log and documents for the “needs state” trial story.
4/1/2022	2.4	Update log and documents for “healthy energy” trial story.
4/4/2022	0.5	Arrange binder of Judge Donato transcripts in preparation for trial for Mr. Joseph.
4/4/2022	7.2	Number documents in the “Manipulation of Nutrition Facts Box and Ingredients List” module, then create exhibit table and audit documents for correct redactions.
4/5/2022	1.6	Audit the “needs state” trial story sheet.
4/5/2022	5.3	Number documents in the “Manipulation of Nutrition Facts Box and Ingredients List” module, create exhibit table, and audit documents for correct redactions; email Mr. Fitzgerald with progress and notes.
4/6/2022	0.6	Print and organize potential trial exhibits that relate to the “Manipulation of Nutrition Facts Box & Ingredients List” module.
4/6/2022	2.9	Update needs state log and organize relevant documents.
4/6/2022	4.8	Update exhibit table for the “Manipulation of Nutrition Facts Box and Ingredients List” module to account for new documents added; update PDF naming conventions.
4/7/2022	0.3	Update the “state of the business” and “strategic plans” folders.
4/7/2022	1.4	Update “needs state” spreadsheet and audit documents for redactions.
4/7/2022	5.3	Print and organize potential trial exhibits for the “Manipulation of NF Box & Ingredients List” module.
4/8/2022	0.5	Update the “Manipulation of Nutrition Facts Box and Ingredients List” module binder.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/8/2022	1.0	Create comprehensive list of current and former Clif employees with data on current positions.
4/8/2022	1.1	Audit and update health halo documents and log.
4/8/2022	3.0	Update State of the Business folder and strategic plan folder.
4/11/2022	3.2	Update naming conventions for the “Sugar as a Vulnerability” module documents and audit log.
4/11/2022	3.8	Update naming conventions of the documents and audit the “health halo” spreadsheet.
4/12/2022	1.6	Update the naming conventions for the “Sugar as a Vulnerability” module documents and audit log.
4/12/2022	7.5	Pull documents for the “purchase drivers” trial story folder; pull other documents as needed and save to their respective folders.
4/13/2022	0.3	Review the email and results from Mr. Fitzgerald RE: results to the Clif Bar mock trial survey.
4/13/2022	1.3	Update the naming conventions for the “sugar as a vulnerability” module documents and audit log.
4/13/2022	1.3	Update naming conventions and audit log for the “manifesto” trial story.
4/13/2022	6.0	Pull documents for the “purchase drivers” trial story folder; pull other documents as needed and save to their respective folders.
4/14/2022	1.6	Review privilege log and mark entries that include Ms. Samira Huemmer.
4/14/2022	6.5	Extract and organize documents regarding Clif’s use of product sampling.
4/15/2022	1.5	Create spreadsheet to host glossary of marketing terms, people, and projects; update spreadsheet; search Cloud9 term meaning.
4/15/2022	3.3	Extract and organize documents regarding Clif’s use of product sampling.
4/18/2022	0.3	Review Clif’s use of product sampling extracted PDFs and index for duplicates.
4/18/2022	0.5	Conduct document search using Cloud 9 for revised nutrition facts panel and extract the documents.
4/18/2022	0.8	Create spreadsheet of trial exhibits according to module completion; fill out relevant information.
4/18/2022	1.5	Create table with list of redactions in preparation for Mr. Fitzgerald to send letter to Clif’s counsel.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/18/2022	1.6	Conduct Cloud9 search, save all “Our Nutrition Pages” emails, and collect all relevant documents.
4/19/2022	1.2	Perform selective document search for “health and chocolate,” and discuss with Mr. Joseph.
4/19/2022	2.0	Fill out trial exhibits spreadsheet according to module completion.
4/19/2022	2.5	Extract and organize documents for the “Clif Framed the Bars as Healthy” module.
4/20/2022	0.2	Fill out the marketing terms glossary as needed.
4/20/2022	6.2	Review documents in Cloud9 that refer to chocolate producing a health halo.
4/21/2022	0.1	Review email from Mr. Fitzgerald RE: Jury profile analysis in preparation for trial.
4/21/2022	3.2	Review documents in Cloud9 that refer to chocolate producing a health halo.
4/21/2022	5.8	Prepare folders of redactions at issue for the Clif meet and confer.
4/22/2022	0.1	Update marketing glossary spreadsheet with employee data.
4/22/2022	0.7	Prepare folders of redacted documents at issue for the Clif meet and confer.
4/22/2022	0.9	Conduct research to locate the launch date for the Mojo Bar; conduct research on Ms. Casey Lewis’ employment history; conduct research on Ms. Amari Thomsen.
4/22/2022	1.1	Create tracking sheet with Clif employee data for firm to review.
4/22/2022	1.6	Organize documents that refer to chocolate producing a health halo.
4/22/2022	2.9	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
4/25/2022	4.4	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
4/26/2022	0.1	Review timeline of Clif product releases and update internal document.
4/26/2022	8.1	Update footnotes and some formatting for the nutrition influencers module.
4/27/2022	1.7	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
4/27/2022	2.3	Number exhibits, create table, and organize documents for the nutrition influencer module.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/27/2022	2.8	Update all footnotes and some formatting for the nutrition influencers module.
4/28/2022	3.2	Meet with Mr. Fitzgerald, Mr. Joseph, Ms. Persinger, Ms. Emhardt, and Mr. Flynn and confer regarding trial themes.
4/28/2022	4.8	Number exhibits, create table, and organize documents for the “nutrition influencer” module.
4/29/2022	9.7	Number exhibits, create table, and organize documents for the nutrition influencer module; print exhibits and arrange into binders.
5/2/2022	0.8	Save documents into their respective folders as indicated by theme.
5/2/2022	8.7	Number exhibits, create table, and organize documents for the nutrition influencer module; print exhibits and arrange into binders.
5/3/2022	0.3	Save documents into their respective folders as indicated by theme.
5/3/2022	6.9	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
5/4/2022	3.1	Review letter from Mr. Van Gundy RE: redaction challenges; organize contested documents and documents that will be unredacted.
5/4/2022	4.5	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
5/5/2022	2.2	Print exhibits for the nutrition influencers module and arrange into binder.
5/5/2022	3.7	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
5/6/2022	0.3	Print exhibits for the nutrition influencers module and arrange into binder.
5/6/2022	3.9	Extract documents and update log for the “Internal Product Classification Over Time” trial story module.
5/9/2022	7.1	Extract documents and update log for the “Internal Product Classification Over Time” trial story module, specifically for ZBar.
5/10/2022	1.0	Extract documents and update log for the “Internal Product Classification Over Time” trial story module, specifically for ZBar.
5/10/2022	4.8	Update documents regarding consumer confusion to conform with consistent naming conventions.
5/11/2022	0.3	Update documents regarding industry standards to conform with consistent naming conventions.
5/11/2022	0.7	Update documents regarding consumer confusion to conform with consistent naming conventions.

## DETAILED BILLING RECORDS BY CATEGORY – Pretrial Work and Trial Preparation

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/12/2022	6.7	Update trial exhibits spreadsheet with information from depositions.
5/13/2022	0.5	Update formatting of article about Mr. Erickson in order to save legible copy.
5/13/2022	4.0	Update trial exhibits spreadsheet with information from depositions.
5/16/2022	6.4	Update trial exhibits spreadsheet with information from depositions.
5/17/2022	1.1	Review expert reports and put into trial exhibits spread sheet.
5/17/2022	2.6	Update trial exhibits spreadsheet with information from depositions.
5/18/2022	6.8	Review expert reports and put into trial exhibits spread sheet.
<b>Total =</b>	<b>545.4</b>	

## DETAILED BILLING RECORDS BY CATEGORY – ADR

## ADR

*Jack Fitzgerald*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/13/2021	4.9	Begin drafting mediation brief.
5/14/2021	3.2	Continue working on mediation brief.
5/15/2021	5.8	Continue working on mediation brief.
5/16/2021	7.4	Continue working on mediation brief.
5/17/2021	8.8	Continue working on mediation brief.
5/18/2021	5.6	Continue working on mediation brief.
5/19/2021	3.6	Continue working on mediation brief, including performing final review, reviewing draft declaration, and reconciling exhibits between brief and declaration.
5/20/2021	1.1	Continue working on mediation brief.
5/21/2021	4.6	Continue working on mediation brief.
5/24/2021	0.7	Review Clif's mediation brief; discuss same with Mr. Joseph.
5/25/2021	0.7	Draft term sheet for May 28 mediation in case of settlement.
5/25/2021	1.5	Prepare for mediation by gathering case law and record evidence to respond to points in Clif's mediation brief; discuss same with Mr. Joseph.
5/28/2021	8.3	Together with Mr. Joseph and Ms. Persinger, participate in mediation with Clif.
6/2/2021	0.2	Participate in call with mediator Jill Sperber.
6/3/2021	0.5	Discuss Clif's settlement offer with Mr. Joseph and Ms. Persinger.
6/4/2021	0.8	Together with Mr. Joseph and Ms. Persinger, participate in telephone call with mediator Jill Sperber; draft email relaying counteroffer and send to Mr. Joseph and Ms. Persinger for review before sending to Ms. Sperber.
7/29/2021	0.2	Meet with Mr. Joseph to discuss communications with Ms. Sperber.
10/5/2021	0.3	Together with Mr. Joseph, participate in conference with Magistrate Judge Spero to schedule settlement conference.
10/6/2021	3.0	Begin working on Settlement Conference Brief.
10/11/2021	0.7	Continue working on Settlement Conference Brief.
10/12/2021	5.5	Continue working on Settlement Conference Brief.
10/26/2021	3.5	Continue working on Settlement Conference Brief.



## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/27/2021	0.7	Continue working on Settlement Conference Brief.
11/1/2021	5.0	Continue working on Settlement Conference Brief.
11/2/2021	0.2	Continue working on Settlement Conference Brief.
12/12/2021	2.1	Continue working on Settlement Conference Brief.
12/23/2021	0.9	Meet with Mr. Flynn to review montage of Mr. Erickson testimony for Settlement Conference Brief.
12/29/2021	2.0	Participate in call with Mr. Chris Van Gundy and Mr. Khirin Bunker to discuss issues regarding settlement conference and settlement; draft written settlement demand; meet with Mr. Joseph to discuss settlement demand and settlement brief strategy.
1/1/2022	6.8	Work on statement of facts portion of Settlement Conference Brief.
1/2/2022	8.7	Continue working on statement of facts for Settlement Conference Brief.
1/3/2022	5.6	Work on Settlement Conference Brief; meet with Mr. Joseph to discuss same.
1/4/2022	0.5	Continue working on Settlement Conference Brief.
1/5/2022	8.0	Prepare for January 13 settlement conference; participate in team meeting regarding same.
1/6/2022	6.5	Work on finalizing Settlement Conference Brief; continue preparing for settlement conference.
1/12/2022	0.4	Together with Mr. Joseph, call Plaintiff Elizabeth Arnold to discuss settlement conference.
1/13/2022	4.0	Together with Mr. Joseph, Ms. Persinger, and Mr. Flynn, prepare for and participate in settlement conference.
4/26/2022	0.3	Participate in telephone call with Magistrate Judge Spero regarding possibility of settlement.
5/18/2022	4.9	Together with Mr. Joseph and Ms. Persinger, participate in mediation before Jill Sperber with Clif.
6/6/2022	3.2	Review and revise draft final Settlement Agreement provided by Clif; draft Exhibits 1-4 to the Settlement Agreement; meet with Mr. Joseph to discuss Settlement Agreement; send revised papers to Clif for review.
6/13/2022	1.9	Review revised draft of Settlement Agreement sent by Mr. Van Gundy in advance of call to discuss same; discuss same with Mr. Joseph and Mr. Flynn; participate in call with Mr. Van Gundy to discuss remaining Settlement Agreement issues.

