

Adam J. Zapala (SBN 245748)
COTCHETT, PITRE & McCARTHY LLP
840 Malcolm Road
Burlingame, CA 94010
Telephone: (650) 697-6000
azapala@cpmlegal.com

Kalpana Srinivasan (SBN 237460)
SUSMAN GODFREY LLP
1900 Avenue of the Stars, Ste. 1400
Los Angeles, CA 90067
Telephone: (310) 789-3100
ksrinivasan@susmangodfrey.com

Lin Y. Chan (SBN 255027)
LIEFF CABRASER HEIMANN & BERNSTEIN LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: (415) 956-1000
lchan@lchb.com

Settlement Class Counsel for the Indirect Purchaser Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE TELESCOPES ANTITRUST
LITIGATION

THIS DOCUMENT RELATES TO:

All Indirect Purchaser Actions

Case Nos. 5:20-cv-03639-EJD

**DECLARATION OF KALPANA
SRINIVASAN IN SUPPORT OF
INDIRECT PURCHASER PLAINTIFFS'
REPLY IN SUPPORT OF THE MOTION
FOR FINAL APPROVAL OF
SETTLEMENT AND MOTION FOR
AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF COSTS, AND
SERVICE AWARDS**

**Dept.: Courtroom 4
Judge: Hon. Edward J. Davila
Date: April 3, 2025
Time: 9:00 AM**

1 I, Kalpana Srinivasan, declare as follows:

2 I, Kalpana Srinivasan, am an attorney at Susman Godfrey L.L.P., one of the three firms
3 appointed as Settlement Class Counsel for Indirect Purchaser Plaintiffs (“IPPs”) in the above-
4 captioned proceeding. I am a member of the State Bar of California and am admitted to practice
5 before this Court. I make this declaration based on my own personal knowledge. If called upon to
6 testify, I could and would testify competently to the truth of the matters stated herein.

7 I submit this declaration in further support of IPPs’ Reply in Support of the Motion for Final
8 Approval of Settlement and Motion for Award of Attorneys’ Fees, Reimbursement of Costs, and
9 Service Awards in the above-captioned matter.

10 1. Since IPPs filed the Final Approval Motion on February 28, 2025, an additional
11 4,274 claims were submitted, bringing the total thus far to 81,158.

12 2. On March 11, 2025, Settlement Class Counsel from Susman Godfrey sent a follow
13 up email to objector Elman Barnes, again requesting a time to discuss his objections by phone or
14 Zoom. On March 12, 2025, Barnes indicated that he had not had time to arrange a phone call and
15 informing Settlement Class Counsel that he had mailed a response to the Court regarding his
16 objection. On March 13, 2025, Mr. Barnes’s response was posted to the docket. *See* ECF No. 405.
17 On the same day, Settlement Class Counsel responded to Barnes, telling him they would like to
18 discuss the Response and again asking him to “[p]lease let us know a few times next week when
19 you are available for a phone call or Zoom” and that they were “happy to work around your
20 schedule.” On March 14, 2025, Mr. Barnes left a voicemail for Settlement Class Counsel and
21 provided a number at which to call him back. Despite multiple attempts to call him back, Settlement
22 Class Counsel have been unable to connect with Mr. Barnes.

23 3. A Google search by Settlement Class Counsel for “‘Elman Barnes’ Sacramento” on
24 March 21, 2025, returned zero results.

25 4. Settlement Class Counsel have not had contact with Direct Purchaser Plaintiff
26 Counsel (“DPP Counsel”) since their meet and confer on February 27, 2025. After the meet and
27 confer, the parties exchanged emails. On February 28, 2025, Settlement Class Counsel emailed
28

1 DPP Counsel, requesting they confirm “in which state Mr. Steele was living when he made the
2 purchases you claim grant him standing in the IPP Settlement Class and whether he will attest to
3 the same under penalty of perjury” and to “also confirm the date on which Mr. Steele first contacted
4 you to express concerns about IPPs’ settlement” or “[i]f DPP counsel made first contact, please
5 provide that date.” To date, DPP Counsel has not responded.

6 5. A true and correct copy of the post-meet and confer email exchange with DPP
7 Counsel is attached as Exhibit A.

8 6. Objector National Woodlands Preservation, Inc. never responded to the two
9 certified letters requesting to meet and confer that Settlement Class Counsel mailed to the two
10 separate addresses associated with its registered service agents, as described in my original
11 declaration in support of the Final Approval Motion. *See* ECF No. 404-1 at ¶7. A true and correct
12 copy of Settlement Class Counsel’s letters are attached as Exhibit B.

13 7. A Google search by Settlement Class Counsel on March 21, 2025, for “National
14 Woodlands Preservation’ Luna” returned zero results. A Google search for “National Woodlands
15 Preservation” results in only two links: the Settlement website and what appears to be a spam
16 website titled “b2bhint.com.”

