

# EXHIBIT O

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

In re WELLBUTRIN XL  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
INDIRECT PURCHASER ACTIONS

Civil Action No.: 2:08-cv-2433

Honorable Mary A. McLaughlin

DECLARATION OF DAVID J. COHEN, ESQ.  
IN SUPPORT OF FEE APPLICATION

I, David J. Cohen, pursuant to 28 U.S.C. §1746, hereby declare as follows:

1. This declaration is based upon my personal knowledge.
2. I am an attorney currently licensed in good standing to practice law in the Commonwealth of Pennsylvania and the State of New Jersey. During the time at issue in this petition, I was a sole practitioner in Philadelphia, PA.
3. I have been actively engaged in the practice of law since 1994. For the past 19 years, my practice has been focused on the litigation of complex class actions. During this time, I have run, and worked on, dozens of significant consumer matters for four respected Philadelphia firms. These cases have included: *Baycol Products Liability Litigation* (D. Minn), *Bridgestone / Firestone Tire Recall Litigation* (Phila. Cty. C.C.P.), *Celebrex Consumer Litigation* (State and Federal Courts), *In re CertainTeed Corp. Roofing Shingles Products Liability Litigation* (E.D. Pa.), *Chapman v. Jackson-Hewitt, Inc.* (D.N.J.), *Chrysler Airbag Defect Litigation* (Phila. Cty. C.C.P.), *Compaq Computer Litigation* (S.D. Tex.), *Deluhery v. Unifiednames, Inc.* (D.N.J.), *Diamond v. TicketMaster Entertainment, Inc.* (C.D. Cal.), *Employers Mutual Casualty Co. v.*

*Cephalon* (E.D. Pa.), *Fabian v. Fulmer Helmets, Inc.* (W.D. Tenn.), *Ford Transmission Defect Litigation* (E.D. Pa.), *Galiano v. Fidelity National Title Ins. Co.* (E.D.N.Y.), *GM Advertising Litigation* (D. Minn.), *Hale v. Stryker Orthopaedics Corp.* (D.N.J.), *Lupron Marketing and Sales Practices Litigation* (D. Mass.), *Mickens v. Ford Motor Co.* (D.N.J.), *Paoli Railroad Yard PCB Litigation* (E.D. Pa.), *Pharmaceutical Industry Average Wholesale Price Litigation* (D. Mass.), *Polk v. Schering-Plough Corp.* (D.N.J.), *Skin Cap Products Liability Litigation* (S.D. Fla.), *Synthroid Marketing Litigation* (D. Ill.), *Viagra Insurance Coverage Litigation* (M.D. Fla. and E.D.N.Y.), *Vioxx Consumer Litigation* (State and Federal Courts), *Water Heater Products Liability Litigation* (E.D. Mo.) and *Zyprexa Payer Litigation* (E.D.N.Y.).

4. I personally rendered legal services in this case. Based on my activities in this case, as well as my review of billing records maintained in this case, I have personal knowledge of the time I spent rendering services on behalf of the Plaintiffs and the hourly rates charged for those services.

5. From January 1, 2010 to December 31, 2010, I rendered legal services in the normal course of this litigation on behalf of the Plaintiffs and maintained contemporaneous records of this time that support the following lodestar calculation:

<u>Timekeeper</u>	<u>Position</u>	<u>Hours</u>	<u>Rate/Hour</u>	<u>Total</u>
David J. Cohen	Partner	16.5	\$600.00	\$9,900
Total		16.5		\$9,900

6. The hourly rate applied above is within the range of rates normally and customarily charged in Philadelphia, PA by attorneys with similar qualifications and experience in cases of this kind. I have recently received final approval for several settlements in which the

fee award was based on a similar hourly rate, including: *In re Ticketmaster Sales Practices Litig.*, E.D.N.Y. Case No. 99-cv-0912; *Kuscavage v. HCR ManorCare*, E.D. Pa. Case No. 11-cv-0501; *Turner v. Mercy Health System*, Phila., C.C.P. Case No. 0801-3670; *Whitfield v. Comcast Corp.*, E.D. Pa. Case No. 11-cv-7464; *Williams v. Securitas Security Services, USA, Inc.*, E.D. Pa. Case No. 10-cv-7181 and *Vanston v. Maxis Health System*, Phila. C.C.P. Case No. 0806-5155.

7. In my judgment and based on my experience, the number of hours I expended and the services I performed were reasonable and expended for the benefit of the plaintiffs in this litigation.

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

Dated: May 1, 2013



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**WELLBUTRIN XL**  
**January 1, 2010 - December 31, 2010**  
**TIME REPORT**

FIRM NAME: David J. Cohen, Esq.  
 REPORTING PERIOD: January 1, 2010-December 31, 2010

**Categories:**

- (1) Investigation and Research
- (2) Discovery
- (3) Pleadings, Briefs, and Pretrial Motions
- (4) Court Appearances/Trial
- (5) Settlement Negotiations, Stipulation of Settlement
- (6) Litigation Strategy and Analysis
- (7) Class Certification
- (8) - (11) as necessary-please include detail

**Titles:**

- (P) Partner
- (A) Associate
- (LC) Law Clerk

Name (Title)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	CURRENT HOURS	CURRENT RATE	CUMULATIVE LODESTAR
David J. Cohen (P)		6.90				9.60						16.50	\$600	\$9,900.00
<b>Attorney Totals:</b>	0.00	6.90	0.00	0.00	0.00	9.60	0.00	0.00	0.00	0.00	0.00	16.50		\$9,900.00
<b>Non-Attorney Totals:</b>	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		\$0.00
<b>TOTALS:</b>	0.00	6.90	0.00	0.00	0.00	9.60	0.00	0.00	0.00	0.00	0.00	16.50		\$9,900.00

I believe that the time set out above is accurate and that the time expended was spent on authorized common benefit work on Wellbutrin XL.

Signature (E-Signature) /s/ David J. Cohen

Date 5/1/2013

**FILED UNDER SEAL**