

**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 CLASS REPRESENTATIVE PRINTING TECHNOLOGY, INC.  
AND JIM LISKAY IN SUPPORT OF CLASS COUNSEL'S MOTION FOR APPROVAL  
OF SERVICE AWARDS TO CLASS REPRESENTATIVES**

I, James D. Liskay, being duly sworn, hereby declare as follows:

1. I am the primary contact for Printing Technology, 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. Printing Technology, 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 Printing Technology, Inc. or me a service award of any amount.

6. I reside in Valencia, CA where I am employed by Printing Technology, Inc., a business that engages in the manufacture and sales of compatible imaging supplies. The freight forwarding and delivery of products is time-sensitive issue for Printing Technology, Inc.

7. Printing Technology, Inc. and I first became involved in this case on or around November 15, 2012, when Printing Technology, 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 Printing Technology, Inc.'s duties as a Class Representative I, Peter DeSalay and other employees of Printing Technology consulted often with our attorneys and stayed abreast of the status of the litigation.

9. These efforts included multiple teleconference 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 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 me and certain other of 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, Printing Technology, 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 as well as seeking to obtain documents from third parties that were under our control responsive to Defendant's document requests. In total, we responded to 166 document requests. As a result of these efforts, we ultimately produced approximately 12,176 pages of documents in this litigation, some of which were electronically-stored documents and some of which were paper records that had to be searched for manually. I estimate that these document production efforts, including the review of the requests themselves, the investigation, the search for and production of Printing Technology's responsive documents, the review of the responses to the requests and related discussions with counsel, took me and members of my company approximately 280-300 hours (my accounting staff, VP Sharon DeSalay and Peter DeSalay spending great lengths of time inspecting the documents). Due to staff reductions and internal re-scheduling Printing Technology, Inc.'s staff members assigned to this project were unable to perform their necessary daily duties while this effort was in progress.

11. In addition to Defendants' voluminous document requests, Printing Technology, Inc.'s 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 25 to 30 hours.

12. In addition, Printing Technology, Inc. was deposed in this litigation. I was the designee from our company and appeared for a Rule 30(b)(6) deposition, traveling from the company's headquarters in California to New York in order to be deposed. 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 deposition was very time consuming, requiring the collection of information from several sources within the company and the review of extensive company records to answer deposition questions. Prior to my deposition as Printing Technology's 30(b)(6) deponent, I met with counsel on several occasions and had telephone conversations to prepare for the deposition. In those preparation sessions, I reviewed additional documents to assist with my testimony and discussed the deposition and its topics with my attorneys from Cotchett, Pitre & McCarthy, LLP.

14. On June 1, 2015, I traveled from my home in Valencia, CA to New York to engage in final deposition preparation with my counsel and to be deposed. As part of this process I was required to take 3 days off of work. To prepare for my deposition I reviewed numerous documents, engaged in multiple telephonic conferences with my counsel, held discussions with other employees from Printing Technology to ensure that I was adequately

informed about the topics noticed and met with my counsel for numerous hours in New York for the final preparation. I proceeded to testify at my deposition, on 6/2/2015. My deposition began at 10:00 AM and ended at 4:05 pm. Upon completion of my deposition I returned to Los Angeles on 6/3/2015.

15. Due to the complexity of the shipping records and the breadth and nature of Printing Technology's voluminous freight forwarding purchases during the class period, preparation for the deposition was extensive and time-consuming. As discussed above, deposition preparation involved multiple teleconference calls and meetings with counsel, discussions with other Printing Technology employees, and the review of extensive email and other communications, as well as Printing Technology's purchase history for freight forwarding services. I spent approximately 72 hours traveling, preparing, and being examined, and reviewing the transcript as part of the deposition process in this case.

16. Printing Technology, Inc. could have simply benefitted off of someone else's efforts but felt strongly that the Class should have appropriate representation and Printing Technology, Inc. should do its part. While Printing Technology is proud to have served as a class representative and to have recovered substantial money for the benefit of the class, the time and effort involved in serving as a class representative and the realities of the demands placed on us, proved to be a stressful and taxing experience.

17. 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

18. In light of our extensive efforts which benefitted the Class, Printing Technology, Inc. respectfully suggest that an additional Incentive Award is fair.

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

Dated: 8/24, 2016

Respectfully submitted,  
/s/ 