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/8/2022	1.3	Confer with Mr. Joseph regarding case status and strategy and settlement negotiations.
9/26/2022	1.0	Draft email to Chris Van Gundy regarding settlement; revise and send same to Mr. Van Gundy.
10/4/2022	1.0	Together with Mr. Joseph, participate in a call with Chris Van Gundy regarding settlement.
10/5/2022	0.6	Review record to provide requested usage data to Clif for purposes of negotiating monetary amount of settlement; draft email to Mr. Van Gundy regarding same.
4/3/2023	2.4	Begin working on strategy for renewed mediation.
4/5/2023	0.7	Together with Mr. Joseph, participate in conference with Chris Van Gundy regarding mediation.
4/12/2023	0.6	Continue working on drafting Confidential Mediation Brief in advance of May 4 mediation with Judge Guilford; together with Mr. Joseph, participate in video conference with P&N to discuss ideas for increasing claims rate in Clif settlement.
4/17/2023	1.0	Continue working on Mediation Brief.
4/18/2023	3.4	Continue working on Mediation Brief.
4/19/2023	5.3	Continue working on Mediation Brief.
4/20/2023	6.6	Continue working on Mediation Brief.
4/21/2023	1.6	Research recent Judge Donato decisions on class action settlements.
4/24/2023	6.1	Review Mr. Joseph's edits to Mediation Brief; meet with Mr. Joseph to discuss same; further revise brief.
4/25/2023	1.1	Review Mr. Joseph's additional edits to Mediation Brief; cull exhibits to brief; finalize and serve brief and exhibits.
5/1/2023	2.0	Meet with Mr. Joseph to discuss mediation strategy; pull Judge Donato materials from Facebook and Meta settlements; take call from David Biderman regarding mediation.
5/2/2023	3.3	Together with Mr. Joseph and Ms. Persinger, attend mediation with Clif before Hon. Andrew Guilford (Ret.).
5/3/2023	0.1	Work on pulling usage and relevant sales information for purposes of ongoing negotiations.
5/8/2023	4.3	Work on culling information for ongoing settlement discussions; meet with Mr. Joseph to prepare for in-person settlement discussion with David Biderman.

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/9/2023	2.5	Together with Mr. Joseph, participate in in-person meeting with David Biderman and Jasmine Wetherell to further negotiate settlement.
5/19/2023	0.4	Participate in follow-up settlement discussion with David Biderman on behalf of Clif.
6/30/2023	2.7	Review and revise draft term sheet.
7/14/2023	0.3	Together with Mr. Joseph, participate in conference with David Biderman and Jasmine Wetherell to discuss status of settlement.
8/14/2023	0.5	Participate in call with David Biderman and Jasmine Wetherell regarding Clif settlement.
8/29/2023	1.7	Participate in conference with expert Colin Weir to discuss analysis of sales data vis-a-vis class size.
8/30/2023	0.3	Review draft settlement, including Mr. Joseph's edits.
9/5/2023	0.8	Meet with Mr. Joseph to review draft Settlement Agreement together and crystalize issues to raise with defense counsel; participate in call with defense counsel to discuss same.
10/5/2023	0.4	Together with Mr. Joseph, participate in video conference with Clif's counsel to discuss draft settlement agreement; revise draft Settlement Agreement based on same and send to Clif's counsel for review.
10/6/2023	1.6	Review Clif's reversion of draft Settlement Agreement; together with Mr. Joseph, participate in video conference with Clif's counsel regarding Settlement Agreement.
10/11/2023	0.4	Review Clif's edits to Exhibits 1-3 to the Settlement Agreement.
10/12/2023	0.4	Review Clif's proposed edits to Settlement Agreement, accept, and further edit; send to defense counsel for review.
<b>Total =</b>	<b>187.6</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/18/2018	0.2	Edit ADR Stipulation and proposed order; email defense counsel RE: same.
7/19/2018	0.1	File ADR certification.
5/19/2021	6.9	Review and edit Mediation Brief.
5/20/2021	6.5	Continue to draft Mediation Brief.
5/21/2021	10.5	Continue drafting Mediation Brief.

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/24/2021	0.9	Read Clif's Mediation Statement; confer with Mr. Fitzgerald regarding strategy for mediation and further preparation for mediation.
5/25/2021	0.2	Confer with Mr. Fitzgerald RE: strategy for mediation.
5/28/2021	8.3	Along with Mr. Fitzgerald and Ms. Persinger, attend mediation.
6/2/2021	0.2	Along with Mr. Fitzgerald and Ms. Persinger, call to follow up with Ms. Jill Sperber.
6/3/2021	0.7	Confer with Mr. Fitzgerald and Ms. Persinger RE: settlement negotiations and follow up with Ms. Jill Sperber.
6/4/2021	0.7	Along with Mr. Fitzgerald and Ms. Persinger, confer with Ms. Jill Sperber RE: ongoing negotiations with Clif.
7/29/2021	0.2	Meet with Mr. Fitzgerald to discuss communications with Ms. Jill Sperber.
10/5/2021	0.3	Along with Mr. Fitzgerald, attend scheduling conference for settlement with Magistrate Judge Spero.
12/21/2021	1.8	Review and revise current draft of settlement conference statement.
12/27/2021	2.1	Review and edit draft of settlement conference statement for Jan. 13 settlement conference.
12/28/2021	5.0	Continue drafting and editing settlement conference statement.
12/29/2021	0.3	Review draft of letter RE: settlement demand; confer with Mr. Fitzgerald.
12/29/2021	5.7	Continue to draft and edit settlement conference statement.
1/2/2022	5.5	Continue to review documents and possible exhibits for settlement conference statement; draft and edit settlement conference brief.
1/3/2022	0.2	Call with clients regarding settlement conference.
1/3/2022	1.5	Review and revise newest draft of mediation statement; meet with Mr. Fitzgerald RE: same.
1/4/2022	6.8	Continue to revise draft settlement conference statement.
1/5/2022	0.6	Read Clif's settlement counter offer; confer with team regarding strategy.
1/6/2022	7.0	Begin cutting settlement brief for submission as confidential.
1/11/2022	2.6	Prepare for settlement conference on January 13; perform expected value trial calculations; prepare statements and documents for settlement conference; confer with clients.
1/12/2022	0.4	Along with Mr. Fitzgerald, participate in call with Ms. Elizabeth Arnold RE: settlement conference.

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/12/2022	2.0	Prepare case comparison between present case and <i>McMorrow v. Mondelez</i> .
1/13/2022	4.0	Prepare for and attend settlement conference.
5/15/2022	2.4	Confer with Ms. Persinger regarding mediation preparation; draft mediation statement.
5/18/2022	7.5	Prepare for and attend mediation session with Mr. Fitzgerald and Ms. Persinger.
6/6/2022	1.3	Review and add edits to draft of Settlement Agreement; meet with Mr. Fitzgerald RE: same.
6/20/2022	0.5	Call with Ms. Arnold regarding Settlement Agreement.
9/8/2022	1.3	Confer with Mr. Fitzgerald RE: case strategy and settlement negotiations.
10/4/2022	1.0	Along with Mr. Fitzgerald, call with Mr. Van Gundy.
4/5/2023	0.7	Call with Clif's counsel, debrief with Mr. Fitzgerald.
4/12/2023	0.5	Call with P&N RE: strategy for obtaining claim rate Judge Donato expressed was required.
4/20/2023	0.2	Review draft of Plaintiffs' Mediation Brief.
4/21/2023	3.7	Continue reviewing and editing Mediation Brief.
4/23/2023	2.7	Continue to edit and draft Mediation Statement.
4/24/2023	1.8	Continue to edit and draft Mediation Statement.
4/24/2023	0.9	Meet with Mr. Fitzgerald to discuss mediation statement and strategy.
4/25/2023	5.2	Continue working on Mediation Statement.
5/1/2023	1.8	Along with Mr. Fitzgerald, prepare for mediation.
5/2/2023	3.3	Along with Mr. Fitzgerald and Ms. Persinger, attend mediation with Judge Guilford.
5/8/2023	0.6	Confer with Mr. Fitzgerald to discuss strategy for meeting with Mr. David Biderman.
5/9/2023	2.5	Meet with Mr. Biderman RE: settlement discussions.
7/14/2023	0.3	Along with Mr. Fitzgerald, follow-up call with defense counsel regarding settlement.
8/9/2023	0.3	Call with Mr. David Biderman and Ms. Jasmine Wetherell.
8/23/2023	1.4	Review and revise Settlement Agreement draft.
8/24/2023	0.2	Continue reviewing and editing Settlement Agreement.

