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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 IN RE ANIMATION WORKERS ANTITRUST
LITIGATION

Master Docket No. 14-CV-4062-LHK

DECLARATION OF ROBERT A.
NITSCH, JR. IN SUPPORT OF
PLAINTIFFS' MOTION FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

21 THIS DOCUMENT RELATES TO:
22 ALL ACTIONS

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1 I, ROBERT A. NITSCH, JR. declare as follows:

2 1. I am an individual over the age of 18 who resides in Massachusetts. I have personal
3 knowledge of the matters stated herein and, if called upon, I could and would competently testify
4 thereto.

5 2. I am a named plaintiff and class representative in *In re Animation Workers Antitrust*
6 *Litigation*, No. 14-CV-4062-LHK, filed on September 8, 2014, in the United States District Court for
7 the Northern District of California. I submit this affidavit, on behalf of myself and the settlement
8 class, in support of Plaintiffs' Motion for Attorneys' Fees, Expenses, and Service Awards.

9 3. As a class representative, I understand that it is my responsibility to be apprised of the
10 work done by my attorneys on the case and make my own judgment about the fairness of any
11 settlement proposed by the lawyers. In evaluating the fairness of the settlement, I am required to
12 consider the interests of all members of the Class. I am free to disagree with my attorneys about the
13 merits of a settlement and make my views known to the Court.

14 4. I have reviewed the terms of the settlements with Defendants The Walt Disney
15 Company, Pixar, Lucasfilm Ltd., LLC, and Two Pic MC LLC (collectively, the "Disney
16 Defendants"), and with Defendant DreamWorks Animation SKG, Inc. ("DreamWorks"), discussed
17 those terms with my attorneys, and I am aware of and approve all terms of the proposed settlement,
18 as it affects me and the members of the Class. Based upon this reading and my discussions with
19 counsel, I understand that the Disney Defendants have agreed to pay \$100,000,000 into a Settlement
20 Fund, and DreamWorks agreed to pay \$50,000,000 into a Settlement Fund, and further understand
21 that if the settlement is approved, class members nationwide will receive payments from this
22 Settlement Fund. I understand that the costs of notice and settlement administration, attorneys' fees,
23 litigation expenses, and participation awards will be deducted from the Settlement Fund, and that
24 class members who do not opt out will release the Disney Defendants, DreamWorks, and related
25 entities from claims related to this lawsuit.

26 5. I believe that the proposed settlements achieve significant relief for the Class and are
27 a great result compared to the risks and delay associated with a complex and costly trial. In addition,
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1 I recognize that if a trial were held, there is no guarantee that the Class would succeed on the claim
2 presented in this litigation. Thus, the proposed settlements permit an immediate recovery to class
3 members without the risk, delay, and expense of trial. Based upon my understanding of the class
4 claims asserted in this litigation, and my understanding of the terms of the settlement agreements, I
5 believe the proposed settlements are fair, adequate and reasonable, and in the best interests of class
6 members, and should therefore be granted final approval.

7 6. Over the past two and a half years, I have diligently performed my duty to assist Class
8 Counsel in prosecuting this case, investing a significant effort to complete specific tasks to benefit
9 the lawsuit and fulfill my role as a class representative.

10 7. I responded to Defendants' discovery requests by searching my digital and paper files
11 for responsive documents. This included searching my personal computer and email accounts. I then
12 worked with my attorneys to harvest those documents and have them produced to Defendants. In
13 addition, I assisted in preparing and verifying my responses to interrogatories for at least 5 hours and
14 updated those responses when needed. I also spent time consulting with Class Counsel on multiple
15 occasions to assist them in understanding my responsive documents. I estimate that I have spent at
16 least 4 hours communicating with counsel by phone, email and in person about the document
17 requests, and spent at least 7 hours collecting documents, including searching for information and
18 documents for the litigation.

19 8. I spent time preparing for my deposition by reviewing documents and meeting with
20 my attorneys for 9 hours. On February 12, 2016, I spent a little less than 7 hours at my deposition
21 being questioned by Defendants. To ensure the accuracy of my deposition transcript, I spent about an
22 hour reviewing it for errors.

23 9. I have been responsive to Class Counsel's requests for information throughout the
24 case and remained in regular contact by phone and email to discuss various aspects of the litigation,
25 including updates on progression of the litigation and material events in the case. I have reviewed
26 and commented on documents, read case updates, asked questions, and provided information,
27 assistance and documentation as needed.

1 10. I have also spent approximately 3 hours reviewing the settlements in this case and
2 discussing the settlements with my attorneys.

3 11. In total, I estimate that I have spent at least 35 hours over the past two and a half
4 years, performing my duties on behalf of the class.

5 12. In my experience with finding employment in the animation and visual effects
6 industry, it is a small community with a small number of repeat players – both employers and
7 employees. The employers, and especially the Defendants in this case, have great power over your
8 career and whether you can obtain your next job. Employees have specialized skills that are most
9 valuable in the industry. And since the term of employment is frequently for the production of one
10 film or less, it is common for a typical employee to have to find work with multiple companies over
11 just a few years. Given those factors, an employee’s reputation is quite important as employers can
12 choose not to hire employees largely based on whatever reason they want.

13 I declare under penalty of perjury under the laws of the United States of America that the
14 foregoing is true and correct. Executed this 7th day of April, 2017, in Brewster, Massachusetts.

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16 _____
17 ROBERT A. NITSCH, JR.