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18

19 **UNITED STATES DISTRICT COURT**  
20 **NORTHERN DISTRICT OF CALIFORNIA**  
21 **OAKLAND DIVISION**

22 IN RE: NATIONAL COLLEGIATE  
23 ATHLETIC ASSOCIATION ATHLETIC  
24 GRANT-IN-AID CAP ANTITRUST  
25 LITIGATION

26 THIS DOCUMENT RELATES TO:  
27 ALL ACTIONS  
28

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Case No. 4:14-md-2541-CW  
Case No. 4:14-cv-02758-CW

**DECLARATION OF ELIZABETH  
C. PRITZKER IN SUPPORT OF  
MOTION FOR ATTORNEYS' FEES,  
EXPENSES, AND SERVICE  
AWARDS**

1           1.       I, Elizabeth C. Pritzker, submit this declaration under penalty of perjury in  
2 connection with Class Counsel’s Motion for Attorney’s Fees, Costs and Class  
3 Representative Service Awards. I make this declaration based on my personal knowledge  
4 unless stated otherwise. If called as a witness, I could and would competently testify to the  
5 matters stated herein.

6           2.       I am a co-founding partner of the Oakland-based law firm, Pritzker Levine  
7 LLP, which serves as Additional Class Counsel in this matter. The firm initially appeared  
8 as counsel of record in *Kendall Gregory-McGhee et al v. National Collegiate Athletic*  
9 *Association et al.*, N.D. Cal. Case No. 4:14-cv-01777, filed April 17, 2014. On January 17,  
10 2015, Pritzker Levine filed the action entitled *Justine Hartman et al. v. National Collegiate*  
11 *Athletic Association et al.*, N.D. Cal. Case No. 4:15-cv-00178. Shortly after each filing,  
12 *Gregory-McGhee* and *Hartman* were made part of the consolidated, multi-district litigation  
13 entitled *In Re National Athletic Association Athletic Grant-in-Aid Antitrust Litigation*, 4:14-  
14 md-2541-CW, and the Pritzker Levine firm was designated by Class Counsel to serve as  
15 Additional Class Counsel in the litigation.

16           3.       The named plaintiffs in the *Hartman* action are Pritzker Levine clients, Justine  
17 Hartman and Afure Jemerigbe. Ms. Hartman and Ms. Jemerigbe played NCAA Division I  
18 Women’s Basketball for the University of California at Berkeley (“Cal”).

19           **MS. JEMERIGBE AND MS. HARTMAN WERE APPOINTED BY THE COURT**  
20           **TO SERVE AS CLASS REPRESENTATIVES**

21           4.       The Court previously has appointed both Ms. Jemerigbe and Ms. Hartman to  
22 serve as class representative in the litigation.

23           5.       In its Amended Order Granting Plaintiff’s Unopposed Motion for Preliminary  
24 Approval of Class Settlement, the Court preliminarily certified three Settlement Classes (a  
25 Division I FBS Football Class; a Division I Men’s Basketball Class; and a Division I  
26 Women’s Basketball Class) and appointed Ms. Jemerigbe as one of four class  
27 representatives for the Settlement Classes. (ECF No. 615, ¶¶ 3, 7). Thereafter, following  
28 final approval of the settlement, the Court approved a \$20,000 service award for Ms.

1 Jemerigbe to compensate her for “work done on behalf of the class,” including “a significant  
2 amount of time spent assisting in the litigation of this case, preparing for and having [her]  
3 deposition[] taken, in searching for and producing documents that spanned many years, and  
4 in conferring with counsel throughout the litigation.” (*See* Court’s Order Dec. 6, 2017 Order  
5 Granting Plaintiffs’ and Class Counsel’s Motion for Attorneys’ Fees, Expenses and Service  
6 Awards [ECF No.745], at 17-18 and fns. 67-68).

