

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LOUISIANA SHERIFFS' PENSION & RELIEF FUND, Individually and on Behalf of All Others Similarly Situated,	)	No. 2:19-cv-03347
	)	<u>CLASS ACTION</u>
Plaintiff,	)	District Judge Edmund A. Sargus, Jr.
	)	Magistrate Judge Elizabeth A. Preston Deavers
vs.	)	
CARDINAL HEALTH, INC., et al.,	)	
	)	
Defendants.	)	
_____	)	

DECLARATION OF JOSEPH F. MURRAY FILED ON BEHALF OF MURRAY MURPHY  
MOUL + BASIL LLP IN SUPPORT OF APPLICATION FOR AWARD OF ATTORNEYS'  
FEES AND EXPENSES

I, Joseph F. Murray, declare as follows:

1. I am a partner with the firm of Murray Murphy Moul + Basil LLP (the “Firm”). I am submitting this declaration in support of the application for an award of attorneys’ fees and expenses/charges (“expenses”) in connection with services rendered in the above-entitled action.

2. This Firm is liaison counsel of record for Lead Plaintiff 1199 SEIU Health Care Employees Pension Fund.

3. This Firm was involved in all aspects of litigating this action, including but not limited to: developing a litigation strategy; preparing a discovery plan; researching, drafting, revising, and reviewing pleadings, including motion for appointment of lead plaintiff, amended complaint, motion for class certification, motion for approval of the settlement, fee petition, and motions for *pro hac vice* admission; attending and participating in conferences and hearings before the Court; preparing and reviewing discovery requests and responses; reviewing thousands of pages of documents produced in discovery; conducting damages analyses; reviewing and analyzing expert opinions; and participating in settlement discussions and mediations.

4. The information in this declaration regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the litigation and I reviewed these reports (and backup documentation where necessary or appropriate) in connection with the preparation of this declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the time and expenses committed to the litigation. As a result of this review, reductions were made to both time and expenses in the exercise of billing judgment. Based on this review and the adjustments made, I believe that the time reflected in the Firm’s lodestar calculation

and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the litigation.

5. After the reductions referred to above, the number of hours spent on the litigation by my Firm is 550.4. A breakdown of the lodestar is provided in Exhibit A. The lodestar amount for attorney/paralegal time based on the Firm's current rates is \$428,515.00. The hourly rates shown in Exhibit A are consistent with hourly rates submitted by the Firm in other securities class action litigation. The Firm's rates are set based on periodic analysis of rates charged by firms performing comparable work both on the plaintiff and defense side. Different timekeepers within the same employment category (*e.g.*, partners, associates, paralegals, etc.) may have different rates based on a variety of factors, including years of practice, years at the Firm, years in the current position (*e.g.*, years as a partner), relevant experience, relative expertise, and the rates of similarly experienced peers at this Firm or other firms. For personnel who are no longer employed by the Firm, the "current rate" used for the lodestar calculation is based upon the rate for that person in his or her final year of employment with the Firm.

6. My Firm seeks an award of \$7,200.60 in expenses and charges in connection with the prosecution of the litigation. Those expenses and charges are summarized by category in Exhibit B.

7. The following is additional information regarding certain of these expenses:

(a) Filing, Witness and Other Fees: \$2,200.00. These expenses have been paid to the Court for filing fees related to motions for admission *pro hac vice*. The motions for which the fees were paid are set forth in Exhibit C.

(b) Transportation, Hotels & Meals: \$4,685.10. In connection with the prosecution of this case, the Firm has paid for travel expenses to attend a strategy session with co-

counsel and two mediations in this case. The date, destination, and purpose of each trip is set forth in Exhibit D.

(c) Online Legal and Financial Research: \$315.50. This category includes vendors such as Lexis and PACER. These resources were used to obtain access to court filings, legal research, and for cite-checking of briefs. This expense represents the expense incurred by the Firm for use of these services in connection with this litigation. The charges for these vendors vary depending upon the type of services requested.

8. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the expenses.

9. The identification and background of my Firm and its partners is attached hereto as Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19<sup>th</sup> day of July, 2023, at Columbus, Ohio.

**/s/ Joseph F. Murray**

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Joseph F. Murray

# **EXHIBIT A**

**EXHIBIT A***Louisiana Sheriffs' Pension & Relief Fund v. Cardinal Health, Inc., et al.,*

No. 2:19-cv-03347

Murray Murphy Moul + Basil LLP

Inception through July 13, 2023

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Joseph F. Murray	(P)	383.8	\$800	\$307,040.00
Brian K. Murphy	(P)	143.3	\$800	\$114,640.00
Geoffrey J. Moul	(P)	3	\$800	\$2,400.00
Austin Strohacker	(A)	2.5	\$350	\$875.00
Paralegals		17.8	\$200	\$3,560.00
<b><i>TOTAL</i></b>		<b><i>550.4</i></b>		<b><i>\$428,515.00</i></b>