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
8/28/2023	1.5	Continue editing Settlement Agreement.
8/29/2023	1.1	Continue editing Settlement Agreement.
8/30/2023	0.4	Along with Mr. Fitzgerald, outline issues with Settlement Agreement for discussion with defense counsel.
9/5/2023	0.8	Along with Mr. Fitzgerald, call with defense counsel RE: Settlement Agreement edits.
10/5/2023	0.3	Along with Mr. Fitzgerald, confer with defense counsel RE: edits to Settlement Agreement.
10/6/2023	0.3	Along with Mr. Fitzgerald, participate in video conference with Clif's counsel regarding Settlement Agreement.
<b>Total =</b>	<b>126.2</b>	

*Melanie (Persinger) Monroe*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/21/2021	5.2	Review mediation brief for public filing; review confidential portion of mediation brief; and correspond with Mr. Flynn and Mr. Joseph RE: same.
5/22/2021	0.7	Review Clif's mediation brief and correspond with Mr. Fitzgerald RE: same.
5/25/2021	0.2	Review draft settlement term sheet.
5/26/2021	0.2	Correspond with Mr. Fitzgerald and Mr. Joseph RE: upcoming mediation.
5/27/2021	0.2	Review response to Clif's mediation statement and correspond with Mr. Fitzgerald RE: same.
5/28/2021	1.0	Confer with Mr. Fitzgerald and Mr. Joseph in preparation for mediation.
5/28/2021	7.3	Together with Mr. Fitzgerald and Mr. Joseph, participate in mediation with Ms. Jill Sperber.
6/2/2021	0.2	Together with Mr. Fitzgerald and Mr. Joseph, participate in call with mediator Ms. Jill Sperber.
6/3/2021	0.4	Discuss with Mr. Fitzgerald and Mr. Joseph, Clif's latest settlement offer and how to respond.
6/4/2021	0.8	Together with Mr. Fitzgerald and Mr. Joseph, participate in teleconference with Ms. Jill Sperber to discuss Clif's latest settlement

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
		offer, including team discussions prior to and following call with Ms. Sperber; review related correspondence.
12/30/2021	11.7	Collect best documents on issues addressed in settlement conference brief; brainstorm presentation of documents.
12/31/2021	3.8	Continue to collect best documents on issues addressed in settlement conference brief.
1/2/2022	6.6	Continue collecting useful documents for use in settlement conference brief.
1/3/2022	0.4	Prepare for settlement conference.
1/4/2022	4.0	Assist Mr. Fitzgerald in finding Clif documents; read articles to prepare for upcoming settlement conference.
1/5/2022	8.2	Participate in team strategy meeting to prepare for upcoming settlement conference; gather documents for potential use in settlement conference brief; follow-up team discussions and strategy meetings.
1/6/2022	6.3	Draft exhibit for settlement conference statement; update term sheet; read articles to prepare for settlement conference; review and edit settlement conference statement.
1/10/2022	0.2	Organize documents for use during settlement conference.
1/13/2022	3.6	Together with Mr. Fitzgerald, Mr. Joseph, and Mr. Flynn, participate in settlement conference; meet with team to discuss strategy.
5/15/2022	0.2	Review and edit mediation statement and discuss same with Mr. Joseph.
5/17/2022	1.5	Prepare for mediation with Ms. Jill Sperber, including collecting documents for potential use during mediation, and finalizing and sending mediation brief to Ms. Sperber.
5/18/2022	0.5	Prepare for mediation, including conferences with Mr. Fitzgerald and Mr. Joseph.
5/18/2022	4.9	Together with Mr. Fitzgerald and Mr. Joseph, participate in mediation with Ms. Jill Sperber.
6/15/2022	4.5	Review and edit Settlement Agreement and exhibits thereto; correspond with opposing counsel RE: same; research issue regarding Class Period; assist in finalizing the Settlement Agreement.
6/16/2022	3.7	Review Clif's edits to exhibits to the Settlement Agreement; enter responsive edits; send new drafts to defense counsel for review.
6/21/2022	0.8	Compile a final executed version of the Settlement Agreement.
4/25/2023	1.8	Review and edit mediation statement.

## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/2/2023	3.3	Together with Mr. Fitzgerald and Mr. Joseph, attend mediation in Santa Ana.
<b>Total =</b>	<b>82.0</b>	

*Trevor Flynn*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/19/2021	2.7	Work on tasks for mediation brief, including finding specific record citations to contradict Mr. Gary Erickson's testimony.
5/21/2021	3.9	Work on mediation brief, including by gathering and highlighting deposition excerpt citations, gathering and cite checking exhibits, creating exhibit table, and assisting Mr. Joseph and Mr. Fitzgerald with various tasks related to mediation brief.
5/24/2021	0.8	Perform final review of Plaintiffs' mediation brief; review Clif's mediation brief.
12/22/2021	7.5	Work on reviewing Mr. Erickson deposition video for settlement conference.
12/23/2021	8.6	Continue work on Mr. Erickson deposition video compilation, including meetings with Mr. Fitzgerald separately, and entire team.
12/27/2021	1.6	Continue working on Mr. Erickson deposition compilation video.
12/28/2021	0.6	Calculate all Fitzgerald Joseph LLP and previous timekeeper lodestars; follow up on status of Kind class action to advise Mr. Fitzgerald.
12/30/2021	5.9	Begin research project to prepare outline of tactics used by big industries (including sugar, oil, tobacco, etc.) to push false narratives and gain public support through nefarious means.
12/31/2021	2.1	Continue working on various tasks for settlement brief, including further research into doubt manufacturing and comparisons with other industries.
1/2/2022	1.6	Work on research project for Mr. Joseph to identify any Clif documents discussing children aged 4-8, and any other age delineations for 10 years and younger.
1/3/2022	1.9	Research NY Gen. Bus. Law §§ 349 and 350 and due process implications; meet with Mr. Fitzgerald RE: the same; draft memo on law and email to Mr. Fitzgerald.
1/4/2022	2.6	Work on various tasks for mediation brief, including searching for documents to attach as exhibits, compiling deposition testimony to attach, and creating exhibits.



## DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
1/5/2022	0.6	Review Clif's counteroffer to settle; meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger RE: same.
1/5/2022	5.0	Work on identifying most pertinent and persuasive documents for inclusion in settlement brief.
1/12/2022	1.4	Make further revisions to the Erickson deposition excerpt video in preparation for settlement conference.
1/12/2022	1.7	Engage in research project for Mr. Joseph RE: differences in claims and defenses, particularly with respect to substantiation, as between the Clif and Mondelez matters; research and pull documents on various other matters as requested by Mr. Joseph.
1/13/2022	3.6	Meet with Mr. Fitzgerald, Mr. Joseph, and Ms. Persinger RE: settlement conference strategy; participate in settlement conference; debrief and discuss plan going forward.
6/13/2022	1.5	Meet with Mr. Fitzgerald to discuss further tasks for finalizing Settlement Agreement; further research on Judge Donato's decisions regarding scope of release and California Civil Code 1542.
4/26/2023	0.3	Review mediation brief.
5/1/2023	0.4	Work on discrete tasks associated with Clif mediation, including research on Clif websites using Wayback machine.
<b>Total =</b>	<b>54.3</b>	

*Richelle Kemler*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/11/2018	0.2	Email clients RE: ADR procedures.
7/11/2018	0.7	Prepare ADR forms.
1/15/2021	1.8	Prepare stipulation to continue mediation; review previous orders and Judge's rules.
5/21/2021	4.7	Review mediation brief and prepare exhibits.
5/26/2021	0.6	Telephone calls to Plaintiffs RE: mediation.
<b>Total =</b>	<b>8.0</b>	

*Caroline Emhardt*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
4/25/2023	2.0	Cite check Mediation Brief.

DETAILED BILLING RECORDS BY CATEGORY – ADR

<b>Date</b>	<b>Hours</b>	<b>Description</b>
5/1/2023	1.8	Research label change for Mr. Fitzgerald.
<b>Total =</b>	<b>3.8</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Preliminary Approval

**Preliminary Approval*****Jack Fitzgerald***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/28/2023	2.8	Begin drafting Motion for Preliminary Approval of new Settlement Agreement.
10/5/2023	4.8	Continue working on Motion for Preliminary Approval.
<b>Total =</b>	<b>7.6</b>	

***Paul Joseph***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/27/2023	0.2	Confer with Ms. Persinger RE: edits to third-party subpoena request.
8/16/2023	0.1	Read email from defense counsel.
9/29/2023	0.8	Review and edit motion for preliminary approval; begin drafting declaration RE: information required by N.D. Cal. Guidelines.
10/3/2023	2.7	Draft declaration responses RE: N.D. Cal. Preliminary Approval Guidelines.
10/6/2023	2.1	Draft long and short form notice; continue drafting declaration section RE: N.D. Cal. preliminary approval requirements.
10/12/2023	1.6	Continue drafting declaration in support of preliminary approval.
<b>Total =</b>	<b>7.5</b>	

***Trevor Flynn***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
9/6/2022	0.9	Research into Clif's acquisition by Mondelez to try and determine all publicly available details.
9/14/2022	0.2	Review transcript of Preliminary Approval hearing.
7/21/2023	1.6	Begin preliminary work on drafting second motion for preliminary approval.
7/24/2023	3.9	Continue working on second motion for preliminary approval.
7/25/2023	0.7	Continue working on second motion for preliminary approval.
10/10/2023	2.4	Work on motion for preliminary approval, including drafting declarations of Plaintiffs to support future incentive award.

## DETAILED BILLING RECORDS BY CATEGORY – Preliminary Approval

<b>Date</b>	<b>Hours</b>	<b>Description</b>
10/11/2023	0.6	Continue working on Plaintiff declarations RE: incentive award, including legal research on Judge Donato's decisions; send messages to Mr. Joseph RE: same.
<b>Total =</b>	<b>10.3</b>	

*Caroline Emhardt*

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/12/2023	1.2	Research recent successful preliminary approval motions in consumer fraud false labeling.
<b>Total =</b>	<b>1.2</b>	

## DETAILED BILLING RECORDS BY CATEGORY – Final Approval

**Final Approval*****Melanie (Persinger) Monroe***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
7/21/2022	5.8	Begin drafting motion for final approval of settlement.
<b>Total =</b>	<b>5.8</b>	

***Trevor Flynn***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/15/2022	2.5	Begin research for Motion for Final Approval.
6/20/2022	3.1	Begin working on outline for Motion for Final approval.
7/18/2022	1.5	Work on Motion for Final Approval.
7/19/2022	0.5	Continue work on Motion for Final Approval.
<b>Total =</b>	<b>7.6</b>	

***Christina Mendez***

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/1/2022	2.2	Review all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/2/2022	6.7	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/3/2022	3.5	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/6/2022	3.3	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/7/2022	6.6	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/8/2022	6.5	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/9/2022	6.6	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/10/2022	5.2	Continue reviewing all time entries spanning the entire chronology of the case; ensure entries are uniformly formatted and free from typos.
6/13/2022	7.6	Continue reviewing all time entries spanning the chronology of case; ensure that entries are accurately categorized.

