

EXHIBIT D

1 Allen P. Grunes
(admitted *pro hac vice*)
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Attorneys for Plaintiffs

5
6 **UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

7 **Cindy Johnson, Stephanie L. Walker, and
Barbara A. Craig, on behalf of themselves
8 and all others similarly situated,**

9 **Plaintiffs,**

10 **v.**

11 **Arizona Hospital and Healthcare
Association, et al.,**

12 **Defendants.**

CV-07-01292 SRB

**DECLARATION OF ALLEN P.
GRUNES ON BEHALF OF
BROWNSTEIN HYATT FARBER
SCHRECK, LLP IN SUPPORT OF
PETITION FOR AN AWARD OF
ATTORNEYS' FEES AND
REIMBURSEMENT OF EXPENSES**

13
14 Allen P. Grunes, under penalty of perjury, declares as follows:

15 1. I am a Shareholder of the firm of Brownstein Hyatt Farber Schreck, LLP, counsel
16 for plaintiffs Cindy Johnson, Stephanie L. Walker and Barbara A. Craig. I make this declaration
17 in support of Class Counsel's Petition for an Award of Attorneys' Fees and Reimbursement of
18 Expenses.
19

20 2. My firm's compensation for the services rendered in this case was wholly
21 contingent upon the success of this litigation, and was totally at risk.

22 3. This Declaration is for time and expenses incurred after March 4, 2011, relating to
23 the continued litigation against the Abrazo hospitals. The total number of hours spent on the
24 litigation by attorneys in my firm from March 4, 2011 to date is 275.8 hours. The total lodestar
25 amount for attorney time, calculated at the firm's current rates, is \$141,192.50.
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27 4. Exhibit 1 attached hereto contains biographies of the attorneys who incurred time
28 in this case from March 4, 2011 to present.

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

May 17th, 2012



Allen P. Grunes

EXHIBIT

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Brownstein Hyatt Farber Schreck Attorney Biographies

Allen P. Grunes

Allen Grunes is a Shareholder in Brownstein Hyatt Farber Schreck's Washington, D.C. office and a member of the firm's Antitrust and Litigation groups. Mr. Grunes has more than 20 years experience in antitrust law, including 12 years at the Antitrust Division of the United States Department of Justice in Washington, D.C. At the Department of Justice, Mr. Grunes led numerous investigations into possible violations of the antitrust laws. While at DOJ, he was on the investigation and litigation team in *United States v. Alex Brown*, a case involving the alleged fixing of bid-ask spreads by NASDAQ market makers, and *United States v. National Association of Realtors*, a case involving alleged anticompetitive conduct by the association directed at firms that offered internet brokerage services. In addition, he represented federal government entities that asserted claims in the case styled *In re Visa Check/MasterMoney Antitrust Litigation*.

Before joining the Department, Mr. Grunes was the lead lawyer responsible for the day-to-day conduct of school milk bid-rigging litigation that his prior law firm in Cincinnati handled as special counsel for the State of Ohio. He also worked on a number of plaintiff class action cases for residents and workers involving DOE nuclear weapons facilities, and he co-taught a seminar on complex litigation with a focus on class actions as an adjunct at the University of Cincinnati College of Law.

Mr. Grunes holds a J.D. from Rutgers-Camden College of Law, where he was on the law review. He has an LL.M. from NYU School of Law. He received his undergraduate degree from Dartmouth College. He is admitted to practice in the District of Columbia, Ohio and Illinois, the United States Supreme Court, the United States Court of Appeals for the Sixth Circuit, and the United States District Courts for the Southern District of Ohio and the Northern District of Illinois.

Jeffrey S. Rugg

Jeffrey Rugg is a Shareholder in Brownstein Hyatt Farber Schreck's Las Vegas office and a member of the Litigation Group. Prior to joining the firm, Mr. Rugg was an associate with Dewey Ballantine in New York. He was previously a law clerk for the Honorable William Zloch, Chief Judge of the U.S. District Court, Southern District of Florida. He received his law degree from Columbia University School of Law, where he was editor in chief of the Columbia Journal of Law and Social Programs. He received his bachelors degree from Cornell University.

Mr. Rugg has represented plaintiffs in various antitrust matters, including the association of colleges that owned the National Invitation Tournament in its Section 1 and Section 2 claims against the NCAA, a foodservice distributor in its Robinson Patman Act claims against a competitor and suppliers, and a self-insured company against Blue Cross and Blue Shield of Alabama for abuse of most favored nations clauses.

Prior to law school, Mr. Rugg worked in the health care industry with the nation's largest union of physicians. Following this experience, while in law school, Mr. Rugg published a Note titled "An Old Solution to a New Problem: Physician Unions Take the Edge Off Managed Care" 34 Colum. J.L. & Sol. Probs. 1 (2000), which, among other things, addressed antitrust issues in physician unionization and negotiations with insurers.

Mr. Rugg is admitted to practice in the states of New York and Nevada, the United States District Courts for the Southern and Eastern Districts of New York and the District of Nevada, the United States Court of Federal Claims, and the United States Court of Appeals for the Ninth Circuit.

Martha L. Fitzgerald

Martha Fitzgerald is a litigation shareholder in Brownstein Hyatt's Denver, Colorado office. Ms. Fitzgerald has more than 25 years experience in complex litigation, focusing principally on intellectual property, natural resources and antitrust litigation. Among Ms. Fitzgerald's recent representative cases, she was a member of the team representing Qwest Communications in the *Twombly* antitrust class action before the U.S. Supreme Court, was lead trial counsel and obtained dismissal of claims in a lengthy patent infringement case relating to design of a major public water supply and purification project, recovered cleanup costs for a major homebuilder in a CERCLA cost recovery action against the United States for remediation of unexploded ordnance at a former bombing range, and served as counsel for a consortium of homebuilders in a precedent-setting cost recovery action relating to asbestos in soil at a former Air Force base. Ms. Fitzgerald currently is lead trial counsel for one of the nation's largest water districts in a matter at the United States Court of Federal Claims, and represents a large Colorado municipality before the Department of Justice in an investigation relating to entry-level police and fire department hiring practices.

Ms. Fitzgerald obtained her J.D. *magna cum laude* from Georgetown University Law Center, where she was Editor of the *Georgetown Law Journal*. Ms. Fitzgerald also holds a Masters Degree in Spanish from the University of Colorado and a B.A. In Latin American Studies from the University of Denver. She is admitted to practice in Colorado and before the United States Court of Appeals for the Tenth Circuit, the United States District Court for the District of Colorado, the United States Court of International Trade, the United States Court of Federal Claims.