7           6. Ms. Hartman was put forward and also approved by the Court as a class  
8 representative for the certified, Injunctive Relief Classes. (*See* Court’s Dec. 4, 2015 Order  
9 Granting Motion for Rule 23(b)(2) Class Certification [ECF No.305], at 27). Like Ms.  
10 Jemerigbe, Ms. Hartman has been a diligent and articulate representative for the Injunctive  
11 Relief Classes. The specific efforts undertaken by Ms. Hartman to fulfill her class  
12 representative role are described more fully in paragraphs 16 through 24 of this declaration.

13           **PRITZKER LEVINE’S HISTORY AS ADDITIONAL CLASS COUNSEL**

14           7. In support of Plaintiffs’ and Class Counsel’s Motion for Attorneys’ Fees,  
15 Costs and Class Representative Service Awards filed in conjunction with the damages  
16 settlement, I filed two declarations, at ECF Nos. 691 and 696, respectively. These  
17 declarations describe Pritzker Levine’s service as counsel to Plaintiffs, beginning in April  
18 2014, and the firm’s involvement in the prosecution of the litigation for the Classes from the  
19 inception of the case.

20           8. Pritzker Levine’s antitrust experience is well-recognized. As I previously  
21 attested, I have practiced complex litigation for nearly three decades. Over the years, Pritzker  
22 Levine and its attorneys have served as lead, co-lead, or participating counsel in MDL cases  
23 representing classes challenging price-fixing, unlawful trade restraints, monopolization, and  
24 other anticompetitive conduct. (*See* ECF No.691, ¶¶6-9).

25           9. In my prior declaration, ECF No.691, I also attest to the significant time and  
26 resources that the Pritzker Levine firm and I (as the partner directly working on the case)  
27 devoted to the prosecution of the damages claims asserted by the Settlement Classes. These  
28 efforts include: initial factual investigation (*id.*, ¶13); factual and legal research for the benefit

1 of the Settlement Classes (*id.*, ¶¶13-14, 16); heading up third-party discovery directed to 337  
2 NCAA Division I member schools for athletic scholarship fund information that was a  
3 critical component of the class damages analysis undertaken by Plaintiffs' expert (*id.*, ¶15);  
4 conducting and analyzing written discovery (*id.*, ¶17-18)); preparing and defending Ms.  
5 Jemerigbe, a damages class representative, at deposition (*id.*, ¶ 8); working with the experts  
6 (*id.*, ¶18); and assisting with briefing, sealing motions and other case filings. (*Id.*, ¶18).<sup>1</sup>

7 10. As stated in my prior declaration, ECF No.691, the total number of hours spent  
8 by the Pritzker Levine firm prosecuting the case for Settlement Classes totaled 1715.6 hours,  
9 for a corresponding lodestar of \$1,008,630.85. (*Id.*, ¶22). Expressly excluded from these  
10 amounts were attorney hours and corresponding lodestar devoted exclusively to my firm's  
11 work on behalf of the certified Injunctive Relief Classes as of August 22, 2017. (*Id.*).  
12 Specifically, although both Ms. Jemerigbe and Ms. Hartman played a critical representative  
13 role in the litigation by, among other things, providing requisite standing necessary to  
14 certification of the Women's Basketball Classes (*see* ECF No.305, at 8, 11), I used my  
15 professional judgment to exclude from the firm's prior fee application, attorney time spent  
16 preparing Ms. Hartman, the Injunctive Relief class representative, for her deposition and  
17 representing her at that deposition. I also excluded from that application work that my firm  
18 performed at the direction of Class Counsel on Plaintiffs' motion to certify the Injunctive  
19 Relief Classes. (ECF No.691, ¶¶20-21). The attorney time associated with the Injunctive  
20 Relief Classes that was excluded from my prior fee application for services rendered through  
21 August 22, 2017 totaled 42.2 hours, for a lodestar of \$28,890.50. (*Id.*, ¶¶19, 21).

#### 22 **FEES AND COSTS ASSOCIATED WITH INJUNCTIVE RELIEF CLASSES**

23 11. Attached hereto as Exhibit A is a summary of the total hours and lodestar  
24 associated with my firm's professional services on behalf of the Injunctive Relief Classes.  
25 This summary was prepared from contemporaneous, daily time records regularly prepared  
26 and maintained by my firm.

