

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: COMMERCIAL DIVISION

_____	X	
In re LUCKIN COFFEE INC. SECURITIES	:	
LITIGATION	:	Index No. 651939/2020
_____	:	
	:	<u>CLASS ACTION</u>
This Document Relates To:	:	Motion Sequence No. 012
	:	
THE CONSOLIDATED ACTION.	:	AFFIDAVIT OF WILLEM F.
_____	X	JONCKHEER FILED ON BEHALF OF
		SCHUBERT JONCKHEER & KOLBE LLP
		IN SUPPORT OF APPLICATION FOR
		AWARD OF ATTORNEYS' FEES AND
		EXPENSES

I, WILLEM F. JONCKHEER, an attorney duly admitted to practice before the courts of the State of California, affirm the following to be true under penalty of perjury:

1. I am a member of the Bar of the State of California and am a partner of Schubert Jonckheer & Kolbe LLP (“Schubert Jonckheer” or the “Firm”), additional counsel for Plaintiffs in the above-captioned action (the “Action”). I am submitting this affirmation in support of the application for an award of attorneys’ fees, expenses and charges (“expenses”) in connection with services rendered in the action.

2. The information in this affirmation regarding the Firm’s time and expenses is taken from time and expense reports and supporting documentation prepared and/or maintained by the Firm in the ordinary course of business. I am the partner who oversaw and/or conducted the day-to-day activities in the Action and I reviewed these reports (and backup documentation where necessary or appropriate) in connection with the preparation of this affirmation. The purpose of this review was to confirm both the accuracy of the entries on the printouts as well as the necessity for, and reasonableness of, the time and expenses committed to the Action. Based on this review, I believe that the time reflected in the Firm’s lodestar calculation and the expenses for which payment is sought herein are reasonable and were necessary for the effective and efficient prosecution and resolution of the Action.

3. The number of hours spent on the Action by the Firm is 303.2. A breakdown of the lodestar is provided in the attached Exhibit A. The lodestar amount for attorney/paraprofessional time based on the Firm’s current rates is \$248,000.00. The hourly rates shown in Exhibit A are the Firm’s current rates in contingent cases set by the Firm for each individual. These hourly rates are consistent with hourly rates submitted by the Firm to state and federal courts in other shareholder cases and class action litigation. The Firm’s rates are set based on periodic analysis of rates charged by firms performing comparable work on the plaintiff side.

For personnel who are no longer employed by the Firm, the “current rate” used for the lodestar calculation is based upon the rate for that person in his or her final year of employment with the Firm.


4. The Firm seeks an award of \$20,340.38 in expenses and charges in connection with the prosecution of the Action. Those expenses and charges are summarized by category in the attached Exhibit B.

5. The expenses pertaining to this case are reflected in the books and records of this Firm. These books and records are prepared from receipts, expense vouchers, check records, and other documents and are an accurate record of the expenses.

6. The identification and background of my Firm and its partners and associates is attached hereto as Exhibit C.

7. In accordance with CPLR 2217(b), I affirm that I have not previously requested the relief sought by this motion.

Executed this 11 th day of December, 2022, at San Francisco, California.



WILLEM F. JONCKHEER

See Attached CA Certificate
Acknowledgement
Jurat

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

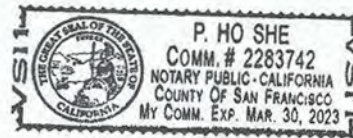
State of California
County of San Francisco)

On December 11, 2022 before me, P. Ho She, Notary Public
(insert name and title of the officer)

personally appeared Willem F Jonckheer,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature *P. Ho She* (Seal)

PRINTING SPECIFICATIONS STATEMENT

1. Pursuant to 22 N.Y.C.R.R. §202.70(g), Rule 17, the undersigned counsel certifies that the foregoing Affirmation of Willem F. Jonckheer Filed on Behalf of Schubert Jonckheer & Kolbe LLP in Support of Application for Award of Attorneys' Fees and Expenses was prepared on a computer using Microsoft Word. A proportionally spaced typeface was used as follows:

Name of Typeface: Times New Roman
Point Size: 12
Line Spacing: Double

2. The total number of words in the affirmation, inclusive of point headings and footnotes and exclusive of the caption, signature block, and this Certification, is 506 words.

