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 8 **IN THE UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 ANTHONY VENTURA, on behalf of himself
 and all others similarly situated,

11 Plaintiff,

12 v.

13
 14 SONY COMPUTER ENTERTAINMENT
 AMERICA INC.,

15 Defendant.

Case No. 10-cv-01811-RS

**DECLARATION OF JOSEPH G. SAUDER
 IN SUPPORT OF PLAINTIFFS HARPER
 AND KUMMER'S MOTION FOR ORDER
 (1) CONSOLIDATING CASES, AND (2)
 APPOINTING CHIMICLES & TIKELLIS
 LLP AS INTERIM, CO-LEAD CLASS
 COUNSEL**

Date: July 15, 2010
 Time: 1:30 p.m.
 Courtroom: 3

The Honorable Richard Seeborg

19 JEFFREY HARPER and ZACHARY
 20 KUMMER, individually and on behalf of all
 others similarly situated,

21 Plaintiffs,

22 v.

23 SONY COMPUTER ENTERTAINMENT
 24 AMERICA, INC.,

25 Defendant.

Case No. 10-cv-02197-RS

The Honorable Richard Seeborg

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This document also relates to:
TODD DENSMORE and ANTAL HERZ, on behalf of themselves and all others similarly situated,
Plaintiffs,
v.
SONY COMPUTER ENTERTAINMENT AMERICA, INC., a Delaware corporation,
Defendant.

Case No. 10-cv-01945-RS
The Honorable Richard Seeborg

This document also relates to:
JASON BAKER, SEAN BOSQUETT, FRANK BACHMAN, PAUL GRAHAM, and PAUL VANNATA, individually and on behalf of all others similarly situated,
Plaintiffs,
v.
SONY COMPUTER ENTERTAINMENT AMERICA, LLC successor to SONY COMPUTER ENTERTAINMENT AMERICA, INC.,
Defendant.

Case No. 10-cv-01897-RS
The Honorable Richard Seeborg

This document also relates to:
KEITH WRIGHT, on behalf of himself and all others similarly situated,
Plaintiff,
v.
SONY COMPUTER ENTERTAINMENT AMERICA, INC.; and SONY COMPUTER ENTERTAINMENT AMERICA, LLC.,
Defendants.

Case No. 10-cv-01975-RS
The Honorable Richard Seeborg

1 This document also relates to:

2 JONATHAN HUBER, on Behalf of Himself
3 and All Others Similarly Situated,

4 Plaintiff,

5 v.

6 SONY COMPUTER ENTERTAINMENT
7 AMERICA, LLC, formerly SONY
8 COMPUTER ENTERTAINMENT AMERICA,
INC., a Delaware corporation,

9 Defendant.

Case No. 10-cv-02213-RS

The Honorable Richard Seeborg

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13 I, Joseph G. Sauder, under penalty of perjury, declare as follows:

14 1. I am a partner at the law firm of Chimicles & Tikellis LLP ("C&T") in Haverford,
15 Pennsylvania. I respectfully submit this Declaration in support of Plaintiffs Jeffrey Harper and
16 Zachary Kummer's ("Plaintiffs") motion for an order appointing C&T as interim co-lead class
17 counsel on behalf of the putative class of PS3 owners in this case. My declaration is based on my
18 firm's records and my personal knowledge of the facts, and, if called to so, could and would testify
19 competently thereto.

20 2. Attached hereto as **Exhibit A** is a true and correct copy of C&T's current firm
21 resume, reflecting the firm's attorneys and background information.

22 **A. Background Information about me and my Firm.**

23 3. I am admitted to practice before the Supreme Courts of Pennsylvania and New
24 Jersey. I am in good standing in every court before which I am admitted to practice, and have
25 never been subject to any disciplinary proceedings in any court.

26 4. My entire practice is devoted to litigation with a focus on prosecuting securities
27 fraud, consumer protection, ERISA and antitrust class actions.

1 5. Prior to joining C&T, I practiced at a major Philadelphia firm where I concentrated
2 on complex civil litigation. From 1998 to 2003, I was a prosecutor in the Philadelphia District
3 Attorney's Office, where I served as lead counsel in hundreds of criminal trials involving major
4 felonies.

5 6. I received my Bachelor of Science degree, *magna cum laude*, in Finance from
6 Temple University in 1995. I graduated from Temple University School of Law in 1998, where I
7 was a member of the *Temple Law Review*.