27 <sup>1</sup> My supplemental declaration, ECF No.696, shows the number of hours undertaken by Pritzker  
28 Levine attorneys on these tasks, on a task-by-task basis. (*See* ECF No.696, at ¶4 and Table 1).

1           12. As set forth in Exhibit A, the total number of hours spent by Pritzker Levine  
2 on behalf of the Injunctive Relief Classes is 198.0 hours, with a corresponding lodestar of  
3 \$143,745.00. These hours include the 42.2 hours that were excluded from my firm’s prior  
4 fee application, as referenced in paragraph 10. Exhibit A additionally includes time  
5 expended by Pritzker Levine attorneys preparing for and appearing at trial. All of the hours  
6 set forth in Exhibit A reflect work associated only with the Injunctive Relief aspect of the  
7 case.

8           13. Exhibit A provides the names of the attorneys and professional staff who  
9 worked on the case, bar admission for each attorney, and each timekeeper’s respective hours,  
10 rates, and lodestar. The rates for each attorney identified in Exhibit A are the usual and  
11 customary hourly rates charged by Pritzker Levine. These rates are the same as, or  
12 substantially similar to, rates used by firm and previously approved by the Court in this and  
13 other cases. (*See* ECF No. 745, at 13-14 (approving hourly attorney rates for Pritzker Levine  
14 partners, Elizabeth Pritzker and Jonathan Levine, and firm associates and of counsel  
15 attorneys, and finding the “hourly rates of plaintiffs’ counsel are in line with market rates in  
16 the District.”); *see also* ECF No. 691, ¶23 (describing attorney fee awards made to Pritzker  
17 Levine attorneys in similar cases filed in the District)).

18           14. My firm has expended \$3,217.34 in unreimbursed costs and expenses in  
19 connection with the prosecution of case for the Injunctive Relief Classes. These costs and  
20 expenses are broken down in the chart attached hereto as Exhibit B. They were incurred on  
21 behalf of the Injunctive Relief Classes by my firm on a contingent basis, and have not been  
22 reimbursed. All of these costs and expenses are reflected in the books and records of my  
23 firm, which are prepared from expense vouchers, check records, invoices and other source  
24 materials, and represent an accurate recordation of the expenses incurred by the firm in  
25 connection with this action. Copies of these records are available at the Court’s request.

26           15. I have reviewed the time and expenses reported by Pritzker Levine, and  
27 included in this declaration and in Exhibits A and B, and affirm that they are true and  
28 accurate.

**MS. HARTMAN'S SERVICE AS A CLASS REPRESENTATIVE**

1  
2 16. Ms. Hartman's extensive contribution to the Injunctive Relief portion of the  
3 litigation is noteworthy. She has been cooperative, articulate, and immensely helpful to the  
4 prosecution of the case from the outset. She has at all times been highly involved, and has  
5 expended significant time and effort to the case.

6 17. Moreover, when the case began, Ms. Hartman was still a student at Cal, and  
7 an active member of the women's basketball team roster. She bravely and willingly  
8 undertook a significant reputational risk by seeking injunctive relief against and rule changes  
9 by the NCAA – the very entity upon which her financial ability to attend Cal largely  
10 depended.

11 18. Ms. Hartman cooperated fully with Plaintiffs' counsel to assist them in the  
12 development and prosecution Injunctive Relief litigation. She acted promptly in responding  
13 to my requests for her time and to provide information necessary to facilitate Plaintiffs'  
14 investigation and the discovery process in the case.

15 19. In response to Defendants' discovery requests, Ms. Hartman searched through  
16 her files for contracts, forms, emails, correspondence, school brochures, financial  
17 information, scholarship information, and other records: these records spanned from her  
18 middle school and high school years through her collegiate playing career.

19 20. Ms. Hartman assisted in the preparation of discovery responses. She executed  
20 a FERPA waiver authorizing Defendants to obtain her admission, academic, health, and  
21 athletic records directly from the University of California.

22 21. Ms. Hartman expended substantial time and effort preparing for and attending  
23 her deposition. Her deposition entailed hours of preparation with me at my offices, or on  
24 campus, over the course of several days, and another day away from her academic studies  
25 for a full-day deposition in which Ms. Hartman responded to detailed questioning by a senior  
26 defense attorney for the NCAA.