## DETAILED BILLING RECORDS BY CATEGORY – Final Approval

<b>Date</b>	<b>Hours</b>	<b>Description</b>
6/14/2022	7.5	Continue reviewing all time entries spanning the chronology of case; ensure that entries are accurately categorized.
6/15/2022	5.3	Continue reviewing all time entries spanning the chronology of case; ensure that entries are accurately categorized; send update to Mr. Joseph with status update and next steps.
<b>Total =</b>	<b>61.0</b>	

# Exhibit 2

# Exhibit 2



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## DETAILED EXPENSES BY CHRONOLOGY

**EXPENSES BY CHRONOLOGY**

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
4/19/2018	\$400.00	US District Court NDCA Filing Fee	Case Initiation, Management & Admissions Fees
4/24/2018	\$139.40	Help U Serve - Service of complaint	Service and Subpoena Costs
6/18/2018	\$157.96	Southwest Airlines - Mr. Joseph airfare to SFO for Motion to Dismiss hearing (reset from July 5 to August 9, 2018)	Air Travel
8/6/2018	\$355.96	Southwest Airlines - Mr. Fitzgerald airfare to SFO for August 9, 2018 Motion to Dismiss hearing	Air Travel
8/7/2018	\$313.88	Red Motor Lodge - Mr. Fitzgerald accommodations for Motion to Dismiss hearing	Accommodations
8/7/2018	\$205.65	Agoda.com – Mr. Joseph hotel reservation for Motion to Dismiss hearing	Accommodations
9/24/2018	\$121.25	Payment to Katherine Sullivan for transcript of August 9, 2018 Motion to Dismiss hearing	Hearing Transcripts
7/13/2020	\$5,000.00	Retainer for Dr. Robert Lustig expert services (science) – billed against initial case work	Expert Testimony and Related Costs
7/14/2020	\$700.00	Spent portion of \$10,000.00 retainer to Applied Marketing Science for Steven Gaskin for expert services (marketing)	Expert Testimony and Related Costs
7/14/2020	\$5,000.00	Retainer for Dr. Michael Greger expert services (science) – billed against initial case work	Expert Testimony and Related Costs
8/4/2020	\$2,114.25	Veritext Legal Solutions Invoice Nos. 4305676 (transcript of Ralph Milan deposition, April 23, 2020), 4312051 (transcript of Elizabeth Arnold deposition, April 27, 2020)	Deposition Costs

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
8/10/2020	\$1,925.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – planning and design (Invoice No. 1026)	Expert Testimony and Related Costs
8/21/2020	\$1,800.00	Spent portion of \$5,000 retainer to Applied Marketing Science for Brian Sowers' expert services.	Expert Testimony and Related Costs
9/23/2020	\$3,627.69	American Messenger Service - service fees for 3rd party subpoenas	Service and Subpoena Costs
9/28/2020	\$5,775.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services – planning and design (Invoice No. 1038)	Expert Testimony and Related Costs
9/28/2020	\$19,240.00	Payment to Information Resources Inc. for scan data (sales) responsive to subpoena (used in damages model)	Expert Testimony and Related Costs
9/29/2020	\$5,800.00	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007661)	Expert Testimony and Related Costs
10/1/2020	\$34,767.25	Payment to Applied Marketing Science for Mr. Sowers' expert services – planning and design and online study (Invoice No. 19324)	Expert Testimony and Related Costs
10/1/2020	\$45,493.75	Payment to Applied Marketing Science for support for Mr. Gaskin's expert services (Invoice Nos. 19281 (\$16,143.75) and 19323 (\$29,350.00))	Expert Testimony and Related Costs
10/5/2020	\$7,480.90	Veritext Legal Solutions Invoice Nos. 4502957 (Michelle Ferguson deposition coverage, August 14, 2020), 4534258 (Michelle Ferguson Vol. 2 deposition coverage, August 20, 2020), 4520783 (Michelle McDonald deposition coverage, August 20, 2020).	Deposition Costs and Transcripts
10/6/2020	\$12,512.50	Payment to Silverman Consulting for Mr. Silverman's expert services	Expert Testimony and Related Costs
10/6/2020	\$10,693.75	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007682)	Expert Testimony and Related Costs
10/21/2020	\$3,262.50	American Messenger Service - service fees for 3rd party subpoenas	Service and Subpoena Costs

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
10/27/2020	\$2,000.00	Payment to Dr. Lustig for expert services	Expert Testimony and Related Costs
11/16/2020	\$2,200.00	Payment to Silverman Consulting for Mr. Silverman's expert services	Expert Testimony and Related Costs
12/7/2020	\$12,143.75	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007712)	Expert Testimony and Related Costs
12/16/2020	\$6,000.00	Payment to AlixPartners for Dr. Choi's (Clif damages expert) Deposition Testimony	Expert Testimony and Related Costs
12/29/2020	\$89,528.28	Payment to Applied Marketing Science for Mr. Gaskin (Invoice No. 19387 (\$20,797.51)) and Mr. Sowers' (Invoice Nos. 19388 (\$52,692.02) and 19474 (\$15,768.75)) expert services	Expert Testimony and Related Costs
12/29/2020	\$25,550.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services – planning and design (Invoice No. 1044 (\$7,350)) and deposition preparation and rebuttal response (Invoice No. 1054 (\$18,200))	Expert Testimony and Related Costs
12/29/2020	\$1,972.50	Payment to Dr. Greger for expert services	Expert Testimony and Related Costs
12/29/2020	\$17,581.25	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007735)	Expert Testimony and Related Costs
1/6/2021	\$12,683.33	Veritext Legal Solutions Invoice Nos. 4562040 (Michelle Ferguson deposition video, August 14, 2020), 4565743 (Michelle McDonald deposition video, August 20, 2020), 4564034 (Michelle Ferguson 30(b)(6) deposition coverage, September 4, 2020), 4552337 (Tayfun Ucar deposition coverage, September 9, 2020), 4564036 (Tayfun Ucar deposition video, September 9, 2020), 4563042 (Casey Lewis deposition coverage, September 15, 2020), and 4564033 (Casey Lewis deposition video, September 15, 2020)	Deposition Costs and Transcripts
1/19/2021	\$2,000.00	Cost of production of documents by third-party Malnove in response to subpoena	Service and Subpoena Costs

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
1/25/2021	\$1,100.00	Payment to Silverman Consulting for Mr. Silverman's expert services	Expert Testimony and Related Costs
2/1/2021	\$3,900.00	Payment to Applied Marketing Science for Mr. Gaskin (Invoice No. 19582) and Mr. Sowers' (Invoice No. 19583) expert services	Expert Testimony and Related Costs
2/8/2021	\$42,875.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services (check No. 1210)	Expert Testimony and Related Costs
3/3/2021	\$48.40	Payment to MK Litigation Solutions (Marla F. Knox) for February 18, 2021 hearing transcript	Transcripts
4/13/2021	\$16,967.63	Veritext Legal Solutions Invoice Nos. 4635853 (transcript of Dr. Michael Greger, M.D. deposition, October 21, 2020), 4632857 (Dr. Michael Greger, M.D. deposition video, October 21, 2020), 4624025 (transcript of Colin B. Weir deposition, October 23, 2020), 4791250 (Jodi Olson deposition coverage, January 22, 2021), 4854689 (Jodi Olson deposition video, January 22, 2021), 4850148 (Cliff Eclarino deposition coverage, February 9, 2021), 4866326 (Cliff Eclarino deposition video, February 9, 2021), 4835020 (Tayfun Ucar Vol. 2 deposition coverage, February 12, 2021), 4917320 (Katerina Nash deposition video, February 12, 2021), and 4934636 (Itamar Simonson, Ph.D. deposition coverage, April 5, 2021)	Deposition Costs and Transcripts
4/28/2021	\$17,325.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services (check No. 1169)	Expert Testimony and Related Costs
5/6/2021	\$6,250.00	Payment to Judicate West for Jill Sperber's mediation services	Mediation Costs
6/1/2021	\$1,500.00	Payment to Dr. Lustig for expert services	Expert Testimony and Related Costs
7/9/2021	\$11,725.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services – deposition prep and rebuttal response (Invoice No. 1117)	Expert Testimony and Related Costs
7/21/2021	\$26,831.25	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice	Expert Testimony and Related Costs

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
		Nos. 202007768, 202107872, 202107900, and 202107943)	
7/21/2021	\$370.96	Southwest Airlines - Mr. Joseph airfare to SFO for September 2, 2021 Class Certification and Summary Judgment hearing	Air Travel
7/21/2021	\$370.96	Southwest Airlines - Mr. Fitzgerald airfare to SFO for September 2, 2021 Class Certification and Summary Judgment hearing	Air Travel
7/26/2021	\$2,895.00	Veritext Legal Solutions Invoice Nos. 5124913 (Dr. James M. Rippe, M.D. deposition video, May 7, 2021), 5118615 (Dr. Robert Lustig, M.D. Vol. 2 deposition video, May 7, 2021)	Deposition Costs and Transcripts
7/27/2021	\$148,565.50	Payment to Applied Marketing Science for expert services of Mr. Gaskin (Invoice Nos. 19690 (\$90,963.30) and 19749 (\$5,799.95)), and Mr. Sowers (Invoice Nos. 19691 (\$21,552.25), 19750 (\$15,250.00), 19802 (\$11,700.00), and 19930 (\$3,300)).	Expert Testimony and Related Costs
7/29/2021	\$14,078.24	Veritext Legal Solutions Invoice Nos. 4620119 (transcript of Brian M. Sowers Vol. 1 deposition, October 22, 2020), 4869688 (Katerina Nash deposition coverage, February 12, 2021), 4858769 (Linsey Corbin deposition coverage, February 15, 2021), 4878646 (Linsey Corbin deposition video, February 15, 2021), 4886718 (Scot Jurek deposition coverage, February 16, 2021), 5005305 (transcript of Steven Gaskin Vol. 2 deposition, April 29, 2021), and 5048744 (transcript of Colin Weir, Vol. 2 deposition, May 7, 2021)	Deposition Costs and Transcripts
8/16/2021	\$1,568.00	Veritext Legal Solutions Inv. 5200618 (Joanne Slavin, Ph.D., Vol. 2 deposition video, June 28, 2021)	Deposition Costs and Transcripts
8/19/2021	\$11,250.00	Payment to Dr. James Rippe (Clif science expert) for deposition testimony	Expert Testimony and Related Costs

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
8/31/2021	\$591.56	Hotels.com - Rooms for Mr. Fitzgerald and Mr. Joseph for September 2, 2021 Class Certification and Summary Judgment hearing	Accommodations
10/2/2021	\$36.40	Payment to Katherine Sullivan for transcript of September 2, 2021 Class Certification and Summary Judgment hearing	Hearing Transcripts
10/28/2021	\$3,200.00	Payment to Applied Marketing Science for expert services of Mr. Sowers (Invoice No. 19869)	Expert Testimony and Related Costs
11/18/2021	\$1,667.50	Payment of advance invoice to Focus Groups of America for November 30, 2021 focus group accommodations and setup (11934NCA-B)	Focus Group & Trial Consultation
12/3/2021	\$1,667.50	Payment of final invoice to Focus Groups of America for November 30, 2021 focus group accommodations and setup (11934NCA-B)	Focus Group & Trial Consultation
12/3/2021	\$1,667.50	Payment of advance invoice to Focus Groups of America for December 6, 2021 focus group accommodations and setup (11940NCA)	Focus Group & Trial Consultation
12/3/2021	\$331.96	Southwest Airlines - Mr. Joseph airfare for December 9, 2021 Status Conference	Air Travel
12/7/2021	\$5,000.00	Payment to Winning Works for work assisting in preparing and conducting first focus group (November 30, 2021)	Focus Group & Trial Consultation
12/8/2021	\$1,667.50	Payment of final invoice to Focus Groups of America for December 6, 2021 focus group accommodations and setup (11940NCA)	Focus Group & Trial Consultation
1/19/2022	\$4,021.00	Payment to Winning Works for balance due for work on November 30 and December 6 focus groups.	Focus Group & Trial Consultation

