

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

IN RE: METFORMIN MARKETING
AND SALES PRACTICES
LITIGATION

Case No. 2:20-cv-2324-MCA-MAH

Honorable Madeline C. Arleo

Honorable Michael A. Hammer

**JOINT DECLARATION IN SUPPORT OF PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, COSTS, EXPENSES, AND SERVICE AWARDS**

We, James Cecchi, Ruben Honik, Conlee Whiteley, David Stanoch, Max Roberts, Joseph P. Guglielmo, Marlene Goldenberg, Charles E. Schaffer, and Janpaul Portal declare and state pursuant to 28 U.S.C. § 1746 as follows:

1. We are counsel of record for Plaintiffs Joseph Brzozowski, Jacqueline Harris, Kristen Wineinger, Michael Hann, Masao Hendrix, MSP Recovery Claims, Series LLC, County of Monmouth, and Central Midwest Regional Council of Carpenters Welfare Fund f/k/a Ohio Carpenters' Health Fund ("Plaintiffs") and Class Counsel for the Settlement Class. We submit this declaration in support of Plaintiffs' Motion for Attorneys' Fees, Costs, Expenses, and Service Awards. Unless otherwise noted, we have personal knowledge of the facts set forth in this declaration and could and would testify competently to them if called upon to do so.

2. This case was first brought in March 2020. During the last six years of litigation, Class Counsel have performed at least the following work:

- Drafting the Consolidated Class Action Complaint

and subsequent First, Second, Third, and Fourth Amended Consolidated Complaints;

- Litigating (and ultimately prevailing on) several motions to dismiss;
- Preparing discovery requests, conducting numerous meet and confers with Defendants, litigating a number of discovery disputes; and reviewing thousands of documents;
- Preparing responses to Defendants' discovery requests, including securing medical records for Consumer Plaintiffs and custodial records for TPP Plaintiffs;
- Defending depositions of the Consumer Plaintiffs;
- Consulting with experts regarding the alleged NDMA contamination of Defendants' MCDs;
- Negotiating the Settlements at arm's-length over many months, including with the assistance of Judge Hammer in connection with the Granules settlement; and
- Preparing the various settlement, notice, and preliminary approval materials presented to the Court, and overseeing the notice plan.

3. Despite our confidence in the strength of Plaintiffs' claims, this case presented substantial risk to Plaintiffs. Plaintiffs would need to prove that the MCDs they paid for were actually contaminated with NDMA, and how much less in value that contamination rendered their MCDs. If Defendants were able to show that Plaintiffs' MCDs were not actually contaminated—or even if they were, that the MCDs still retained some value—Plaintiffs would not be able to recover *any* money

in the litigation, or would at least not be able to recover a full refund. Indeed, Plaintiffs' claims were already twice dismissed in their entirety for lack of Article III standing. This dispute would require extensive expert testimony regarding the harm of NDMA from a scientific standpoint, and a damages analysis of how that contamination affected the MCDs' value. The *In re Valsartan* case—where similar evidence was adduced and similar disputes were raised—shows the complexity of cases like this one.

4. In addition, even if Plaintiffs were successful at proving the merits of their case, it is not clear that Plaintiffs could certify a nationwide class on a contested motion, meaning they might not ultimately recover money for all Settlement Class Members outside of settlement. Adding to the degree of difficulty Class Counsel encountered, Defendants were each represented by formidable counsel, who would certainly appeal any order granting class certification or adverse jury verdict.

5. The Settlement thus represents a substantial recovery. Consumer Class Members from *any* state are expected to receive a full refund for their MCDs, and the Teva Settlement Fund and Granules Settlement Fund constitute more than 50% and close to 100% respectively of Teva and Granules' MCD-related revenue. TPP Class Members are expected to receive a reasonable amount.

6. Each of our firms has strong, nationwide complex litigation practices, and extensive experience litigating class actions. We have overseen every aspect of

this litigation for Plaintiffs and the Settlement Class, and our firms worked collaboratively to perform the work done in this case. In accordance with our role as counsel for the Plaintiffs and Settlement Class, we have taken affirmative steps throughout the litigation to ensure that our firms efficiently represented the Settlement Class.