17 8. Objector Pat Zhen never responded to Settlement Class Counsel’s February 24,
18 2024, email requesting to meet and confer. A true and correct copy of Settlement Class Counsel’s
19 email is attached as Exhibit C.

20 9. Objector Mike Sussman never responded to Settlement Class Counsel’s March 11,
21 2025, email requesting to meet and confer. A true and correct copy of Settlement Class Counsel’s
22 email is attached as Exhibit D.

1 I declare under the penalty of perjury that the foregoing is true and correct.

2 Executed on this 21st day of March, 2025 in Los Angeles, California.

3
4 /s/Kalpana Srinivasan

Kalpana Srinivasan

5 **SUSMAN GODFREY L.L.P.**

6 *Settlement Class Counsel for the*
7 *Indirect Purchaser Plaintiffs*
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit A

Tom Boardman

From: Tom Boardman
Sent: Friday, February 28, 2025 12:54 PM
To: Andrew Levine; Noah Hagey; Matt Borden; Katie Kushnir; Garrett Biedermann
Cc: Kalpana Srinivasan; Alejandra Salinas; Steven Sklaver; Marc Seltzer; Michael Gervais; Adam Zapala; Elizabeth Castillo; Christian Ruano; Lin Chan
Subject: RE: Telescopes - Conditional Objection to IPPs' Proposed Settlement

Andrew,

We disagree with your inaccurate characterization of our conversation. IPPs expressly declined to engage in several of the topics you describe below because doing so would reveal confidential settlement discussions with the Defendants. Our express refusal to discuss those topics with you is not confirmation of anything and your assertions of what DPPs do or do not understand is not based on anything conveyed by IPP counsel.

Please confirm in which state Mr. Steele was living when he made the purchases you claim grant him standing in the IPP Settlement Class and whether he will attest to the same under penalty of perjury.

Please also confirm the date on which Mr. Steele first contacted you to express concerns about IPPs' settlement. If DPP counsel made first contact, please provide that date.

Tom

Tom Boardman | **Susman Godfrey LLP**
O: (212) 729-2069 C: (415) 298-4627

From: Andrew Levine <levine@braunhagey.com>
Sent: Thursday, February 27, 2025 8:52 PM
To: Tom Boardman <TBoardman@susmangodfrey.com>; Noah Hagey <hagey@braunhagey.com>; Matt Borden <borden@braunhagey.com>; Katie Kushnir <kushnir@braunhagey.com>; Garrett Biedermann <Biedermann@braunhagey.com>
Cc: Kalpana Srinivasan <ksrinivasan@susmanGodfrey.com>; Alejandra Salinas <ASalinas@susmangodfrey.com>; Steven Sklaver <ssklaver@susmanGodfrey.com>; Marc Seltzer <MSeltzer@susmanGodfrey.com>; Michael Gervais <MGervais@susmangodfrey.com>; Adam Zapala <AZapala@cpmlegal.com>; Elizabeth Castillo <ecastillo@cpmlegal.com>; Christian Ruano <CRuano@cpmlegal.com>; Lin Chan <lchan@lchb.com>
Subject: Telescopes - Conditional Objection to IPPs' Proposed Settlement

EXTERNAL Email

Tom –

To follow up on our call from earlier this afternoon, we understand that IPPs did not seek or obtain any asset discovery from Defendants during settlement discussions, including regarding Defendants' US assets. IPPs also did not request any assurances from Defendants regarding Defendants' ability to pay the settlement amount or whether Defendants have sufficient assets in the US to satisfy both the settlement payment to IPPs and a judgment or settlement in favor of the DPPs.

We also asked whether IPPs would disclose the Confidential Supplemental Agreement or its terms. IPPs refused, but did reveal that the supplemental agreement does address Defendants' assets or provide any assurances concerning Defendants' ability to satisfy the settlement.

Attached is one of the order confirmations for Conditional Objector Jason Steele, which was cited in the Conditional Objection. This document record was produced in discovery at DPP0589956.

We had hoped to address some of the concerns raised in the Conditional Objection through a discussion with IPPs that would provide sufficient assurances that the proposed settlement does compensate the IPP Class at the expense of the DPP Class. As noted in the objection, IPPs would have no claim but for Defendants' overcharge to DPPs. A settlement that compensates one but not the other is not consistent with Rule 23 or the Court's duty to protect the interests of class members.

Regards,
Andrew

Andrew Levine

BRAUNHAGEY & BORDEN LLP

Direct: (415) 599-0207

San Francisco

747 Front Street, 4th Floor

San Francisco, CA 94111

Tel. & Fax: (415) 599-0210

New York

118 W 22nd Street, 12th Floor

New York, NY 10011

Tel: (646) 829-9403

This message is intended only for the confidential use of the intended recipient(s) and may contain protected information that is subject to attorney-client, work product, joint defense and/or other legal privileges. If you are not the intended recipient, please contact me immediately at the phone number listed above and permanently delete the original message and any copies thereof from your email system. Thank you.