## DETAILED EXPENSES BY CHRONOLOGY

Date	Amount	Description	Category
2/2/2022	\$34,826.50	Veritext Legal Solutions Inv. 4659730 (transcript of Steven Gaskin Vol. 1 deposition, October 26, 2020), 4663306 (William S. Choi, Ph.D. deposition coverage, November 16, 2020), 4763671 (William S. Choi, Ph.D. deposition video, November 16, 2020), 4844167 Gary Erickson Vol. 1 deposition coverage, January 29, 2021), 4878504 (Gary Erickson Vol. 1 deposition video, January 29, 2021), 4843000 (Gary Erickson Vol. 2 deposition coverage, February 2, 2021), 4884107 (Gary Erickson Vol. 2 deposition video, February 2, 2021), 4878592 (Tayfun Ucar deposition coverage, February 12, 2021), 4844033 (Jessica Chon deposition coverage, February 16, 2021), 4920123 (Jessica Chon deposition video, February 16, 2021), 4896427 (Scot Jurek deposition video, February 16, 2021), 4937417 (Joanne Slavin, Ph.D., Vol. 1 deposition coverage, March 30, 2021)	Deposition Costs and Transcripts
2/14/2022	\$6,000.00	Retainer paid to Trial Survey Group (Chris Denove) for mock trial jury survey work	Focus Group & Trial Consultation
2/18/2022	\$2,236.25	Payment of advance invoice to Focus Groups of America for February 18, 2022 focus group accommodations and setup (11970SFC)	Focus Group & Trial Consultation
2/23/2022	\$2,236.25	Payment of final invoice to Focus Groups of America for February 18, 2022 focus group accommodations and setup (11970SFC)	Focus Group & Trial Consultation
3/7/2022	\$1,262.50	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice Nos. 202108058 and 202208105)	Expert Testimony and Related Costs
3/8/2022	\$9,118.00	Payment to Winning Works for work on February 18, 2022 focus group	Focus Group & Trial Consultation
3/9/2022	\$27,761.62	Veritext Legal Solutions Inv. 5022373 (Dr. James M. Rippe, M.D. deposition coverage, May 7, 2021), 5031614 (transcript of Dr. Robert Lustig Vol. 2 deposition, May 7, 2021), 5040665 (Itamar Simonson, Ph.D.	Deposition Costs and Transcripts



## DETAILED EXPENSES BY CHRONOLOGY

Date	Amount	Description	Category
		deposition coverage, April 5, 2021), 5033581 (Itamar Simonson, Ph.D. deposition video, April 5, 2021), 5049576 (transcript of Brian Sowers Vol. 2 deposition, May 4, 2021), 5132658 (Joanne Slavin, Ph.D., Vol. 2 deposition coverage, June 28, 2021), 5049800 (Joanne Slavin, Ph.D., Vol. 1 deposition video, March 30, 2021), 5105902 (Itamar Simonson deposition video, April 30, 2021), 5203647 (Michelle McDonald August 20, 2020 deposition transcript and video synchronization), 5203655 (Linsey Corbin February 15, 2021 deposition transcript and video synchronization), 5203659 (Joanne Slavin Vol 1 March 30, 2021 deposition transcript and video synchronization), 5203736 (Itamar Simonson April 30, 2021 deposition transcript and video synchronization), 5203737 (Joanne Slavin Vol. 2 June 28, 2021 deposition transcript and video synchronization), 5206441 (Tayfun Ucar February 12, 2021 deposition transcript and video synchronization), 5206664 (Michelle Ferguson 30(b)(6) September 4, 2020 deposition transcript and video synchronization), 5208895 (Clif Eclarino February 9, 2021 deposition transcript and video synchronization), 5212388 (Casey Lewis September 15, 2020 deposition transcript and video synchronization), 5212543 (Tayfun Ucar February 12, 2021 deposition transcript and video synchronization), 5214004 (Scot Jurek February 16, 2021 deposition transcript and video synchronization), 5215068 (Itamar Simonson, Ph.D. April 5, 2021 deposition transcript and video synchronization), 5217287 (Dr. James M. Rippe, M.D. May 7, 2021 deposition transcript and video synchronization), 5556452 (Ralph Milan April 23, 2020 deposition transcript and video synchronization), 5556453 (Elizabeth	

## DETAILED EXPENSES BY CHRONOLOGY

Date	Amount	Description	Category
		Arnold April 27, 2020 deposition transcript and video synchronization), 5556454 (Dr. Robert Lustig, M.D. October 13, 2020 deposition transcript and video synchronization), 5556530 (Bruce G. Silverman October 14, 2020 deposition transcript and video synchronization), 5556549 (Dr. Michael Greger, M.D. October 21, 2020 deposition transcript and video synchronization), 5556551 (Brian M. Sowers October 22, 2020 deposition transcript and video synchronization), 5556552 (Colin B. Weir October 23, 2020 deposition transcript and video synchronization), 5556553 (Steven P. Gaskin October 26, 2020 deposition transcript and video synchronization), 5556554 (Steven Gaskin Vol. 2 April 29, 2021 deposition transcript and video synchronization), 5556555 (Brian M. Sowers Vol. 2 May 4, 2021 deposition transcript and video synchronization), 5556556 (Dr. Robert Lustig, M.D. Vol. 2 deposition transcript and video synchronization), and 5560629 (Colin B. Weir Vol. 2 May 7, 2021 deposition transcript and video synchronization)	
3/23/2022	\$4,550.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – trial preparation (Invoice No. 1239)	Expert Testimony and Related Costs
4/18/2022	\$3,850.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – trial preparation (Invoice No. 1249)	Expert Testimony and Related Costs
5/17/2022	\$3,250.00	Payment to Judicate West for Jill Sperber's mediation services	Mediation Costs
6/8/2022	\$4,725.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – trial preparation (Invoice Nos. 1257 (\$3,325), 1267 (\$1,400))	Expert Testimony and Related Costs
6/8/2022	\$6,900.00	Payment to Trial Survey Group (Chris Denove) for final balance for April mock trial jury survey work	Focus Group & Trial Consultation

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
6/23/2022	\$710.50	Veritext Legal Solutions Inv. 5203651 (Jodi Olson January 22, 2021 deposition transcript and video synchronization), and 5203656 (Jackie Chon February 16, 2021 deposition transcript and video synchronization)	Deposition Costs and Transcripts
6/23/2022	\$9,800.00	Payment to Trial Survey Group (Chris Denove) for second mock trial jury survey	Focus Group & Trial Consultation
8/29/2022	\$365.65	Zetta Hotel - Accommodations for Mr. Joseph for September 2, 2022 Preliminary Approval hearing	Accommodations
8/30/2022	\$432.96	Southwest Airfare – Mr. Joseph airfare for trip to SFO for September 1, 2022 preliminary approval hearing	Air Travel
9/24/2022	\$34.00	Payment to Joan Marie Columbini for transcript of September 2, 2021 Preliminary Approval hearing transcript	Hearing Transcripts
11/16/2022	\$41,843.03	Angeion - Cost of Class Notice (following class certification) and website maintenance	Class Certification Notice
12/8/2022	\$1,450.00	Payment to Economics & Technology, Inc. for expert services of Mr. Weir in revising damages calculations (Invoice No. 202208142)	Expert Testimony and Related Costs
4/12/2023	\$10,375.00	Mediation Fee for Hon. Andrew J. Guilford.	Mediation Costs
9/4/2023	\$3,825.00	Payment to Economics & Technology, Inc. for expert services of Mr. Weir - damages calculations (Invoice No. 202308517)	Expert Testimony and Related Costs
10/24/2023	\$1,087.50	Payment to Economics & Technology, Inc. for expert services of Mr. Weir - damages and class size calculations (Invoice No. 202308555)	Expert Testimony and Related Costs
1/31/2024	\$1,993.75	Payment to Economics & Technology, Inc. for expert services of Mr. Weir - damages and class size calculations (Invoice No. 202408652)	Expert Testimony and Related Costs

## DETAILED EXPENSES BY CHRONOLOGY

<b>Date</b>	<b>Amount</b>	<b>Description</b>	<b>Category</b>
-	\$1,275.00	Deadlines.com – Calendaring software fees for life of case	Case Initiation, Management & Admissions Fees
<b>Total:</b>	<b>\$844,651.27</b>		

## DETAILED EXPENSES BY CATEGORY – Air Travel

**AIR TRAVEL**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
6/18/2018	\$157.96	Southwest Airlines - Mr. Joseph airfare to SFO for Motion to Dismiss hearing (reset from July 5 to August 9, 2018)
8/6/2018	\$355.96	Southwest Airlines - Mr. Fitzgerald airfare to SFO for August 9, 2018 Motion to Dismiss hearing
7/21/2021	\$370.96	Southwest Airlines - Mr. Joseph airfare to SFO for September 2, 2021 Class Certification and Summary Judgment hearing
7/21/2021	\$370.96	Southwest Airlines - Mr. Fitzgerald airfare to SFO for September 2, 2021 Class Certification and Summary Judgment hearing
12/3/2021	\$331.96	Southwest Airlines - Mr. Joseph airfare for December 9, 2021 Status Conference
8/30/2022	\$432.96	Southwest Airfare – Mr. Joseph airfare for trip to SFO for September 1, 2022 preliminary approval hearing
<b>Total:</b>	<b>\$2,020.76</b>	

DETAILED EXPENSES BY CATEGORY – Case Initiation and Management

**CASE INITIATION AND MANAGEMENT**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
4/19/2018	\$400.00	US District Court NDCA Filing Fee
<b>Total:</b>	<b>\$400.00</b>	

DETAILED EXPENSES BY CATEGORY – Class Certification Notice

**CLASS CERTIFICATION NOTICE**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
11/16/2022	\$41,843.03	Angeion - Cost of Class Notice (following class certification) and website maintenance
<b>Total:</b>	<b>\$41,843.03</b>	