7. Collectively, over more than six years of litigation, and through February 11, 2026, Class Counsel's total hours are 13,532.43 and Class Counsel's total lodestar is \$11,279,680.25, for a blended hourly rate of \$833.53. Those hours are broken down as follows:

- **Exhibit 1** – Bursor & Fisher, 874.00 hours, \$738,757.50;
- **Exhibit 2** – Honik LLC, 1018.00 hours, \$1,374,300;
- **Exhibit 3** – Kanner & Whiteley, L.L.C, 1901.00 hours, \$980,652.50;
- **Exhibit 4** – Nigh Goldenberg Raso & Vaughn PLLC, 599.20 hours, \$426,105.00;
- **Exhibit 5** – Carella Byrne Cecchi Brody Agnello, P.C., 1,191.60 hours, \$1,048,615.00;
- **Exhibit 6** – Levin Sedran & Berman LLP, 3963.35 hours, \$3,466,416.25;
- **Exhibit 7** – Scott + Scott LLP, 3442.80 hours, \$2,948,454.00;
- **Exhibit 8** – MSP Recovery Law Firm, 542.48 hours, \$296,380.00.

8. Thus, our request for \$1,833,333.33 (one-third or 33⅓% of the Settlement Fund) in attorneys' fees represents a *negative* 0.17 multiplier over our base lodestar.

9. The breakdown of the hours spent by attorneys and professional staff of Class Counsel working on the case as of February 11, 2026, as well as the current hourly rates for each listed professional, and their corresponding lodestar amounts, are listed in **Exhibits 1-8**.

10. **Exhibits 1-8** were prepared from contemporaneous, daily time records regularly prepared and maintained by Class Counsel in their usual course and manner. Class Counsel maintains detailed billing records regarding the amount of time spent by their professionals, and the lodestar calculations presented in these Exhibits are based on Class Counsel's current billing rates. These records are available for review at the request of the Court.

11. In our judgment and based on our experience in complex class action litigation and other litigation, the number of hours expended, and the services performed by Class Counsel, as reflected in **Exhibits 1-8** were reasonable and necessary to our firms' representation of Plaintiffs and the Settlement Class, and commensurate with the firms' lead role as co-counsel for Plaintiffs and the Settlement Class.

12. In addition to the time enumerated in **Exhibits 1-8**, we estimate that

Settlement Class Counsel will incur an additional time in connection with the preparation of Plaintiffs' Motion for Final Approval, the fairness hearing, coordinating with the Settlement Administrator, monitoring settlement administration, and responding to Settlement Class Member inquiries.

13. We have a general familiarity with the range of hourly rates charged by plaintiffs' class action counsel specifically in the field of consumer protection and unfair trade practices in the geographical areas where Class Counsel practice and throughout the United States, both on a current basis and historically. From that basis, we respectfully submit that the rates charged by Class Counsel are commensurate with those prevailing in the market in 2026 for legal services furnished in complex class action litigation such as this.

14. Class Counsel typically represent plaintiffs in antitrust, consumer protection, privacy, and securities class actions on a wholly contingent basis. All the reported time listed above and set forth in **Exhibits 1-8** is contingent in nature, meaning that the firms assumed the risk of nonpayment in the event the case concluded unsuccessfully for Plaintiffs and the Settlement Class.

15. The reasonableness of Class Counsel's hourly rates is also supported by several surveys of legal rates, including the following:

- (i) In an article entitled "Elite Law Firm Billing Rates Continue to Outpace Economy" by Tracey Read and published by Law360 on October 9, 2025, the author states that "[t]he blended hourly

rate for the top 100 law firms in the United States rose by 8.3% in the first six months of 2025, reaching \$1,145 per hour,” and that “partners at the top 25 firms charged an average of \$1,635 per hour,” while “associates at top 25 firms billed \$1,065 an hour.” A true and correct copy of this article is attached hereto as **Exhibit 9**.

- (ii) In an article entitled “Big Law Rates Topping \$2,000 Leave Value ‘In Eye of Beholder,’” written by Roy Strom and published by Bloomberg Law on June 9, 2022, the author describes how Big Law firms have crossed the \$2,000-per hour rate. The article also notes that law firm rates have been increasing by just under 3% per year. A true and correct copy of this article is attached hereto as **Exhibit 10**.
- (iii) The CounselLink Enterprise Management Trends Report for June 2022 states that the median partner rate in New York was \$1,030. The report also notes that median partner rates have grown by 4.0% in San Francisco and 4.3% in New York. A true and correct copy of this article is attached hereto as **Exhibit 11**.