(P) Partner

(A) Associate

# **EXHIBIT B**

**EXHIBIT B**

*Louisiana Sheriffs' Pension & Relief Fund v. Cardinal Health, Inc., et al.,*

No. 2:19-cv-03347

Murray Murphy Moul + Basil LLP

Inception through July 13, 2023

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees	\$2,200.00
Transportation, Hotels & Meals	\$4,685.10
Online Legal and Financial Research	\$315.50
<b><i>TOTAL</i></b>	<b><i>\$7,200.60</i></b>



# **EXHIBIT C**

**EXHIBIT C***Louisiana Sheriffs' Pension & Relief Fund v. Cardinal Health, Inc., et al.,*

No. 2:19-cv-03347

Murray Murphy Moul + Basil LLP

Filing, Witness and Other Fees: \$2,200.00

<b><i>DATE</i></b>	<b><i>VENDOR</i></b>	<b><i>PURPOSE</i></b>
10/2/2019	United States District Court for the Southern District of Ohio	Filing fee for Motion for Admission <i>Pro Hac Vice</i> (Darren J. Robbins)
8/3/2020	United States District Court for the Southern District of Ohio	Filing fee for Motion for Admission <i>Pro Hac Vice</i> (Henry Rosen, Jennifer Caringal, Laura Andracchio, Laurie Largent, and Spencer Burkholz)
12/9/2021	United States District Court for the Southern District of Ohio	Filing fee for Motion for Admission <i>Pro Hac Vice</i> (Tor Gronborg and Christopher R. Kinnon)
2/3/2022	United States District Court for the Southern District of Ohio	Filing fee for Motion for Admission <i>Pro Hac Vice</i> (Marco Janoski)
2/10/2022	United States District Court for the Southern District of Ohio	Filing fee for Motion for Admission <i>Pro Hac Vice</i> (Megan Rossi)
4/12/2023	United States District Court for the Southern District of Ohio	Filing fee for Motion for Admission <i>Pro Hac Vice</i> (Ellen Gusikoff Stewart)

# **EXHIBIT D**

**EXHIBIT D**

*Louisiana Sheriffs' Pension & Relief Fund v. Cardinal Health, Inc., et al.,*  
No. 2:19-cv-03347  
Murray Murphy Moul + Basil LLP

Transportation, Hotels & Meals: \$4,685.10

<i>NAME</i>	<i>DATE</i>	<i>DESTINATION</i>	<i>PURPOSE</i>
Joseph F. Murray Brian K. Murphy	Oct. 16-18, 2022	San Diego, CA	Discuss litigation and settlement strategy
Joseph F. Murray	Nov. 30-Dec. 2, 2022	Newport Beach, CA	Attend mediation
Joseph F. Murray	Feb. 7-9, 2023	New York, NY	Attend mediation

# **EXHIBIT E**

**Murray Murphy Moul + Basil** LLP  
Attorneys at Law

**RESUME OF MURRAY MURPHY MOUL + BASIL LLP**

Murray Murphy Moul + Basil LLP has been extensively engaged in complex class litigation since the firm's inception in 1999. It has litigated numerous issues in a broad range of areas and has extensive experience in class litigation at both the trial and appellate level, including appearing before the United States Supreme Court.

**Securities Litigation**

Murray Murphy Moul + Basil LLP has developed into one of the most experienced securities litigation firms in the state of Ohio. Since 2011, the firm has been a member of the Ohio Attorney General's Securities Panel, providing ongoing advice to the office related to potential securities claims affecting Ohio's public pension funds. The firm has represented numerous public pension funds for the State of Ohio under both Republican and Democratic administrations since 2006. The firm has also prosecuted matters on behalf of other large pension funds. The following is a short summary of a representative sampling of the securities cases the firm has been involved with over the years:

*Shenk v. Mallinckrodt, PLC, et al.* (District of Columbia). Murray Murphy Moul + Basil was co-counsel on behalf of the State Teachers Retirement System of Ohio in a case against Mallinckrodt and its senior officers where they are alleged to have engaged in misrepresentations and material omissions with respect to the company's key drug, H.P. Acthar Gel, that served to artificially inflate Mallinckrodt's stock price during the proposed class period from July 14, 2014 through November 6, 2017. The case was settled for \$65,750,000 and received final Court approval in 2022.

*In re Allergan, Inc. Securities Litigation* (Central District of California). Murray Murphy Moul + Basil was co-counsel on behalf of State Teachers Retirement System of Ohio as Co-Lead Plaintiff in a case about an insider trading scheme by billionaire hedge fund manager Bill Ackman and a pharmaceutical company, Valeant Pharmaceuticals International, Inc. ("Valeant"), to cheat Allergan, Inc. ("Allergan") shareholders out of over a billion dollars that rightfully belonged to them. Specifically, Ackman, through his hedge fund Pershing Square

Capital Management, and Valeant conspired to manipulate the securities laws to acquire Allergan, another pharmaceutical company, at a discount. The case was settled for \$250 million in 2018.