## DETAILED EXPENSES BY CATEGORY – Deposition Costs

**DEPOSITION COSTS**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
8/4/2020	\$2,114.25	Veritext Legal Solutions Invoice Nos. 4305676 (transcript of Ralph Milan deposition, April 23, 2020), 4312051 (transcript of Elizabeth Arnold deposition, April 27, 2020)
10/5/2020	\$7,480.90	Veritext Legal Solutions Invoice Nos. 4502957 (Michelle Ferguson deposition coverage, August 14, 2020), 4534258 (Michelle Ferguson Vol. 2 deposition coverage, August 20, 2020), 4520783 (Michelle McDonald deposition coverage, August 20, 2020).
1/6/2021	\$12,683.33	Veritext Legal Solutions Invoice Nos. 4562040 (Michelle Ferguson deposition video, August 14, 2020), 4565743 (Michelle McDonald deposition video, August 20, 2020), 4564034 (Michelle Ferguson 30(b)(6) deposition coverage, September 4, 2020), 4552337 (Tayfun Ucar deposition coverage, September 9, 2020), 4564036 (Tayfun Ucar deposition video, September 9, 2020), 4563042 (Casey Lewis deposition coverage, September 15, 2020), and 4564033 (Casey Lewis deposition video, September 15, 2020)
4/13/2021	\$16,967.63	Veritext Legal Solutions Invoice Nos. 4635853 (transcript of Dr. Michael Greger, M.D. deposition, October 21, 2020), 4632857 (Dr. Michael Greger, M.D. deposition video, October 21, 2020), 4624025 (transcript of Colin B. Weir deposition, October 23, 2020), 4791250 (Jodi Olson deposition coverage, January 22, 2021), 4854689 (Jodi Olson deposition video, January 22, 2021), 4850148 (Cliff Eclarino deposition coverage, February 9, 2021), 4866326 (Cliff Eclarino deposition video, February 9, 2021), 4835020 (Tayfun Ucar Vol. 2 deposition coverage, February 12, 2021), 4917320 (Katerina Nash deposition video, February 12, 2021), and 4934636 (Itamar Simonson, Ph.D. deposition coverage, April 5, 2021)
7/26/2021	\$2,895.00	Veritext Legal Solutions Invoice Nos. 5124913 (Dr. James M. Rippe, M.D. deposition video, May 7, 2021), 5118615 (Dr. Robert Lustig, M.D. Vol. 2 deposition video, May 7, 2021)
7/29/2021	\$14,078.24	Veritext Legal Solutions Invoice Nos. 4620119 (transcript of Brian M. Sowers Vol. 1 deposition, October 22, 2020), 4869688 (Katerina Nash deposition coverage, February 12, 2021), 4858769 (Linsey Corbin deposition coverage, February 15, 2021), 4878646 (Linsey Corbin deposition video, February 15, 2021), 4886718 (Scot Jurek deposition coverage, February 16, 2021), 5005305



## DETAILED EXPENSES BY CATEGORY – Deposition Costs

Date	Amount	Description
		(transcript of Steven Gaskin Vol. 2 deposition, April 29, 2021), and 5048744 (transcript of Colin Weir, Vol. 2 deposition, May 7, 2021)
8/16/2021	\$1,568.00	Veritext Legal Solutions Inv. 5200618 (Joanne Slavin, Ph.D., Vol. 2 deposition video, June 28, 2021)
2/2/2022	\$34,826.50	Veritext Legal Solutions Inv. 4659730 (transcript of Steven Gaskin Vol. 1 deposition, October 26, 2020), 4663306 (William S. Choi, Ph.D. deposition coverage, November 16, 2020), 4763671 (William S. Choi, Ph.D. deposition video, November 16, 2020), 4844167 Gary Erickson Vol. 1 deposition coverage, January 29, 2021), 4878504 (Gary Erickson Vol. 1 deposition video, January 29, 2021), 4843000 (Gary Erickson Vol. 2 deposition coverage, February 2, 2021), 4884107 (Gary Erickson Vol. 2 deposition video, February 2, 2021), 4878592 (Tayfun Ucar deposition coverage, February 12, 2021), 4844033 (Jessica Chon deposition coverage, February 16, 2021), 4920123 (Jessica Chon deposition video, February 16, 2021), 4896427 (Scot Jurek deposition video, February 16, 2021), 4937417 (Joanne Slavin, Ph.D., Vol. 1 deposition coverage, March 30, 2021)
3/9/2022	\$27,761.62	Veritext Legal Solutions Inv. 5022373 (Dr. James M. Rippe, M.D. deposition coverage, May 7, 2021), 5031614 (transcript of Dr. Robert Lustig Vol. 2 deposition, May 7, 2021), 5040665 (Itamar Simonson, Ph.D. deposition coverage, April 5, 2021), 5033581 (Itamar Simonson, Ph.D. deposition video, April 5, 2021), 5049576 (transcript of Brian Sowers Vol. 2 deposition, May 4, 2021), 5132658 (Joanne Slavin, Ph.D., Vol. 2 deposition coverage, June 28, 2021), 5049800 (Joanne Slavin, Ph.D., Vol. 1 deposition video, March 30, 2021), 5105902 (Itamar Simonson deposition video, April 30, 2021), 5203647 (Michelle McDonald August 20, 2020 deposition transcript and video synchronization), 5203655 (Linsey Corbin February 15, 2021 deposition transcript and video synchronization), 5203659 (Joanne Slavin Vol 1 March 30, 2021 deposition transcript and video synchronization), 5203736 (Itamar Simonson April 30, 2021 deposition transcript and video synchronization), 5203737 (Joanne Slavin Vol. 2 June 28, 2021 deposition transcript and video synchronization), 5206441 (Tayfun Ucar February 12, 2021 deposition transcript and video synchronization), 5206664 (Michelle Ferguson 30(b)(6) September 4, 2020 deposition transcript and video synchronization), 5208895 (Clif Eclarino February 9, 2021 deposition transcript and video synchronization), 5212388 (Casey Lewis September 15, 2020

## DETAILED EXPENSES BY CATEGORY – Deposition Costs

<b>Date</b>	<b>Amount</b>	<b>Description</b>
		deposition transcript and video synchronization), 5212543 (Tayfun Ucar February 12, 2021 deposition transcript and video synchronization), 5214004 (Scot Jurek February 16, 2021 deposition transcript and video synchronization), 5215068 (Itamar Simonson, Ph.D. April 5, 2021 deposition transcript and video synchronization), 5217287 (Dr. James M. Rippe, M.D. May 7, 2021 deposition transcript and video synchronization), 5556452 (Ralph Milan April 23, 2020 deposition transcript and video synchronization), 5556453 (Elizabeth Arnold April 27, 2020 deposition transcript and video synchronization), 5556454 (Dr. Robert Lustig, M.D. October 13, 2020 deposition transcript and video synchronization), 5556530 (Bruce G. Silverman October 14, 2020 deposition transcript and video synchronization), 5556549 (Dr. Michael Greger, M.D. October 21, 2020 deposition transcript and video synchronization), 5556551 (Brian M. Sowers October 22, 2020 deposition transcript and video synchronization), 5556552 (Colin B. Weir October 23, 2020 deposition transcript and video synchronization), 5556553 (Steven P. Gaskin October 26, 2020 deposition transcript and video synchronization), 5556554 (Steven Gaskin Vol. 2 April 29, 2021 deposition transcript and video synchronization), 5556555 (Brian M. Sowers Vol. 2 May 4, 2021 deposition transcript and video synchronization), 5556556 (Dr. Robert Lustig, M.D. Vol. 2 deposition transcript and video synchronization), and 5560629 (Colin B. Weir Vol. 2 May 7, 2021 deposition transcript and video synchronization)
6/23/2022	\$710.50	Veritext Legal Solutions Inv. 5203651 (Jodi Olson January 22, 2021 deposition transcript and video synchronization), and 5203656 (Jackie Chon February 16, 2021 deposition transcript and video synchronization)
<b>Total</b>	<b>\$121,085.97</b>	

## DETAILED EXPENSES BY CATEGORY – Expert Testimony &amp; Related Costs

**EXPERT TESTIMONY & RELATED COSTS**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
7/13/2020	\$5,000.00	Retainer for Dr. Robert Lustig expert services (science) – billed against initial case work
7/14/2020	\$700.00	Spent portion of \$10,000.00 retainer to Applied Marketing Science for Steven Gaskin for expert services (marketing)
7/14/2020	\$5,000.00	Retainer for Dr. Michael Greger expert services (science) – billed against initial case work
8/10/2020	\$1,925.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin’s expert services – planning and design (Invoice No. 1026)
8/21/2020	\$1,800.00	Spent portion of \$5,000 retainer to Applied Marketing Science for Brian Sowers’ expert services.
9/28/2020	\$5,775.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin’s expert services – planning and design (Invoice No. 1038)
9/28/2020	\$19,240.00	Payment to Information Resources Inc. for scan data (sales) responsive to subpoena (used in damages model)
9/29/2020	\$5,800.00	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007661)
10/1/2020	\$34,767.25	Payment to Applied Marketing Science for Mr. Sowers’ expert services – planning and design and online study (Invoice No. 19324)
10/1/2020	\$45,493.75	Payment to Applied Marketing Science for support for Mr. Gaskin’s expert services (Invoice Nos. 19281 (\$16,143.75) and 19323 (\$29,350.00))
10/6/2020	\$12,512.50	Payment to Silverman Consulting for Mr. Silverman’s expert services
10/6/2020	\$10,693.75	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007682)
10/27/2020	\$2,000.00	Payment to Dr. Lustig for expert services

## DETAILED EXPENSES BY CATEGORY – Expert Testimony &amp; Related Costs

<b>Date</b>	<b>Amount</b>	<b>Description</b>
11/16/2020	\$2,200.00	Payment to Silverman Consulting for Mr. Silverman's expert services
12/7/2020	\$12,143.75	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007712)
12/16/2020	\$6,000.00	Payment to AlixPartners for Dr. Choi's (Clif damages expert) Deposition Testimony
12/29/2020	\$89,528.28	Payment to Applied Marketing Science for Mr. Gaskin (Invoice No. 19387 (\$20,797.51)) and Mr. Sowers' (Invoice Nos. 19388 (\$52,692.02) and 19474 (\$15,768.75)) expert services
12/29/2020	\$25,550.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services – planning and design (Invoice No. 1044 (\$7,350)) and deposition preparation and rebuttal response (Invoice No. 1054 (\$18,200))
12/29/2020	\$1,972.50	Payment to Dr. Greger for expert services
12/29/2020	\$17,581.25	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice No. 202007735)
1/25/2021	\$1,100.00	Payment to Silverman Consulting for Mr. Silverman's expert services
2/1/2021	\$3,900.00	Payment to Applied Marketing Science for Mr. Gaskin (Invoice No. 19582) and Mr. Sowers' (Invoice No. 19583) expert services
2/8/2021	\$42,875.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services (check No. 1210)
4/28/2021	\$17,325.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services (check No. 1169)
6/1/2021	\$1,500.00	Payment to Dr. Lustig for expert services
7/9/2021	\$11,725.00	Payment to Steven P. Gaskin, LLC for Mr. Gaskin's expert services – deposition prep and rebuttal response (Invoice No. 1117)

## DETAILED EXPENSES BY CATEGORY – Expert Testimony &amp; Related Costs

<b>Date</b>	<b>Amount</b>	<b>Description</b>
7/21/2021	\$26,831.25	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice Nos. 202007768, 202107872, 202107900, and 202107943)
7/27/2021	\$148,565.50	Payment to Applied Marketing Science for expert services of Mr. Gaskin (Invoice Nos. 19690 (\$90,963.30) and 19749 (\$5,799.95)), and Mr. Sowers (Invoice Nos. 19691 (\$21,552.25), 19750 (\$15,250.00), 19802 (\$11,700.00), and 19930 (\$3,300)).
8/19/2021	\$11,250.00	Payment to Dr. James Rippe (Clif science expert) for deposition testimony
10/28/2021	\$3,200.00	Payment to Applied Marketing Science for expert services of Mr. Sowers (Invoice No. 19869)
3/7/2022	\$1,262.50	Payment to Economics & Technology, Inc. for expert services of Mr. Weir (Invoice Nos. 202108058 and 202208105)
3/23/2022	\$4,550.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – trial preparation (Invoice No. 1239)
4/18/2022	\$3,850.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – trial preparation (Invoice No. 1249)
6/8/2022	\$4,725.00	Payment to Steven P. Gaskin, LLP for Mr. Gaskin's expert services – trial preparation (Invoice Nos. 1257 (\$3,325), 1267 (\$1,400))
12/8/2022	\$1,450.00	Payment to Economics & Technology, Inc. for expert services of Mr. Weir in revising damages calculations (Invoice No. 202208142)
9/4/2023	\$3,825.00	Payment to Economics & Technology, Inc. for expert services of Mr. Weir - damages calculations (Invoice No. 202308517)
10/24/2023	\$1,087.50	Payment to Economics & Technology, Inc. for expert services of Mr. Weir - damages and class size calculations (Invoice No. 202308555)