27 22. Of course, Ms. Hartman also attended and testified at trial. This required that  
28 Ms. Hartman expend significant time, travel and expense meeting with me and Class



1 Counsel, in person, in Los Angeles and later in Oakland, to prepare her for her examination  
2 and cross-examination at trial. She then spent additional time, travel and expense, and had  
3 to forego work opportunities, to attend and provide testimony at trial.

4 23. Throughout the litigation, Ms. Hartman has stayed up to date on case  
5 developments through frequent telephone calls, emails, and in person meetings with me and  
6 with Class Counsel.

7 24. Ms. Hartman has performed her class representative duties willingly, ably, and  
8 responsibly, and she did so without any guarantee of reimbursement or compensation for the  
9 efforts she has taken. She is deserving of an incentive award in recognition of the significant  
10 responsibilities and risks she undertook to represent the Injunctive Relief Classes, and to  
11 compensate her for the time and effort she expended in the case.

12 I declare under penalty of perjury under the laws of the United States that the  
13 foregoing is true and correct. Executed this 26th day of March, 2019, at Oakland, California.

14  
15 *//s// Elizabeth C. Pritzker*  
Elizabeth C. Pritzker (SBN 146267)

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18 Oakland, CA 94612  
19 Telephone: (415) 692-0772  
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**EXHIBIT A**



**Exhibit A*****In re NCAA Grant-In-Aid Cap Antitrust Litigation***  
**Case Nos. 4:14-md-2541-CW, 4:14-cv-02758-CW****Pritzker Levine, LLP**  
**Time Summary – Professional Staff**  
**Injunctive Relief Classes**

<b>Name</b>	<b>Role<sup>1</sup></b>	<b>Years</b>	<b>Hours</b>	<b>Rate</b>	<b>Lodestar</b>
<b>Professional Staff</b>					
Elizabeth Pritzker	P	2015	26.10	\$695	\$, 18,139.50
		2018	116.80	\$750	\$ 87,600.00
		2019	19.00	\$750	\$ 14,250.00
Jonathan Levine	P	2015	11.60	\$695	\$ 8,062.00
		2018	0.00	\$750	-
		2019	0.00	\$750	-
Bethany Caracuzzo	OC	2015	0.00	\$625	-
		2018	4.50	\$695	\$ 3,127.00
		2019	0.00	\$695	-
Heather Haggarty	A	2015	4.30	\$600	\$ 2,580.00
		2018	14.00	\$650	\$ 9,100.00
		2019	0.00	\$650	-
Anne Whitney	A	2015	0.00	\$495	-
		2018	1.50	\$525	\$ 787.50
		2019	0.00	\$525	-
Shiho Yamamoto	A	2015	0.20	\$495	\$ 99.00
<b>TOTAL</b>			<b>198.00</b>		<b>\$143,745.00</b>

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<sup>1</sup> Key:

P Partner  
OC Of Counsel  
A Associate  
LC Law Clerk  
PL Paralegal  
I Investigator

**EXHIBIT B**

**Exhibit B*****In re NCAA Grant-In-Aid Cap Antitrust Litigation***  
**Case Nos. 4:14-md-2541-CW, 4:14-cv-02758-CW****Pritzker Levine, LLP**  
**Unreimbursed Expenses****Injunctive Relief Classes**

<b>Category</b>	<b>Amount</b>
Court Costs (Court Call Appearance Fees)	\$ 58.00
Computerized Legal Research / PACER	\$ 310.36
Document services (Online Hosting)	\$ 30.00
Copying Costs	\$ 1 60.10
Shipping and Mailing	\$ 58.00
Local Transportation	\$ 77.02
Travel:	
Air Transportation	\$ 275.00
Ground Transportation/Car Rental/Parking	\$ 182.76
Lodging / Hotels	\$1,681.02
Meals	\$ 385.08
Miscellaneous	-
<b>TOTAL</b>	<b>\$3,217.34</b>