

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

PRECISION ASSOCIATES, INC., et al., on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

PANALPINA WORLD TRANSPORT
(HOLDING) LTD., et al.,

Defendants.

Case No.: 08-CV-00042 (BMC) (PK)

**DECLARATION OF JCK INDUSTRIES, INC. IN SUPPORT OF MOTION FOR
APPROVAL OF SERVICE AWARDS TO CLASS REPRESENTATIVES**

I, John (Jack) C. Kenning, Sr., being duly sworn, hereby declare as follows:

1. I am the primary contact for JCK Industries, Inc., a Class Representative in this matter, represented by Class Counsel.

2. I am submitting this Declaration in support of Class Counsel's Motion for Approval of Service Awards to Class Representatives. If asked to testify, I could competently testify to the facts set forth in this Declaration.

3. This declaration is based upon my personal knowledge and/or experience.

4. At no time did Class Counsel or anyone ever promise me or my company any type of financial compensation for my work as a named class representative, or otherwise, beyond what my company would receive as its share as a Class Member of any settlement or judgment achieved.

5. JCK Industries, Inc. has always understood that whether it received a service award, and its amount, would be decided by the Court in its discretion. No one promised JCK Industries, Inc. or me a service award of any amount.

6. I reside in Huron, Ohio where I am employed by JCK Industries, Inc. A business that engages in manufacturing steel works.

7. JCK Industries, Inc. and I first became involved in this case on or around July 21, 2009, when JCK Industries, Inc. filed a class action lawsuit against freight forwarders alleging a conspiracy to fix, maintain and stabilize the price of Freight Forwarding Services, including various surcharges.

8. As part of JCK Industries, Inc. duties as a Class Representative I and other employee's consulted with our attorneys and stayed abreast of the status of the litigation.

9. These efforts included calls, e-mails and meetings with my counsel along with my review of numerous filings with the Court and other papers. The obligation to respond to our lawyer's questions and to assemble information and documents fell upon three persons in the company who had diverse responsibilities and who were usually very busy dealing with their daily assignments. Therefore, the time spent obtaining information for this case often pulled our employees away from regular work responsibilities and they therefore had to juggle these tasks as best they could to meet our responsibilities as a class representative and to our regular clients who operated in a time sensitive environment.

10. In addition, JCK Industries, Inc. and I responded to Defendants' discovery requests by, among other things, discussing those requests with our counsel, searching through business records multiple times to locate documents responsive to Defendant's document requests. In total, we responded to 166 document requests. As a result of these efforts, we

ultimately produced 780 pages of documents in this litigation. I estimate that these document production efforts took me and members of my company about/at least 160 hours of paid employee time. That time could have been used in other production activity.

11. In addition to Defendants' voluminous document requests, JCK Industries, Inc. responded to 26 different interrogatories, which were served in multiple sets by different Defendants. I estimate that these efforts in responding to interrogatories took me and members of my company about/at least 45 hours.

12. In addition, JCK Industries, Inc. was deposed in this litigation. I as the designee from our company appeared for a Rule 30(b)(6) deposition. The topics for which we were required to prepare and provide testimony were quite extensive. These were the topics:

- (a) The Surcharges, including their implementation and any communications with providers of Freight Forwarding Services referring or relating to Surcharges
- (b) The particular claims in the CTAC that You are asserting against DHL.
- (c) The factual allegations in the CTAC and the source of each allegation, including the date you learned of each fact.
- (d) Your use of Freight Forwarding Services during the Relevant Period, including the routes on which you used Freight Forwarding Services, the type of freight involved, the freight forwarders that you used, and your strategy and/or procedures for procuring Freight Forwarding Services.
- (e) Your contracts or agreements with any Defendant named in the CTAC regarding, relating to, or bearing upon Freight Forwarding Services or Surcharges.
- (f) The persons responsible for purchasing Freight Forwarding Services on Your behalf, their job titles and responsibilities.
- (g) The persons with whom You had contact regarding purchases of Freight Forwarding Services.
- (h) The systems that You use to track Your purchases of Freight Forwarding Services and to store records associated with those purchases and the information that those systems record.
- (i) The names of persons You identify as potential suppliers of Freight Forwarding Services.
- (j) Your corporate structure or organization, including the relationship between You and Your parents, subsidiaries, affiliates, partners, and joint ventures, and, where applicable, the percentage of any stock or other interests owned by each entity in the chain of another entity in the chain.
- (k) Your document retention policies.

- (l) Your participation in this lawsuit, including the date on which you first contemplated bringing the claims in this lawsuit or substantially similar claims.

13. Because of the numerous deposition topics, preparation for the depositions was very time consuming, requiring the collection of information from several employees within the company and the review of company records to be prepared to answer deposition questions. Prior to the deposition as our 30(b)(6) deponent I met with counsel on several occasions and had telephone conversations to prepare for the deposition.

14. On May 20, 2015, I traveled from my home in Huron, Ohio to New York, New York to prepare with my counsel for my deposition and to be deposed. As part of this process I was required to take 2 days off of work. To prepare for my deposition I reviewed numerous documents, engaged in multiple telephone conferences with my counsel, met with a number of employees, and met with my counsel in Huron, Ohio and in New York, New York. I proceeded to testify at my deposition, on May 21, 2015. My deposition began at 9:30 a.m. EST and ended at 11:45 a.m. EST. Upon completion of my deposition I returned to Huron, Ohio. Following the deposition, I received a copy of the transcript--which I was asked to review, provide potential corrections to my counsel, and execute.

15. I spent approximately 22 hours traveling, preparing, and being examined, and reviewing the transcript as part of the deposition process in this case.

16. To date I estimate that JCK Industries, Inc. has spent 227 hours of time as Class Representative.

17. In light of our extensive efforts which benefitted the Class, JCK Industries, Inc. respectfully suggest that an additional Incentive Award would be fair.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: August 4, 2016

Respectfully submitted,



Jack C. Kenning
President
JCK Industries, Inc.