16. Our firms have collectively incurred expenses in the total amount of \$350,631.96. The breakdown of expenses incurred respectively by Class Counsel are listed in **Exhibits 1-8**. All listed expenses in **Exhibits 1-8** are at cost, *i.e.*, without upcharge or associated overhead. And all expenses were reasonably incurred and necessary to the prosecution of this action.

17. As with all of the firms’ contingent cases, Class Counsel carefully invested their time and resources in the prosecution of this case, and did so with the expectation that the firms would be reasonably compensated for the risks they

undertook, the professional time and resources they put in to the case, and for the successful results that have been achieved for the Settlement Class.

18. In our judgment and based on our experience in complex class action litigation, the number of hours expended by Class Counsel through February 11, 2026, and the services provided by our firms over the course of the litigation, were reasonable and necessary to the representation of Plaintiffs and the Settlement Class in this action.

19. Throughout the litigation, Class Counsel made every effort to operate as efficiently as possible to oversee and coordinate the work performed by our firms to avoid unnecessary duplication of effort and to minimize the costs expended to prosecute the action to its successful conclusion.

20. As part of Plaintiffs' Motion for Attorneys' Fees, Costs, Expenses, and Service Awards, Class Counsel seeks service awards of \$3,500 each for the Plaintiffs.

21. Plaintiffs' involvement in this case has been nothing short of essential. Plaintiffs devoted significant time, energy, and resources to prosecuting this action. They have assisted with the investigation of this action and the drafting of the complaint and amended complaints, were in contact with counsel frequently, and stayed informed of the status of the action, including settlement. Moreover, each Plaintiff produced significant medical documentation to support their claims, and all

the Consumer Plaintiffs sat for a deposition. Each Plaintiff was also prepared to testify at trial, if necessary.

22. Thus, we are of the opinion that Plaintiffs' active involvement in this case was critical to its ultimate resolution. Without their willingness to assume the risks and responsibilities of serving as class representatives, we do not believe such a strong result could have been achieved.

23. Although there were partial voluntary recalls of Teva and Granules' MCDs, the Settlement here was not attributable to the actions of any government agencies or investigations. Indeed, the recalls occurred after this action was brought. And the Settlement provides relief to all purchases of Teva or Granules MCDs, not just those that were recalled, and neither recall provides for refunds.

24. To date, there have been thousands of claims submitted and a single objection to the Settlement. Attached hereto as **Exhibit 12** is the objection filed by Settlement Class Member Betty J. McCorvey, with her personal information redacted to protect her privacy. Class Counsel will respond in full detail to the objection in conjunction with their forthcoming Final Approval Motion. However, Class Counsel notes that most of the concerns in the objection appear to be premature, such as the amount Class Members will receive (to be calculated at the end of the claims period) and information about attorneys' fees that Class Counsel is providing through this declaration and accompanying motion.

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in Roseland, New Jersey, on June 26, 2026.

/s/ James E. Cecchi
James E. Cecchi

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in New York, New York, on June 26, 2026.

/s/ Max S. Roberts
Max S. Roberts

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in New Orleans, Louisiana on June 26, 2026.

/s/ Conlee S. Whiteley
Conlee S. Whiteley

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in Philadelphia, Pennsylvania on June 26, 2026.

/s/ David J. Stanoch
David J. Stanoch

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in Philadelphia, Pennsylvania on June 26, 2026.

/s/ Ruben Honik
Ruben Honik

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in Minneapolis, Minnesota on June 26, 2026.

/s/ Marlene Goldenberg
Marlene Goldenberg

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in New York, New York on June 26, 2026.

/s/ Joseph P. Guglielmo
Joseph P. Guglielmo

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in Philadelphia, Pennsylvania on June 26, 2026.

/s/ Charles E. Schaffer
Charles E. Schaffer

I declare under penalty of perjury that the foregoing is true and correct to the best of my personal knowledge. Executed in Miami, Florida on June 26, 2026.

/s/ Janpaul Portal
Janpaul Portal