

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICK HENDRICKS, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

STARKIST CO.,

Defendant.

Case No. 13-0729-HSG

Declaration

of

COLIN B. WEIR

in Support of Final Approval of Proposed Settlement

October 27, 2015

REDACTED VERSION OF DOCUMENTS SOUGHT TO
BE FILED UNDER SEAL

I, Colin B. Weir, declare as follows:

I am Vice President at Economics and Technology, Inc. ("ETI"), One Washington Mall, 15th Floor, Boston, Massachusetts 02108. ETI is a research and consulting firm specializing in economics, statistics, regulation and public policy.

I. QUALIFICATIONS, BACKGROUND, AND EXPERIENCE

1. I am the same Colin B. Weir who has previously testified in this proceeding. My qualifications are set forth in Exhibit 1 to the Declaration of Colin B. Weir dated January 20, 2015 ("Weir Declaration").

II. ENGAGEMENT

2. I have been asked by counsel for Plaintiff to provide information about the average retail prices of cans of StarKist tuna throughout the Class Period.¹

III. IRI DATA

3. I have been provided with a dataset obtained from Information Resources, Inc. ("IRI"), a provider of third party market research data, containing records of "through-the-register" retail sales of the Products. I have used similar IRI data on many occasions, and in numerous litigation contexts. This dataset contains nationwide and state-specific data regarding unit sales, dollar sales, and average price information for the Products on a "4-week" basis spanning the Class Period.²

¹ Counsel for Plaintiff has advised me that for settlement purposes, the Class Period is defined as February 19, 2009 through October 31, 2014.

² The IRI dataset is attached hereto as Exhibit 1.

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4. The IRI data provides the information necessary to calculate the average price of each of the four varieties of StarKist tuna at issue in this litigation. This data, along with the calculation of the average nationwide price per can is summarized below in Table 1.

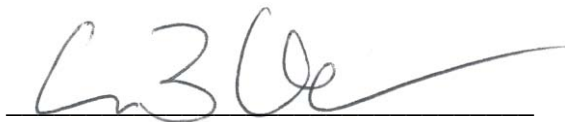
TABLE 1.			
IRI Data and Average Nationwide Price per Can			
StarKist Tuna Variety	Dollar Sales	Unit Sales	Average Price per Can
Solid White, Oil	\$43,332,791.68	32,168,972	\$1.35
Solid White, Water	\$315,876,068.24	233,666,639	\$1.35
Chunk Light, Water	\$662,168,768.09	765,602,733	\$0.86
Chunk Light, Oil	\$195,670,991.12	224,677,628	\$0.87

IV. RESERVATION OF RIGHTS

My testimony, these calculations and estimates are based on the data presently available to me. I understand that additional, different and/or updated data may be obtained in advance of trial. I therefore reserve the right to amend or modify my calculations and my testimony.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief, and that this declaration was executed at Boston, Massachusetts, this 27th day of October, 2015.



Colin B. Weir

Exhibit 1

StarKist IRI Data

REDACTED FOR PRIVILEGE