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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

IN RE: BLUE BUFFALO)
COMPANY, LTD.) CASE NO. 14-md-02562-RWS
MARKETING AND SALES)
PRACTICES LITIGATION)

ORAL DEPOSITION OF
GARY W. SIBLEY
May 6, 2016
VOLUME 1

ANSWERS AND DEPOSITION OF GARY W. SIBLEY,
produced as a witness at the instance of the Plaintiffs,
taken in the above-styled and -numbered cause on the 6th
day of May, 2016, from 1:01 p.m. to 3:16 p.m., before
Jamie K. Israelow, a Certified Shorthand Reporter in and
for the State of Texas, Registered Merit Reporter and
Certified Realtime Reporter, reported in machine
shorthand at the offices of The Sibley Firm, located at
2711 North Haskell, Suite 550, in the City of Dallas,
County of Dallas and State of Texas.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

Jeremy Wilson, Esq.
WILSON LAW
705 Lamar Street
Dallas, Texas 75202
214.662.8456
jeremy@wilsonlawtx.com

-- and --

Joseph I. Marchese, Esq. (By telephone)
BURSOR & FISHER, PA
888 Seventh Avenue
New York, New York 10019
646.837.7410
jmarchese@bursor.com

FOR THE BLUE BUFFALO COMPANY, LTD.:

Aileen M. Fair, Esq. (By telephone)
PATTERSON BELKNAP WEBB AND TYLER, LLP
1133 Avenue of the Americas
New York, New York 10036
212-336-2286
amfair@pbwt.com

1 is all of the money they paid for the product. They've
2 lost that; it will never be returned.

3 Q. Did you do anything to analyze what amount of
4 settlement consideration for the class would be fair for
5 a resolution of this case?

6 A. I'm sorry. Say that again.

7 Q. Did you do anything to analyze what amount of
8 settlement consideration for the class would be fair for
9 a resolution of this case?

10 A. The answer is: No.

11 Q. Okay. Let's talk about fees. You state in the
12 case that you're objecting to the requested award of
13 attorneys' fees; is that correct?

14 A. Yes.

15 Q. I think you said you were. You said you were
16 earlier.

17 A. Yeah.

18 Q. Now, you acknowledge that 25 percent is a
19 benchmark for the actual recovery in general in class
20 action lawsuits, right?

21 A. Right.

22 Q. And that you want the Court to analyze the work
23 expended and the time -- you want the Court to actually
24 look at the work expended and the time consumed, right?

25 A. Yeah, like the Court is supposed to do.

1 Q. But yet you suggest that the Court use a base
2 of 20 percent of the actual recovery. Why?

3 A. Because I like that number.

4 Q. Any other --

5 A. I think that -- I think that unlike most class
6 actions, they basically had a roadmap because of the
7 other litigation, and that's -- that's the reason I cut
8 5 percent.

9 Q. Did you do anything to calculate, other than
10 just kind of eyeballing it and saying: Well, 5 percent
11 makes sense for that -- that benefit that you thought
12 was bestowed here?

13 A. Did I do anything?

14 Q. Yeah. Did you make any calculations to base
15 that reduction from 25 to 20, or is that just kind of
16 your ballpark, eyeballing it?

17 A. I think I reached that the same way that a
18 Court reaches a benchmark.

19 Q. Is it your understanding that class counsel
20 will be submitting a fee application to the Court and
21 will be -- the Court will be evaluating the actual time
22 and effort expended in this litigation?

23 A. Well, it's my understanding that they should.

24 Q. Do you know if they're going to or not?

25 A. No.

1 A. Well, if -- if --

2 Q. -- saying so, do you?

3 A. Today, as I sit here, I have not seen their
4 hourly fees. However, that does not change the fact
5 that no matter what that number is, that it should be
6 20 percent, not 25 percent.

7 Q. Okay. So there's no amount of time and effort,
8 in your mind, that could be presented by plaintiffs'
9 class counsel that would justify a 25 percent fee?

10 A. I don't think so.

11 Q. Now, isn't it true that after you filed your
12 objection, but before you got served with this
13 deposition subpoena, that attorneys for the class tried
14 to contact you to discuss your objection?

15 A. I believe that's correct, although I'm not sure
16 that it was as many times as they claim.

17 (Exhibit 8 was marked.)

18 Q. (By Mr. Wilson) I'm going to mark this as
19 Exhibit 8. And if you don't mind, I'm going to walk --
20 I only have one copy of that. I'm going to walk around
21 here so we can share.

22 A. Yeah, sure.

23 Q. Do you recognize that document?

24 A. Not off the top of my head.

25 Q. Okay. I'll represent this is the declaration