DATED: December 13, 2022

ROBBINS GELLER RUDMAN
& DOWD LLP
BRIAN COCHRAN



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EXHIBIT A

EXHIBIT A

In re Luckin Coffee Inc. Securities Litigation, Index No. 651939/2020
Schubert Jonckheer & Kolbe LLP
Inception through October 27, 2022

<i>NAME</i>		<i>HOURS</i>	<i>RATE</i>	<i>LODESTAR</i>
Schubert, Robert C.	(P)	89.1	\$950	\$84,645.00
Jonckheer, Willem F.	(P)	162.6	\$800	\$130,080.00
Schubert, Dustin L.	(P)	24.5	\$700	\$17,150.00
Schubert, Amber L.	(P)	19.5	\$700	\$13,650.00
McCauley, Kathryn Y.	(A)	2.0	\$550	\$1,100.00
Berry, Yolanda	(PL)	5.5	\$250	\$1,375.00
<i>TOTAL</i>		<i>303.2</i>		<i>\$ 248,000.00</i>

(P) Partner
(A) Associate
(PL) Paralegal

EXHIBIT B

EXHIBIT B

In re Luckin Coffee Inc. Securities Litigation, Index No. 651939/2020
Schubert Jonckheer & Kolbe LLP
Inception through September 23, 2022

<i>CATEGORY</i>	<i>AMOUNT</i>
Messenger, Overnight Delivery	\$32.55
Online Legal and Financial Research	\$307.83
Litigation Fund Contributions	\$20,000.00
<i>TOTAL</i>	<i>\$ 20,340.38</i>

EXHIBIT C

Schubert Jonckheer & Kolbe LLP

Together with its predecessor firms, Schubert Jonckheer & Kolbe LLP has been in operation for over thirty-five years. In addition to prosecuting cases in California federal and state courts, the firm has been actively involved in securities, antitrust, unfair competition, and employment class actions throughout the United States. Schubert Jonckheer & Kolbe has served as Lead Counsel or Co-Lead Counsel in class actions and shareholder derivative actions that have produced recoveries valued at over \$850 million.

- *Tucker v. Scrushy*, No. CV-02-5212 (AEH) (Ala. Cir., Jefferson Cty.). Co-Lead Counsel in shareholder derivative action on behalf of HealthSouth Corporation alleging breaches of fiduciary duty and insider trading arising from a restatement of financial results. Plaintiffs won partial summary judgment against former Chief Executive Officer Richard Scrushy for restitution of \$47.8 million. Plaintiffs also settled HealthSouth's claims against additional directors and officers for \$100 million and against its investment banker for an additional \$133 million. At trial against Mr. Scrushy on additional claims, Plaintiffs obtained a \$2.9 billion judgment, which was later upheld by the Alabama Supreme Court.
- *In re Google AdWords Litigation*, No. 5:08-CV-03369-EJD (N.D. Cal.). Lead Counsel for nationwide class of advertisers alleging Google placed their ads on low-quality parked domains and error pages in violation of California's false advertising laws. We obtained a \$22.5 million settlement on behalf of over one million class members, which was finally approved in the Northern District of California.
- *Ciapessoni et al. v. United States*, No. 1:15-cv-00938-LAS (Fed. Cl.). Co-Counsel for nationwide class of raisin growers alleging that the federal government's practice of setting aside a portion of their raisin crop constituted an unconstitutional taking of private property for public use in violation of the Fifth Amendment of the U.S. Constitution. We obtained an \$85.8 million settlement on behalf of over 6,000 raisin growers who opted-in to the class, which was finally approved by the U.S. Court of Federal Claims.
- *Poertner v. The Gillette Company*, No. 12-CV-803 (M.D. Fla.). Co-Lead Counsel in nationwide consumer class action alleging false and misleading advertising of certain Duracell batteries regarding the batteries' longevity, in violation of various state laws. We obtained a settlement valued at approximately \$50 million on behalf of approximately 7.26 million class members.
- *In re The Home Depot, Inc. Shareholder Derivative Litigation*, No. 1:15-CV-2999-TWT (N.D. Ga.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain officers and directors concerning The Home Depot 2014 data breach. We successfully resolved the litigation through settlement by causing The Home Depot to enact comprehensive corporate governance reforms and structural improvements to its data security protocols.
- *Marsh & McLennan Companies, Inc. Derivative Litigation*, No. 753-VCS (Del. Ch.). As co-counsel, we helped obtain a \$205 million settlement in a shareholder derivative action brought on behalf of Marsh & McLennan Companies ("MMC"). The complaint alleged

that MMC, the world's largest insurance broker, failed to adequately disclose that it was paid commissions to steer insurance business to favored companies. When the practices were revealed, MMC paid huge fines, to the detriment of its shareholders.