## DETAILED EXPENSES BY CATEGORY – Expert Testimony &amp; Related Costs

<b>Date</b>	<b>Amount</b>	<b>Description</b>
1/31/2024	\$1,993.75	Payment to Economics & Technology, Inc. for expert services of Mr. Weir - damages and class size calculations (Invoice No. 202408652)
<b>Total:</b>	<b>\$596,698.53</b>	

## DETAILED EXPENSES BY CATEGORY – Focus Group &amp; Trial Consultation

**FOCUS GROUP & TRIAL CONSULTATION**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
11/18/2021	\$1,667.50	Payment of advance invoice to Focus Groups of America for November 30, 2021 focus group accommodations and setup (11934NCA-B)
12/3/2021	\$1,667.50	Payment of final invoice to Focus Groups of America for November 30, 2021 focus group accommodations and setup (11934NCA-B)
12/3/2021	\$1,667.50	Payment of advance invoice to Focus Groups of America for December 6, 2021 focus group accommodations and setup (11940NCA)
12/7/2021	\$5,000.00	Payment to Winning Works for work assisting in preparing and conducting first focus group (November 30, 2021)
12/8/2021	\$1,667.50	Payment of final invoice to Focus Groups of America for December 6, 2021 focus group accommodations and setup (11940NCA)
1/19/2022	\$4,021.00	Payment to Winning Works for balance due for work on November 30 and December 6 focus groups.
2/14/2022	\$6,000.00	Retainer paid to Trial Survey Group (Chris Denove) for mock trial jury survey work
2/18/2022	\$2,236.25	Payment of advance invoice to Focus Groups of America for February 18, 2022 focus group accommodations and setup (11970SFC)
2/23/2022	\$2,236.25	Payment of final invoice to Focus Groups of America for February 18, 2022 focus group accommodations and setup (11970SFC)
3/8/2022	\$9,118.00	Payment to Winning Works for work on February 18, 2022 focus group
6/8/2022	\$6,900.00	Payment to Trial Survey Group (Chris Denove) for final balance for April mock trial jury survey work
6/23/2022	\$9,800.00	Payment to Trial Survey Group (Chris Denove) for second mock trial jury survey
<b>Total</b>	<b>\$51,981.50</b>	

## DETAILED EXPENSES BY CATEGORY – Focus Group &amp; Trial Consultation

**ACCOMMODATIONS**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
8/7/2018	\$313.88	Red Motor Lodge - Mr. Fitzgerald accommodations for Motion to Dismiss hearing
8/7/2018	\$205.65	Agoda.com – Mr. Joseph hotel reservation for Motion to Dismiss hearing
8/31/2021	\$591.56	Hotels.com - Rooms for Mr. Fitzgerald and Mr. Joseph for September 2, 2021 Class Certification and Summary Judgment hearing
8/29/2022	\$365.65	Zetta Hotel - Accommodations for Mr. Joseph for September 2, 2022 Preliminary Approval hearing
<b>Total:</b>	<b>\$1,476.74</b>	



## DETAILED EXPENSES BY CATEGORY – Mediation Costs

**MEDIATION COSTS**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
5/6/2021	\$6,250.00	Payment to Judicate West for Jill Sperber's mediation services
5/17/2022	\$3,250.00	Payment to Judicate West for Jill Sperber's mediation services
4/12/2023	\$10,375.00	Mediation Fee for Hon. Andrew J. Guilford.
<b>Total:</b>	<b>\$19,875.00</b>	

## DETAILED EXPENSES BY CATEGORY – Service &amp; Subpoena Costs

**SERVICE & SUBPOENA COSTS**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
4/24/2018	\$139.40	Help U Serve - Service of Complaint
9/23/2020	\$3,627.69	American Messenger Service - service fees for 3rd party subpoenas
10/21/2020	\$3,262.50	American Messenger Service - service fees for 3rd party subpoenas
1/19/2021	\$2,000.00	Cost charged by third-party Malnove for producing documents in response to subpoena
<b>Total:</b>	<b>\$9,029.69</b>	

## DETAILED EXPENSES BY CATEGORY – Miscellaneous

**HEARING TRANSCRIPTS**

<b>Date</b>	<b>Amount</b>	<b>Description</b>
9/24/2018	\$121.25	Payment to Katherine Sullivan for transcript of August 9, 2018 Motion to Dismiss hearing
3/3/2021	\$48.40	Payment to MK Litigation Solutions (Marla F. Knox) for February 18, 2021 hearing transcript
10/2/2021	\$36.40	Payment to Katherine Sullivan for transcript of September 2, 2021 Class Certification and Summary Judgment hearing
9/24/2022	\$34.00	Payment to Joan Marie Columbini for transcript of September 2, 2021 Preliminary Approval hearing transcript
<b>Total:</b>	<b>\$240.05</b>	

# Exhibit 3



Western Alliance Bank®



# NEW FINDINGS

Expanded to Include Findings on Fraudulent Claims



## 2024 ANNUAL REPORT

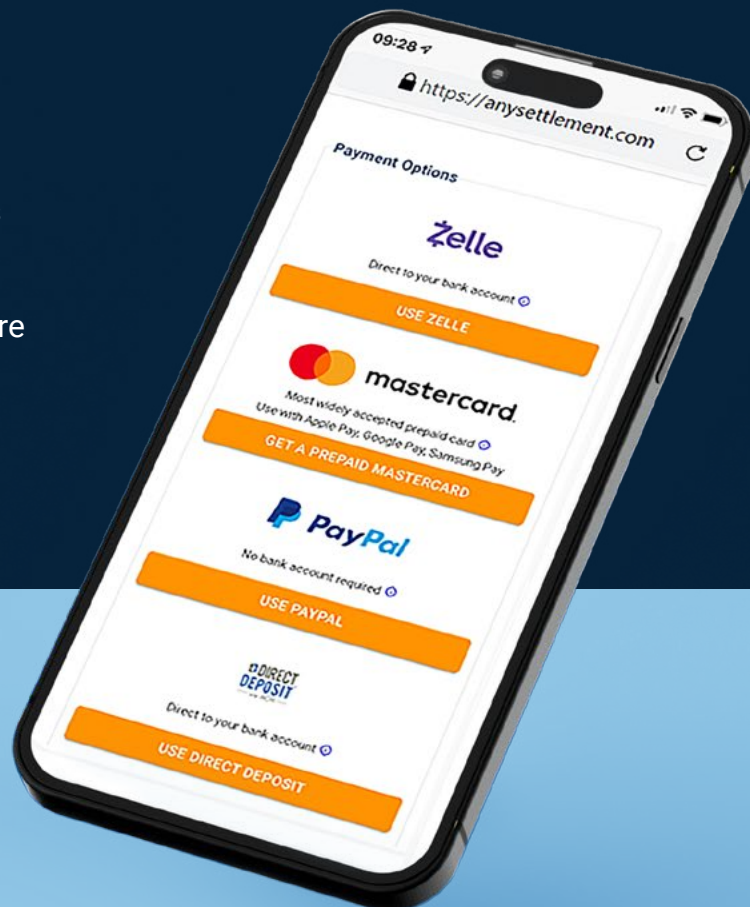
# Digital Payments in Class Actions and Mass Torts

### ALSO INSIDE

Digital Payment Selection Rates Continue to Climb

Firms and Courts of All Types Are Driving Growth

Most Popular Digital Payment Methods



# Welcome to the Second Annual Report on Digital Payments in Class Actions and Mass Torts.

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*Digital Disbursements' large market share in class action and mass tort distributions allows its data to serve as a reasonable proxy for the industry.*

## *Foreword*

Welcome to the second annual report on Digital Payments in Class Actions and Mass Torts produced by Digital Disbursements and its parent, Western Alliance Bank.

The data for this retrospective report primarily comes from 597 class action and mass tort distributions awarded to Digital Disbursements by 24 different settlement administrators between 2019 and 2023. The number of distributions is more than double that of last year's report and represents the acceleration of the active transition away from check-only distributions to settlements that offer a menu of different payment options (i.e., a pay menu). Digital Disbursements' large market share allows its data to serve as a reasonable proxy for the industry.

We again examine important statistics relating to the digitization of settlement payments, and this year's report includes substantial findings relating to the exponential growth of fraudulent class action and mass tort claims, which increased by more than 4,000% from last year and more than 19,000% from 2021.

We are committed to the ongoing analysis of digital payments in class actions and mass torts, and we anticipate that our next report will cover approximately 1,000 settlements awarded to Digital Disbursements.

We again wish to acknowledge the important work performed by the Federal Trade Commission, which has followed developments in class action cases for more than a decade and published a groundbreaking payment and notice report in September 2019 analyzing data from 149 cases handled by seven different settlement administrators.

We hope you enjoy learning about these issues as much as we do. We, of course, welcome your feedback and suggestions for data to include in future reports.



**Francesca Castagnola**  
Senior Managing Director,  
Juris Banking Group  
Western Alliance Bank



**Jeff Richardson**  
Co-Founder and CEO,  
Digital Disbursements,  
A subsidiary of Western Alliance Bank

## Top 10 Plaintiff-Side Law Firms

By Number of Successful Digital Payments (2019-2023)

Rank	Plaintiff Law Firm
1	Milberg Coleman Bryson Phillips Grossman, PLLC
2	Bursor & Fisher, P.A.
3	FeganScott
4	Lynch Carpenter
5	Fitzgerald Joseph LLP
6	Bird Marella LLP
7	Lieff Cabraser Heimann & Bernstein LLP
8	Burns Charest LLP
9	Herrera Kennedy LLP
10	Clarkson Law Firm P.C.

Figure 15: Plaintiff-Side Law Firm Rankings, By Number Of Successful Digital Payments, 2019-2023



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The 2024 Annual Report on Digital Payments in Class Actions and Mass Torts is independent of and not prepared, endorsed, authorized, or sponsored by PayPal, Venmo, Mastercard, or Early Warning Services, LLC.