8 7. In 2006, 2007, and 2008, Law & Politics and the publishers of *Philadelphia*
9 *Magazine* included me as a "Pennsylvania Rising Star." Only 2.5 percent of the total lawyers in
10 Pennsylvania are listed in Rising Stars. In August 2007, American Lawyer Media, publisher of *The*
11 *Legal Intelligencer* and the *Pennsylvania Law Weekly*, named me as one of the "Lawyers on the
12 Fast Track," a distinction that recognized 35 Pennsylvania attorneys under the age of 40 who show
13 outstanding promise in the legal profession and make a significant commitments to their
14 community.

15 8. I was one of the co-lead counsel appointed in *Kurian v. County of Lancaster*, No.
16 2:07-cv-03482-PD (E.D.Pa.), a civil rights lawsuit filed on behalf of pre-trial detainees who were
17 admitted to the Lancaster County Prison ("LCP") in Lancaster, Pennsylvania. The court recently
18 granted final approval to a settlement that provided substantial benefits to members of the class.

19 9. I have been appointed Interim Co-Lead Class Counsel in *Allison, et al. v. The GEO*
20 *Group*, No. 2:08-cv-467-JD (E.D.Pa.). This is a civil rights class action lawsuit against The GEO
21 Group, Inc. ("GEO"), a private entity that contracts with state and local governments to administer
22 correctional facilities. On March 24, 2009, Judge DuBois of the Eastern District of Pennsylvania
23 issued an order and opinion denying GEO's motion for judgment on the pleadings. *Allison v. GEO*
24 *Group, Inc.*, 611 F. Supp. 2d 433 (E.D.Pa. 2009). The court recently granted preliminary approval
25 to a settlement which will provide substantial benefits to class members.

26 10. I also assisted with the trial in the environmental case of *Cook v. Rockwell*
27 *International and the Dow Chemical Company*, No. 90-cv-00181 (D.Colo.) related to the Rocky
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1 Flats Nuclear Weapons Plant. The case sought property damages for a class of approximately
2 15,000 persons owning parcels downwind of the weapons plant. In February 2006, a jury returned
3 a verdict of \$554 million on behalf the class.

4 11. I was actively involved in *In re Textainer Financial Services Corporation, et al.*,
5 No. CGC 05-440303 (Superior Court of California, County of San Francisco), a case in which C&T
6 was co-lead counsel. This class action alleged breach of fiduciary duty on behalf of limited
7 partnership unit holders related to a sale of assets that allegedly provided the limited partnership
8 holders with inadequate consideration, and where they received an allegedly misleading Proxy
9 related to the sale. In early 2009, the court approved a \$10 million settlement.

10 12. I am one of the lead attorneys litigating a case against The Bank of New York
11 Mellon Corporation related to two massive security breaches. *Hammond v. Bank of New York*
12 *Mellon Corp.*, No. 1:08-cv-6060 (RMB) (S.D.N.Y.). This case involves the largest data breach of
13 2008. Along with my co-counsel, I have reviewed tens of thousands of documents and personally
14 deposed many of BNY's senior management involved with the breach. The defendant's motion to
15 dismiss and the plaintiffs' motion for class certification are fully briefed, and are currently pending
16 before the court.

17 13. I have successfully litigated other complex class actions, including MDLs, in various
18 courts across the country. For example, I provided substantial assistance in *In re Insurance*
19 *Brokerage Antitrust Litigation*, No. 2:04-cv-05184-GEB-PS (D.N.J.), an antitrust MDL which
20 involved allegations of bid rigging and steering against numerous insurance brokers and insurers.
21 The district court has granted final approval to settlements with an insurance broker and insurers
22 valued at approximately \$218 million.

23 14. My law firm, C&T, is a leading class action law firm with a national practice having
24 recovered billions of dollars on behalf of institutional, individual and business clients. C&T has
25 extensive experience litigating complex class action litigation. Recently, these cases include the
26 following:

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- 1 a. *In re Genentech, Inc. Shareholders Litig.*, No. 3911-VCS (Del. Ct. Chanc.). C&T is
2 one of the Co-Lead Counsel for the plaintiffs in this consolidated stockholder class
3 action challenging actions taken by Roche Holdings, Inc. ("Roche"), which sought
4 to acquire approximately 44% of the outstanding common stock of Genentech, Inc.
5 ("Genentech") for \$86.50 per share. Roche subsequently agreed to increase its offer
6 to \$95.00 per share and the parties entered into a settlement agreement, which was
7 approved in July 2009. The lawsuit filed by C&T and its co-counsel is estimated to
8 have added nearly \$4 billion to the settlement consideration offered to Genentech
9 shareholders.
- 10 b. C&T is Liaison Counsel in *In re TriCor Indirect Purchasers Antitrust Litigation*,
11 No. 05-360 (SLR) (D. Del.). This antitrust MDL claims that the companies that
12 manufacture the brand drug TriCor hurt competition by unlawfully prolonging their
13 monopoly position in the market for pharmaceutical drugs in order to keep generic
14 equivalents for TriCor off the market. As a result, the lawsuit claims, a class of
15 consumers and third-party payors ("TPPs") such as health insurers and employee
16 benefit plans paid too much for the products. A settlement has been reached with
17 the defendants whereby, subject to court approval, they have agreed to pay \$65.7
18 million into a settlement fund for the benefit of the class of consumers and TPPs.
- 19 c. *In re Real Estate Associates Limited Partnerships Litigation*, CV 98-7035 DDP
20 (C.D. Cal.). C&T achieved national recognition for obtaining the first successful
21 plaintiffs' verdict (\$185 million) under the Private Securities Litigation Reform Act
22 of 1995 ("PSLRA") in this case. The plaintiff alleged violations of the federal
23 securities laws, and was brought the case on behalf of a class of well over 17,000
24 investors in eight public partnerships. C&T served as lead trial counsel in a six-week
25 jury trial in federal court in Los Angeles. The \$185 million jury verdict was ranked
26 among the Top 10 Verdicts in the nation for 2002. Following post-trial motions, the
27 Court upheld in all respects the jury's verdict on liability, upheld in full the jury's
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1 award for compensatory damages, and upheld (but reduced) the Class's entitlement
2 to punitive damages (based on the application of California law to the company's
3 financial condition), and entered a judgment of over \$120 million. While on appeal,
4 the case settled for \$83 million, representing full recovery for the actual losses of the
5 class. This case demonstrates C&T's capability not only to successfully try a class
6 action but also to sustain any favorable jury verdict and conclude the litigation on
7 terms favorable to the class.

8 d. *CNL Hotels & Resorts, Inc.*, No. 6:04-cv-1231 (M.D. Fla.) C&T served as Lead
9 Litigation Counsel representing a class of stockholders who invested in CNL Hotels
10 & Resorts, Inc., the nation's largest hotel real estate investment trust based in
11 Orlando, Florida, in a class action case against CNL and various of its affiliates,
12 concerning alleged violations of federal securities laws and state common law (the
13 "CNL Action"). On August 1, 2006, the Court approved the Settlement of the CNL
14 Action: CNL Hotels had entered into a Revised Merger Agreement which
15 significantly reduced the amount that it paid to acquire its affiliated Advisor, from
16 \$300 million to approximately \$100 million, and the Purchaser Claims were settled
17 for \$35,000,000. In approving the settlement of the CNL Action, the court noted
18 that "counsel pursued this complex case diligently, competently and professionally"
19 and "achieved a successful result."

20 **B. C&T Has Performed Significant Work in this Action.**

21 15. I have filed a class action lawsuit against Sony pertaining to consumers' purchase of
22 the PS3 and subsequent removal of the OS Feature by Sony through release of Update 3.21.

23 16. In connection with this case, we have conducted extensive factual and legal
24 research. This includes interviewing potential witnesses and clients, assessing the viability of
25 certain legal claims and theories, and drafting complaints and other legal documents on behalf of
26 my clients. Both Plaintiffs Harper and Kummer have been involved in this case and the
27 development of the complaint.

1 17. C&T continues to receive inquiries from PS3 owners pertaining to participation in
2 the class action against Sony. C&T has responded to such inquiries and continues to receive
3 additional information from consumers pertaining to their disapproval of Update 3.21.

4 18. We have obtained information from our clients and other entities that have contacted
5 C&T that will be relevant to litigating this case on behalf of the plaintiffs and the putative class of
6 PS3 owners.

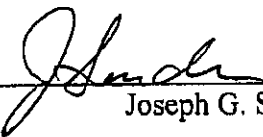
7 19. I am committed to devoting the resources necessary to effectively and vigorously
8 litigate this case on behalf of the plaintiffs and the putative class of PS3 owners. I have the
9 resources required to litigate a large-scale, complex class action lawsuit such as this; my firm
10 consists of twenty (20) attorneys and two (2) paralegals.

11 20. I have worked closely and cooperatively with several other plaintiffs' law firms in
12 litigating this case, and am committed to continue to do so.

13 21. I am mindful of all professional time that has been and will be billed to this case,
14 and will carefully monitor it to ensure that the case is litigated efficiently, and to avoid any
15 duplicative or unnecessary work.

16 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true
17 and correct.

18 Dated: June 9, 2010



Joseph G. Sauder