- ***3M Transparent Tape Cases***, No. 4:00-2810-CW (N.D. Cal.). Co-Lead Counsel in nationwide antitrust class action on behalf of purchasers of 3M transparent tape. Plaintiffs claimed that 3M maintained an unlawful monopoly in the market for invisible and transparent tape designed to restrict the availability of lower-priced comparable products to consumers and maintain supracompetitive prices for its own retail products. We obtained a settlement valued at approximately \$42 million.
- ***Bonneville Pacific Corporation Securities Litigation***, No. 2:92-C-0181-DS (D. Utah). Co-Lead Counsel in securities class action involving fraudulent financial statements by a power cogeneration company. We obtained settlements totaling \$26 million for the class, which recovered 100% of its damages, in one of the largest securities fraud cases in Utah history. We also obtained an important decision from the Utah Supreme Court holding that plaintiffs need not plead or prove reliance under the Utah Uniform Securities Act.
- ***Qwest Communications International, Inc. Derivative Litigation***, No. 02-CV-8188 (Colo. Dist. Ct., Denver). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading arising out of the telecommunications company's earnings restatement. We obtained a \$25 million settlement on the company's behalf.
- ***Pfeiffer v. Toll***, No. 4140-VCL (Del. Ch.). Primary counsel in shareholder derivative action alleging breaches of fiduciary duty and insider trading arising out of missed earnings projections. We recovered a \$16.25 million settlement on the company's behalf and obtained a key legal ruling rejecting the argument that Delaware's leading insider trading precedent should be overruled. *Pfeiffer v. Toll*, 989 A.2d 683 (Del. Ch. 2010).

Current Court-Appointed Leadership Positions

- ***Nalick v. Seagate Technology LLC***, No. CGC-15-547787 (Cal. Super. Ct.). Class Counsel for certified class of California consumers who purchased allegedly defective hard disk drives in violation of California consumer protection and false advertising laws.
- ***Fisher v. United States***, No. 13-CV-608-MMS (Fed. Cl.). Lead Counsel in shareholder derivative action on behalf of Fannie Mae alleging unconstitutional taking of private property against U.S. government based on net worth sweep of all profits.
- ***In re MacBook Keyboard Litigation***, No. 5:18-cv-02813-EJD-VKD (N.D. Cal.). Member of the Executive Committee in consumer class action asserting consumer protection and common law claims based on the sale of allegedly defective laptop keyboards.

- *In re Myriad Genetics, Inc. Stockholder Derivative Litigation*, No. 2021-0686-SG (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Myriad Genetics, Inc.'s officers and directors.
- *In re Mattel, Inc. Stockholder Derivative Demand Refusal Litigation*, No. 2021-0782-MTZ (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of Mattel, Inc.'s officers and directors and additional claims against the company's auditor.
- *In re Lordstown Motors Corp. Stockholder Derivative Litigation*, No. 2021-1049-LWW (Del. Ch.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty and additional claims against certain of Lordstown Motors Corp.'s officers and directors.
- *In re Procter & Gamble Aerosol Products Marketing and Sales Practices Litigation*, No. 22-md-3025 (S.D. Ohio). Member of the Settlement Class Counsel in consumer class action asserting consumer protection claims based on the sale of certain aerosol products allegedly containing the carcinogen benzene.
- *In re RenovaCare Derivative Litigation*, No. 21-cv-20569 (D.N.J.). Co-Lead Counsel in shareholder derivative action alleging breaches of fiduciary duty against certain of RenovaCare, Inc.'s officers and directors.

Attorneys

Robert C. Schubert received a B.S. degree from the New York State School of Industrial and Labor Relations at Cornell University in 1966, where he graduated first in his class. He received his J.D. *cum laude* from Harvard Law School in 1969, after which he taught law at Columbia University and Golden Gate University. He has actively practiced law at both the trial and appellate levels. He specializes in complex litigation, particularly securities and antitrust class actions and shareholder derivative suits. He is a member of the state and federal bars of California, Massachusetts, and New York. Since 1971, he has also arbitrated numerous disputes for the Federal Mediation and Conciliation Service. He is the author of several published articles and lectures on class actions at the University of California Hastings College of the Law. Mr. Schubert was selected to Super Lawyers from 2007-2009 and 2013-2022.