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## **About Western Alliance Bank Juris Banking Group**

Western Alliance Bank's Juris Banking Group is a national banking group within Western Alliance Bank, Member FDIC. Our offerings include: Settlement Services for class action, mass tort and bankruptcy attorneys, claims administrators and related businesses; Digital Disbursements to facilitate payments to claimants in these matters; and nationwide full-service banking solutions under the same umbrella. Our team combines legal industry expertise and a dedication to client service that delivers value and exceeds expectations. Western Alliance Bank Juris Banking Group is part of Western Alliance Bancorporation, which has more than \$65 billion in assets. Influential sources from American Banker to Bank Director again rank Western Alliance Bank among the top U.S. banks in 2023. With significant national capabilities, the Juris Banking Group delivers the reach, resources and deep industry knowledge that make a difference for customers.



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AmeriHome Mortgage  
Digital Disbursements



# **Exhibit 4**

# Exhibit 4

November 15, 2019

# DEVELOPMENTS IN ADDED-SUGAR FOOD-AND-BEVERAGE LITIGATION: CAUSE FOR HOPE, CAUSE FOR CONCERN

## Legal Backgrounders

**Issues:** Civil Justice | Countering the Plaintiffs' Bar

[Download the PDF](#)



By [Creighton Magid](#), a Partner with Dorsey & Whitney LLP in the firm's Washington, DC office.

The plaintiffs' bar continues to view foods and beverages containing added sugar as prime targets for litigation. The majority of the lawsuits brought to date have been labeling claims, in which plaintiffs assert that they were duped into buying products portrayed on the label as "healthy" but that, in reality, were laden with "unhealthy" amounts of added sugar. Some lawsuits have gone further, stealing a page from the tobacco litigation playbook and alleging a conspiracy to suppress evidence of the medical risks posed by excessive amounts of sugar and to elevate fat as the larger health risk. Recent judicial decisions have been a mixed bag for defendants, offering reasons for both optimism and concern. The recently proposed \$20.25 million settlement of excessive-sugar claims targeting various Kellogg cereals and snack bars suggests that sugar litigation will continue to be attractive to the plaintiffs' bar.

One of the most notable sugar-labeling cases is *Krommenhock v. Post Foods, LLC*, a putative class action venued in the U.S. District Court for the Northern District of

California. The *Krommenhock* plaintiffs allege that Post labels a variety of breakfast cereals with health-and-wellness statements that “suggest its cereals are healthy food choices”—statements such as “nutritious,” “good for you,” “rich in nutrients”—but that, in fact, the cereals contain (according to the complaint), large amounts of added sugar. This sugar, plaintiffs contend, contributes to overall excess sugar consumption and a resulting increase in the risk of chronic disease. Judge William Orrick largely denied Post’s motions to dismiss on two occasions. He held that, with the exception of claims expressly permitted by federal law, whether “overconsumption of cereals with excessive added sugar is unhealthy” or “whether [Post’s] health and wellness statements are false or misleading” are “questions that cannot be resolved at motion to dismiss stage, but may be resolved under a more stringent and evidentiary-based review at summary judgment.” *Krommenhock v. Post Foods, LLC*, 2018 U.S. Dist. LEXIS 42938, \*11 (N.D. Cal. Mar. 15, 2018). Post has since taken Judge Orrick up on the suggestion and has moved for summary judgment. The court held a hearing in early October, but it has yet to issue an opinion.

Two recent Northern District of California decisions offer hope to defendants. In *Clark v. Perfect Bar, LLC*, 2018 U.S. Dist. LEXIS 219487 (N.D. Cal. Dec. 21, 2018), Judge William Alsup did not mince words in rejecting plaintiff’s claims that Perfect Bar’s labeling deceived him into thinking the protein bars were “healthy”:

Defendant Perfect Bar, LLC, at all material times in question, remained in compliance with all sugar-disclosure regulations. It is true that the bars contained honey and thus sugar, but that was disclosed on the packaging as well as the amount of sugar. Plaintiffs’ grievance is that the packaging led them to believe that the bars would be ‘healthy’ when, in supposed point of fact, the added sugar rendered them unhealthy or, in the alternative, less healthy from what they otherwise had believed. This is untenable. The actual ingredients were fully disclosed. Reasonable purchasers could decide for themselves how healthy or not the sugar content would be. No consumer,

on notice of the actual ingredients described on the packing including honey and sugar, could reasonably overestimate the health benefits of the bar merely because the packaging elsewhere refers to it as a health bar and describes its recipe as having been handed down from a health-nut parent. The honey/sugar content was properly disclosed — that is the end of it — period.

*Clark*, 2018 U.S. Dist. LEXIS 219487, \*1 – \*2.

Judge Jeffrey White embraced Judge Alsup’s reasoning in *Truxel v. General Mills Sales, Inc.*, 2019 U.S. Dist. LEXIS 144871 (N.D. Cal. Aug. 13, 2019), a putative class action alleging that General Mills marketed various sweetened breakfast cereals and snacks with health-and-wellness claims despite the “compelling evidence” of sugar’s role in heart disease, diabetes, and liver disease. Judge White concluded that the plaintiffs had failed to show that the health-and-wellness claims were likely to deceive a reasonable consumer:

[T]he Court finds that Plaintiffs cannot plausibly claim to be misled about the sugar content of their cereal purchases because Defendant provided them with all truthful and required objective facts about its products, on both the side panel of ingredients and the front of the products’ labeling. . . . [T]he actual ingredients were fully disclosed and it was up to the Plaintiffs, as reasonable consumers, to come to their own conclusions about whether or not the sugar content was healthy for them.

*Truxel*, 2019 U.S. Dist. LEXIS 144871, \*11 – \*12.

Although the majority of added-sugar cases focus on product label health-and-wellness claims, some plaintiffs have attempted to replicate the litigation tactics used against the tobacco industry by arguing that consumer product companies conspired to obscure sugar’s health effects. One such case is *The Praxis Project v. The Coca-Cola Co.*, Case No. 2017 CA 004801 B, venued in the Superior Court for the District of Columbia. There, two pastors and a non-profit organization brought



suit against Coca-Cola and the American Beverage Association, alleging that the defendants “have engaged in a pattern of deception to mislead and confuse the public (and governmental entities that bear responsibility for the public health) about the scientific consensus that consumption of sugar-sweetened beverages is linked to obesity, type 2 diabetes, and cardiovascular disease” and have employed “ongoing campaigns of disinformation and misrepresentation . . . to maintain and increase the sales of sugar-sweetened beverages, and to thwart and delay efforts of government entities to regulate sugar-sweetened beverages through warning labels, taxes, and other measures designed to make consumers aware of the potential for harm.”

In an [order](#) issued October 1, 2019, Superior Court Judge Elizabeth Wingo—who had previously dismissed the claims against the American Beverage Association—first addressed standing. She held that the non-profit organization had failed to establish that its claimed financial expenditures were “beyond those normally expended to carry out their advocacy mission.” (Oct. 1, 2019, Order at 17 (quoting *Nat’l Ass’n of Home Builders v. EPA*, 667 F.3d 6, 12 (D.C. Cir. 2011).) Judge Wingo then found that one of the two pastors lacked standing because he had failed to allege that he had purchased one of the products at issue or that he had done so in reliance on Coca-Cola’s advertising. The other pastor, however, did allege a product purchase made in reliance on Coca-Cola’s alleged disinformation campaign. Because one plaintiff had standing, the standing of the others became immaterial. *See Watt v. Energy Action Educ. Found.*, 454 U.S. 151, 160 (1981).

Judge Wingo, however, then held that the statute of limitations precluded plaintiffs from basing their claim on any statements made prior to July 2014. This was significant: the ruling prevents plaintiffs from presenting a tobacco-style narrative alleging a decades-long campaign to obscure the health effects of sugar.

In arguing that the discovery rule should prevent the running of the statute of limitations, plaintiffs found themselves hoist on their own petard. As Judge

Wingo noted, the plaintiffs had asserted that the alleged disinformation campaign “ramped up” in 2012 as a result of “growing public perception that sugar-sweetened beverages are linked to obesity, type 2 diabetes, and cardiovascular disease.” The plaintiffs had also filled their Complaint “with citations to studies and newspaper articles that make clear that the health risks of sugar sweetened beverages was a topic that any educated individual, but in particular individuals who [like plaintiffs], as part of their profession, counsel people about health risks, were on inquiry notice well before 2014.” (Oct. 1, 2019, Order at 27-29.) Though Judge Wingo upheld the plaintiffs’ standing to sue, her statute-of-limitations ruling significantly circumscribed their claims.

*Praxis Project* sets forth a clear line of attack for defendants in such “sugar conspiracy” cases. At the same time, defendants should view Judge Wingo’s opinion with caution, as it provides an equally clear roadmap for sugar-conspiracy plaintiffs. For example, a relatively unsophisticated plaintiff with medical conditions arguably related to excessive sugar intake could potentially dodge the statute of limitations by asserting that a corporate disinformation campaign convinced him to discount the publicly-available information on sugar’s health effects.

The [proposed settlement](#) of *Hadley v. Kellogg Sales Co.*, No. 5:16-cv-04955, filed on October 21, 2019 with Northern District of California Judge Lucy H. Koh, is another indication that a defense-bar declaration of victory in the sugar litigation wars is premature. In *Hadley*, the plaintiffs alleged that the sugar content of various Kellogg cereals and snack bars rendered health-and-wellness labeling claims misleading under California law. Judge Koh had previously certified the suit as a class action and the U.S. Court of Appeals for the Ninth Circuit had denied Kellogg’s motion for interlocutory appeal.

The proposed settlement requires Kellogg to create a \$20.25 million fund from which class members may seek payment and from which attorneys’ fees will be

paid. Kellogg would also agree to remove or revise health-and-wellness claims on the packaging of the allegedly offending products.

The proposed settlement is significant for several reasons. First, the process of changing product labeling and associated marketing campaigns requires an enormous amount of time and financial resources. See Martin J. Hahn and Samantha L. Dietle, *State and Federal Food-Labeling Reforms Impose Unappreciated Complexities and Compliance Challenges*, WLF Legal Backgrounder, May 18, 2018. Second, the settlement lends credence to the legal theory that a product's added sugars render health-and-wellness claims printed on the product label misleading under consumer-protection laws. At a minimum, the settlement demonstrates both the high cost of fighting such claims and the difficulty defendants face in contesting sugar-related class actions. At a time when judicial decisions appeared to be tightening the screws on sugar litigation, the proposed Kellogg settlement portends continued litigation in this arena and also sets a benchmark for other plaintiffs' settlement demands.

The law concerning health-and-wellness claims on labels of products containing added sugar continues to evolve. Will courts follow Judges Alsup and White and find such claims untenable in light of disclosures on the Nutrition Facts label? Will courts exhibit a greater willingness to determine the reasonableness of claims on motions to dismiss? Will the plaintiffs' bar attempt to expand on *Praxis Project* and assert industry-wide conspiracy claims? This rapidly-developing area of law merits close attention. At the same time, as the proposed Kellogg settlement indicates, sugar litigation is not going away anytime soon.

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