Exhibit B

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
ONE MANHATTAN WEST
NEW YORK, NEW YORK 10001-8602
(212) 336-8330
FAX (212) 336-8340
WWW.SUSMANGODFREY.COM

SUITE 5100
1000 LOUISIANA STREET
HOUSTON, TX 77002-5096
(713) 651-9366

SUITE 1400
1900 AVENUE OF THE AMERICAS
LOS ANGELES, CALIFORNIA 90067-6029
(310) 789-3100

SUITE 3000
401 UNION STREET
SEATTLE, WASHINGTON 98101-2683
(206) 516-3880

TOM BOARDMAN
DIRECT DIAL (212) 729-2069

E-MAIL TBOARDMAN@SUSMANGODFREY.COM

February 25, 2025

VIA CERTIFIED MAIL AND RETURN RECEIPT REQUESTED

National Woodlands Preservation, Inc.
110 Main St.
Beckley, WV 25801

Re: Telescopes Antitrust Litigation, No. 20-cv-3639

Dear National Woodlands Preservation:

We are in receipt of your objection to the settlement in *In re Telescopes Antitrust Litigation*, No. 20-cv-3639 (N.D. Cal.). Please contact me at the email or direct line above at your soonest convenience to discuss.

We also write to encourage you to submit a claim. Although entities were always welcome to submit claims using the first or last name fields, the claim forms now include an additional field for "Name of Entity."

Sincerely,



Tom Boardman

SUSMAN GODFREY L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
ONE MANHATTAN WEST
NEW YORK, NEW YORK 10001-8602
(212) 336-8330
FAX (212) 336-8340
WWW.SUSMANGODFREY.COM

SUITE 5100
1000 LOUISIANA STREET
HOUSTON, TX 77002-5096
(713) 651-9366

SUITE 1400
1900 AVENUE OF THE AMERICAS
LOS ANGELES, CALIFORNIA 90067-6029
(310) 789-3100

SUITE 3000
401 UNION STREET
SEATTLE, WASHINGTON 98101-2683
(206) 516-3880

TOM BOARDMAN
DIRECT DIAL (212) 729-2069

E-MAIL TBOARDMAN@SUSMANGODFREY.COM

February 25, 2025

VIA CERTIFIED MAIL AND RETURN RECEIPT REQUESTED

National Woodlands Preservation, Inc.
110 James Street
Hinton, WV 25951

Re: Telescopes Antitrust Litigation, No. 20-cv-3639

Dear National Woodlands Preservation:

We are in receipt of your objection to the settlement in *In re Telescopes Antitrust Litigation*, No. 20-cv-3639 (N.D. Cal.). Please contact me at the email or direct line above at your soonest convenience to discuss.

We also write to encourage you to submit a claim. Although entities were always welcome to submit claims using the first or last name fields, the claim forms now include an additional field for "Name of Entity."

Sincerely,



Tom Boardman

Exhibit C

Tom Boardman

From: Tom Boardman
Sent: Monday, February 24, 2025 11:50 AM
To: legal@patzhen.com
Cc: Kalpana Srinivasan; Alejandra Salinas; Marc Seltzer; Steven Sklaver; Michael Gervais; Chan, Lin Y.; Adam Zapala; Elizabeth Castillo; Christian Ruano
Subject: In re Telescopes Antitrust Litig. - Objection

Mr. Zhen,

We are in receipt of your objection to the settlement in *In re Telescopes Antitrust Litig.* As counsel for the settlement class, we would like to discuss your objections as soon as possible. Please let us know times you are available to meet by phone/Zoom today (2/24) through this Thursday (2/27).

Best,
Tom Boardman

Tom Boardman | **Susman Godfrey LLP**
O: (212) 729-2069 C: (415) 298-4627

Exhibit D

Tom Boardman

From: Tom Boardman
Sent: Tuesday, March 11, 2025 11:22 AM
To: mike.sussman@pm.me
Cc: Kalpana Srinivasan; Alejandra Salinas; Marc Seltzer; Steven Sklaver; Michael Gervais; Adam Zapala; Elizabeth Castillo; Christian Ruano; Chan, Lin Y.
Subject: In re Telescopes Antitrust Litig., Case No. 20-cv-03639 - Objection

Mr. Sussman,

We are in receipt of your objection to the settlement in *In re Telescopes Antitrust Litig.* As counsel for the settlement class, we would like to discuss your objections as soon as possible. Please let us know times this week when you are available to meet by phone/Zoom.

Best,
Tom Boardman

Tom Boardman | **Susman Godfrey LLP**
O: (212) 729-2069 C: (415) 298-4627