Willem F. Jonckheer received his B.A. degree from Colgate University in 1990. He was awarded his J.D. degree in 1995 from the University of San Francisco School of Law, where he served as an article editor on the USF Maritime Law Journal and participated in the Philip C. Jessup International Law Moot Court Competition. Mr. Jonckheer was a law intern with the Pacific Stock Exchange, where he researched regulatory issues affecting national securities exchanges, and the U.S. Securities & Exchange Commission, where he worked on enforcement cases. Since 2012, Mr. Jonckheer has been a member of the Board of Trustees of Live Oak School, an independent K-8 school in San Francisco, where he served as Chairman of the Audit Committee, and as a member of select committees on Head of School compensation and school bylaws. Mr. Jonckheer is a member of the Northern California Chapter of the Netherland-

America Foundation, an organization dedicated to bilateral cultural exchange between the Netherlands and the United States. He was admitted to the State Bar of California in 1995.

Miranda P. Kolbe received her B.A. from Hamilton College. She was awarded her J.D. degree from the University of California at Berkeley, Boalt Hall, where she won the Prosser Prize in Civil Procedure and the Moot Court Advocacy Award. She served as an Instructor for Boalt's Legal Research and Writing class and interned at the Prison Law Office in San Quentin, California. She later served as a legal researcher in the Civil Division of the San Francisco Superior Court. Ms. Kolbe has participated in numerous continuing litigation programs as an expert on consumer class actions. Ms. Kolbe was selected to Super Lawyers from 2019-2022.

Dustin L. Schubert received his B.A. from the University of California, Berkeley in 2003. He was awarded his J.D. degree in 2007 from Vanderbilt University Law School. Mr. Schubert was admitted to the State Bar of California in 2007. He previously interned with the San Francisco Superior Court for the Hon. A. James Robertson II and for Bay Area Legal Aid. Mr. Schubert was selected to Super Lawyers Rising Stars for 2017 and to Super Lawyers for 2021-2022.

Amber L. Schubert received her J.D. *cum laude* from the University of San Francisco School of Law in 2011, where she served as Editor-in-Chief of the USF Law Review. Ms. Schubert authored a comment titled *Replacement Justice on the U.S. Supreme Court: The Use of Temporary Justices to Resolve the Recusal Conundrum*, 46 U.S.F. L. Rev. 215 (2011), and was awarded Best Oral Argument in the Moot Court Program. Prior to law school, Amber worked as the Online Editor for the Center for American Progress in Washington, DC and served as the Online Media Manager for the 2004 Democratic National Convention in Boston, MA. She has also served as part of the National Advance Staff for the Kerry-Edwards campaign and former Vice President Al Gore. She received her B.A. from the University of California, Berkeley in 2003. Ms. Schubert was selected to Super Lawyers Rising Stars for 2021.

Gregory T. Stuart received his J.D. from the University of California at Davis School of Law in 2005. In 2002, Mr. Stuart was awarded a B.S. in Business Administration, *cum laude*, with a minor in Philosophy, from Humboldt State University. He participates in most aspects of the firm's practice but has over a decade of focused experience in document discovery, representing both producing and receiving parties during that time.

Samhita Collur received her J.D. *cum laude* from the University of Wisconsin Law School in 2022, where she was a member of the Moot Court team, a Note and Comment Editor for the Wisconsin International Law Journal (WILJ), and the Community Chair for an immigrants' rights student organization. Ms. Collur authored and published a comment titled *India's Secularism Identity Crisis Through the Lens of the Sabarimala Judgment*, 39 Wis. Int. L.J. 301 (2022). She was also awarded "Best Oral Advocate" for her performance in a first amendment moot court competition. During law school, she worked for her school's immigration clinic and interned for Justice Jill Karofsky of the Wisconsin Supreme Court. Prior to law school, she worked for a nonprofit financial services provider in the Bay Area.

Lila Garlinghouse received her J.D. *cum laude* from the University of San Francisco School of Law in 2022, where she served as Symposium Editor of the USF Law Review. Ms. Garlinghouse was a third-place overall competitor in the Saul Lefkowitz Moot Court Competition on

Trademarks, as well as a Research Assistant on Professor Lara Bazelon's book, *Ambitious Like a Mother* (2022). Throughout law school, she was an intern at the Capital Post-Conviction Project of Louisiana, where she worked on post-conviction capital cases, and was a certified law clerk for the Public Defender's Office of Contra Costa County. Ms. Garlinghouse is also in the process of publishing a comment with the USF Law Review for the upcoming issue. Before attending law school, she worked as a corporate immigration paralegal. She was a congressional intern for the 20th District under Congressman Sam Farr. She received her B.A. in English Literature from the University of California, Santa Cruz in 2015.