

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re CURRENCY CONVERSION FEE :
ANTITRUST LITIGATION : MDL Docket No. 1409
: :
: : DECLARATION OF BONNY E. SWEENEY
: : IN SUPPORT OF PLAINTIFFS' REPLY
: : MEMORANDUM OF POINTS AND
This Document Relates To: : : AUTHORITIES IN FURTHER SUPPORT OF
: : MOTION FOR (1) FINAL APPROVAL OF
ALL ACTIONS. : : CLASS ACTION SETTLEMENT;
: : (2) AWARD OF ATTORNEYS' FEES AND
: : EXPENSES; AND (3) CLASS
: : REPRESENTATIVES' PETITION FOR
: : INCENTIVE AWARDS

FILED UNDER SEAL

REDACTED FOR PUBLIC FILING

I, BONNY E. SWEENEY, declare as follows:

1. I am an attorney duly licensed to practice before all of the courts of the State of California. I am a partner with the law firm of Coughlin Stoia Geller Rudman & Robbins LLP, co-lead counsel for plaintiffs in the above-entitled action.

2. I submit this Declaration in support of Plaintiffs' Reply Memorandum of Points and Authorities in Further Support of Motion for (1) Final Approval of Class Action Settlement; (2) Award of Attorneys' Fees and Expenses; and (3) Class Representatives' Petition for Incentive Awards.

3. I investigated the assertion, made by objectors Edward and Jane Selfe, that "Lerach Coughlin engaged Skadden, Arps, [Slate, Meagher & Flom, LLP ('Skadden Arps')] to represent Lerach Coughlin in connection with the criminal investigation of Milberg Weiss and William S. Lerach," and concluded that it was false. I discussed this assertion with managing partners of Coughlin Stoia. I was informed that Skadden Arps never represented Lerach Coughlin (or Coughlin Stoia) in connection with that investigation. Rather, two lawyers at Proskauer Rose LLP represented one member and several employees of Coughlin Stoia (formerly Lerach Coughlin). Those two Proskauer Rose lawyers joined Skadden Arps at some point during the representation. However, none of the individuals represented by the Proskauer Rose lawyers were directly involved in the litigation of this case or in the negotiation of the economic terms of the settlement.

4. Attorneys' fees and costs from *Schwartz v. Visa*, *Mattingly v. Visa* and *Shrieve v. Visa* are not included in the fee application before this Court. In these three actions, Coughlin Stoia, Schrag & Baum, Steyer Lowenthal and Hulett Harper Stewart expended more than 58,000 professional hours, for a total lodestar of more than \$29,000,000, and incurred more than \$3,000,000 in expenses. These firms have not recovered these fees and expenses in any action.

5. As stated previously in the Davidoff/Sweeney Declaration, Co-Lead Counsel asked all Class Counsel to submit their daily time and expense records for our review. Since the date of the submission of that declaration, we have received and reviewed additional records from Class Counsel, and have uncovered only a negligible number of entries that were not sufficiently documented or were otherwise questionable. If all such entries (uncovered in both reviews) were deleted, the total lodestar would be reduced by less than 1%. We also reviewed again Coughlin Stoia's time to ensure that time that should have been billed to one of the state court cases (*Schwartz, Mattingly* or *Shrieve*) was not inadvertently billed to the MDL action. We did find a small number of entries that were inadvertently billed to this case and were not caught in the prior review, totaling 56.5 hours, or less than .36% of Coughlin Stoia's total MDL lodestar.

6. Attached as Exhibit A is a true and correct copy of Visa International Management Executive Committee Meeting, dated July 14, 2003 (VMDL0124118-20).

7. Attached as Exhibit B is a true and correct copy of "MasterCard Announces New Cross-border Transaction Pricing," U.S. Region Bulletin, dated April 1, 2005 (MCMDL 0463773-76).

8. Attached as Exhibit C is a true and correct copy of excerpts from the deposition of Carl Munson, dated August 25, 2005.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7th day of March 2008, at San Diego, California.



BONNY E. SWEENEY

EXHIBIT A
Document Bearing Bates
No. VMDL0124118-20
Redacted for Public Filing

EXHIBIT B

Document Bearing Bates
No. MCMDL 0463773-76
Redacted for Public Filing

EXHIBIT C
Excerpt of Deposition
Testimony of Carl Munson
Redacted for Public Filing