*In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litigation* (Southern District of New York). Murray Murphy Moul + Basil was co-counsel on behalf of the School Employees Retirement System and the Ohio Police & Fire Pension Fund in a case where BNYM was alleged to have systematically overcharged custodial clients on standing instructions foreign exchange (“FX”) transactions for years by selecting and reporting, with hindsight, FX rates that are less favorable to the client than what BNYM actually paid, and pocketing the difference. After extensive litigation, including companion cases based on the same conduct filed by the New York Attorney General and United States Department of Justice, a settlement was reached establishing a fund of \$490 million to be distributed to class members. Ohio’s pension funds received substantial payouts from the fund, including approximately \$25 million going to the State Teachers Retirement System as the largest class claimant.

*In re Cardinal Health Securities Litigation* (Southern District of Ohio). Murray Murphy Moul + Basil was co-counsel in this matter, which resulted in a \$600 million settlement for the class – the largest securities class action settlement in the history of the Sixth Circuit. The settlement was approved by the Judge Marbley on November 14, 2007. The Complaint alleged that Cardinal, and certain of its officers and directors, issued materially false statements concerning the Company's financial condition. The Complaint was on behalf of all persons who purchased the publicly traded securities of Cardinal Health, Inc. between October 24, 2000 and June 30, 2004 inclusive. After a review of in excess of 6 million documents and extensive depositions and interviews, and a lengthy and extensive mediation process, the parties entered into the settlement agreement pursuant to which the \$600 million settlement fund was created.

*In re Marsh & McLennan Cos., Inc. Securities Litigation* (Southern District of New York). Murray Murphy Moul + Basil was appointed by former Attorney General Jim Petro as co-counsel in this matter in which the Public Employees’ Retirement System of Ohio, State Teachers’ Retirement System of Ohio, and Ohio Bureau of Workers’ Compensation were appointed as co-Lead Plaintiffs. The case was settled at the end of 2009 for \$400 million.

*In re Abercrombie & Fitch Securities Litigation* (Southern District of Ohio). Murray Murphy Moul + Basil was co-counsel in this PSLRA case which alleged that Abercrombie (a) carried out a scheme to deceive the investing public; (b) made untrue statements of material fact and/or omitted to state material facts necessary to make the statements not misleading; and (c) engaged in acts, practices, and a course of business which operated as a fraud and deceit upon the purchasers of the Company's securities in an effort to maintain artificially high market prices for Abercrombie securities. The Court certified the class and a settlement was eventually reached in the amount of \$12 million in the middle of 2010.

Ohio Board of Deferred Compensation v. Pilgrim Baxter & Associates (In Re Pilgrim Baxter).

This case was a securities class action brought on behalf of purchasers and holders of Pilgrim Baxter mutual funds from Nov. 1, 1998 to Nov. 13, 2003 who were harmed by a pattern of trading practices known as “market timing.” The Ohio Board of Deferred Compensation was appointed as the lead Plaintiff in this litigation and Murray Murphy Moul + Basil served as co-counsel. The case was settled for \$31,538,600 in 2010.

**Other Class Litigation Experience**

Murray Murphy Moul + Basil LLP has served as Lead Class Counsel in prosecuting other large class actions, including *Violette, et al. v. P.A. Days, Inc.*, Case No. 2:01-cv-01254 (S.D. Ohio 2004) (Marbley, J.) and *Adkins v. Ricart Properties, et al.* (S.D. Ohio 2004) (Marbley, J.), two certified class actions that included over 100,000 class members. Similarly, Murray Murphy Moul + Basil LLP served as Co-Lead Counsel in the certified class action of *Mick v. Level Propane Gases, Inc.*, 203 F.R.D. 324 (S.D. Ohio 2001) (Sargus, J.). The firm has also appeared in the United States Supreme Court in a putative class action arising in the Southern District of Ohio. *Household Credit Services, et al. v. Pfennig*, 124 S. Ct 1741 (2004).

Murray Murphy Moul + Basil LLP has also served as Defense Counsel in two putative class actions asserting claims against Ohio state agencies. Murray Murphy Moul + Basil LLP was trial counsel in the matter of *S.H and all other similarly situated, et al. v. Taft, et al.*, Case No. 2:04-cv-1206 (Smith, J.) and co-counsel in *J.P. and all others similarly situated et al. v. Taft, et al.*, Case No. 2:04-cv-692 (Marbley, J.).

Murray Murphy Moul + Basil LLP has extensive experience in litigation class claims under the Telephone Consumer Protection Act including bringing about one of the largest class settlements ever at the time for a class of consumers besieged by telemarketing prerecord robocalls in *Desai v. ADT Security Systems*, Case No. 11-cv-01925 (N.D. Illinois). The firm was



**Murray Murphy Moul + Basil** LLP

Co-Lead Counsel on behalf of nationwide class that received \$15,000,000 in 2013.

Murray Murphy Moul + Basil LLP also served as Lead Counsel in class litigation that have been resolved in favor of the Classes: *Downes v. Ameritech Corp., et al.*, Case No. 99 CH 11356 (Cook County, Illinois), *Bellile v. Ameritech Corp., et al.*, Case No. 99-925403-CP (Wayne County, Michigan), *Gary Phillips & Assoc. v. Ameritech Corp.*, 759 N.E.2d 833 (Franklin County, Ohio) and *Prestemon, et al. v. Echostar Communication and WebTV\_Networks*, Case No. 2002-053014 (Alameda County, California Sup. Court).