

**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 PAUL KADUE OF PRECISION ASSOCIATES, INC. IN SUPPORT  
OF MOTION FOR APPROVAL OF SERVICE AWARDS TO CLASS  
REPRESENTATIVES**

I, Paul Kadue, being duly sworn, hereby declare:

1. My name is Paul Kadue, and I reside in Minneapolis, Minnesota. I am an owner and the President of Precision Associates, Inc. Precision Associates is a named plaintiff and class representative in this matter and is headquartered in Minneapolis, Minnesota.

2. I submit this Declaration in support of Class Counsel's Motion for Approval of Service Awards to Class Representatives. This declaration is based upon my personal knowledge and experience. If need be, I can competently testify to the facts set forth in this Declaration.

3. Precision Associates was founded in 1955. Since that time, we have been a leading manufacturer of top quality seals and other rubber products for use in chemical processing, energy, electronics, industrial controls, fluid power, food and beverage, life sciences,

and other markets. We specialize in homogeneous thermoset rubber and rubber-bonded-to-metal-or-plastic inserts.<sup>1</sup>

4. In the course of our business, Precision Associates regularly buys freight forwarding services from freight forwarding companies. Such shipping and logistics services are essential to our ongoing operations. As a small business which prices our products as competitively as possible, we strongly believe that the prices we pay for inputs and services must be as competitive as possible.

5. Precision Associates became involved in this case in 2007. On January 3, 2008, through our legal counsel, Lockridge Grindal Nauen PLLP, we filed the first class action lawsuit in this litigation against freight forwarders. We and other plaintiffs alleged a conspiracy among freight forwarding companies to fix, maintain and stabilize the price of Freight Forwarding Services, including several specific surcharges.

6. As part of Precision Associates' duties as a class representative, other Precision employees and I have expended significant time and effort toward the successful prosecution of this litigation. As described in more detail below, and among other things, Michelle Lightfeather, Patrick Heitz and I regularly consulted with our attorneys; analyzed, gathered and produced voluminous information and responded to other discovery regarding our purchases of freight forwarding services; traveled for and testified in a deposition; reviewed numerous court filings and other papers; and otherwise stayed abreast of the litigation.

7. The time we've spent in this case necessarily took time away from our ongoing business. Our efforts to obtain information and perform other tasks for this case took our employees away from our ongoing work responsibilities, but we believed then and now that this

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<sup>1</sup> For more information, please see <http://www.precisionassoc.com/>.

lawsuit is important and necessary to ensure fair competition, and throughout the case we have been committed to its success.

8. We consulted regularly with our counsel as this litigation progressed, and we reviewed the complaints and other pleadings that were filed in this case. In addition, our counsel interviewed several Precision employees regarding the matters at issue in this case. I estimate that others at Precision and I spent approximately 50 hours reviewing pleadings and in interviews and other meetings with counsel.

9. We responded to Defendants' many discovery requests. Among other things, we discussed those requests with our counsel, and searched our business records to find and retrieve documents responsive to Defendant's document requests. In total, we responded to 166 document requests from Defendants, and ultimately produced 13,417 pages of documents. I estimate that others at Precision and I spent approximately 130 hours on these document productions.

10. In addition to Defendants' voluminous document requests, Precision Associates, Inc. responded to 26 different interrogatories, which were served in multiple sets by different Defendants. I estimate that others at Precision and I spent approximately 40 hours responding to interrogatories.

11. In addition, Precision Associates was deposed by Defendants in this litigation. Michelle Lightfeather sat for the deposition on Precision's behalf. Ms. Lightfeather is Precision's Credit Manager and Assistant to the President, and has been with Precision for 32 years. The topics for which Defendants' deposition notice required us to prepare and provide testimony were extensive:

- (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.

12. Because of the numerous deposition topics, preparation for our deposition was very time consuming, and required the collection of information from several employees within the company and the review of company records. To prepare for the deposition, Ms. Lightfeather met with counsel several times in person and by telephone. She also reviewed many documents and met with other Precision employees.

13. On May 5, 2015, Ms. Lightfeather traveled from Minneapolis, Minnesota to New York, New York to prepare with counsel and to be deposed. To do so she was required to take 3 days off of work. She testified in her deposition on May 6, 2015, starting at 10:00 a.m. EST and ending at 3:07 p.m. EST. Once the deposition was finished, she returned to Minneapolis. Following the deposition, she reviewed, corrected, and executed a copy of the transcript. Ms.

Lightfeather spent approximately 40 hours traveling, preparing, testifying, and reviewing the deposition transcript.

14. To date I estimate that all Precision Associates personnel, including but not limited to Ms. Lightfeather, spent 260 hours in fulfilling our role as a class representative in this case, hours that otherwise would have been spent in pursuit of Precision's ongoing business.

15. Before we agreed to proceed with this lawsuit, I also seriously considered the very real possibility that a freight forwarder who we sued might retaliate against us, explicitly or implicitly. As an ongoing small business which operates on narrow margins and tight time constraints, having access to timely and reliable shipping is essential, and any slowdown or disruption in freight forwarding services would have been very detrimental.

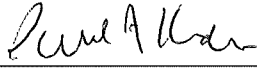
16. As I noted above, we also believe strongly in having a fair and competitive playing field in business, and so we have committed our efforts to the success of this litigation. This led us to file this lawsuit instead of leaving it to others to pursue this litigation.

17. At no time were we ever promised by Class Counsel or anyone else any compensation for our work as a named class representative, beyond what we would receive from any judgment or settlement, based on our fairly qualified purchases of freight forwarding services during the relevant period. Instead, Class Counsel always informed us that the Court would decide whether we received a service award and, if so, its amount.

I declare under penalty of perjury under the laws of the United States that my statements in this declaration are true and correct.

Dated: August 21, 2016

Respectfully submitted,

/s/  \_\_\_\_\_

Paul Kadue  
President  
Precision Associates, Inc.