

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

TEAM SCHIERL COMPANIES and
HEARTLAND FARMS, INC., on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

ASPIRUS, INC. and ASPIRUS NETWORK,
INC.,

Defendants

No. 3:22-cv-00580-jdp

Hon. James D. Peterson, U.S.D.J.

Hon. Anita M. Boor, U.S.M.J.

**DECLARATION OF DANIEL J. WALKER IN SUPPORT OF
PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

I, Daniel J. Walker, hereby declare as follows:

1. I am a Shareholder of the law firm Berger Montague PC, one of the firms representing Plaintiffs Team Schierl Companies and Heartland Farms, Inc. ("Plaintiffs") and the proposed Class. I am a member in good standing of the bars of the District of Columbia and the State of New York. I have personal knowledge of the information set forth in this declaration, and if called as a witness to testify could and would testify competently to the following facts. I make this declaration in support of Plaintiffs' Motion for Class Certification.

2. Berger Montague PC and Fairmark Partners, LLP ("Proposed Co-Lead Class Counsel") have been the lead counsel representing Plaintiffs and the proposed Class since this case was filed in October 2022. Proposed Co-Lead Class Counsel have devoted thousands of hours and have advanced substantial funds without reimbursement in service of prosecuting this case on behalf of Plaintiffs and the proposed Class.

3. On behalf of Plaintiffs and the proposed Class, Proposed Co-Lead Class Counsel have briefed and argued several complex motions and disputes, including prevailing over Defendants' motion to dismiss at the outset of the case; conducted extensive party and nonparty discovery; and retained preeminent economic experts to render opinions on key issues in the case and analyze reams of data collected in discovery.

4. In terms of party discovery alone, Plaintiffs have, among other tasks, taken and defended dozens of depositions; conducted extensive discovery negotiations with defendants and nonparties; reviewed and analyzed hundreds of thousands of documents; defended multiple depositions of each Plaintiff; and both issued and assisted Plaintiffs in responding to written discovery, including many interrogatories, dozens upon dozens of requests for production of documents, and numerous requests for admission. Plaintiffs and Defendants both have also engaged in extensive nonparty discovery efforts.

5. Plaintiffs each helped investigate the case, guided discovery, responded to many written discovery requests, collected and produced thousands of documents through an extensively negotiated search process involving an outside discovery vendor and consultation with counsel, and provided witnesses for depositions that were typically a full day and at times involved 30(b)(6) preparation.

6. The below reports and documents that are cited in Plaintiffs' Motion are attached hereto. Plaintiffs are filing these reports and documents under seal because they contain information that was designated as confidential under the protective order in this case, ECF 60 & 61, by either a party or nonparty.

7. Exhibit 1 is a true and correct copy of the Expert Report of David Dranove, Ph.D., dated March 26, 2025.

8. Exhibit 2 is a true and correct copy of the Reply Report of David Dranove, Ph.D., dated June 11, 2025.

9. Exhibit 3 is a true and correct copy of an email string from [REDACTED], dated November 21, 2019, with the Subject line “[REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0002488 through TEAM-SCHIERL-ASPIRUS-0002493.

10. Exhibit 4 is a true and correct copy of an email string from [REDACTED], dated June 15, 2020, with the Subject line “[REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-00365950 through TEAM-SCHIERL-ASPIRUS-00365952.

11. Exhibit 5 is a true and correct copy of the Expert Report of Jeffrey J. Leitzinger, Ph.D. dated March 26, 2025.

12. Exhibit 6 is a true and correct copy of an agreement titled “[REDACTED]” effectively, dated May 1, 2015, bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0380925 through TEAM-SCHIERL-ASPIRUS-0380959.

13. Exhibit 7 is a true and correct copy of an email string with attachment from [REDACTED], dated June 13, 2017, with the Subject line “[REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0349909 through TEAM-SCHIERL-ASPIRUS-0349910.

14. Exhibit 8 is a true and correct copy of a document titled “[REDACTED]”, dated August 17, 2022, bearing

Bates numbers TEAM-SCHIERL-ASPIRUS-0582661 through TEAM-SCHIERL-ASPIRUS-0582662.

15. Exhibit 9 is a true and correct copy of an email string from [REDACTED] [REDACTED] dated June 16, 2021, with the Subject line “[REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0035792 through TEAM-SCHIERL-ASPIRUS-0035795.

16. Exhibit 10 is a true and correct copy of an email string with attachments from [REDACTED] [REDACTED], dated April 13, 2020, with Subject line “[REDACTED] [REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0271961 through TEAM-SCHIERL-ASPIRUS-0271964.

17. Exhibit 11 is a true and correct copy of an email string from [REDACTED] [REDACTED], dated April 25, 2019, with the Subject line “[REDACTED] [REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0192464 through TEAM-SCHIERL-ASPIRUS-0192465.

18. Exhibit 12 is a true and correct copy of an email string from [REDACTED] [REDACTED], dated October 31, 2017, with Subject line “[REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0321093 through TEAM-SCHIERL-ASPIRUS-0321094.

19. Exhibit 13 is a true and correct printout of a native presentation titled “[REDACTED] [REDACTED],” dated March 18, 2019, bearing Bates number TEAM-SCHIERL-ASPIRUS-0169757.

20. Exhibit 14 is a true and correct copy of an email string from [REDACTED] [REDACTED], dated October 28, 2021, with Subject line “[REDACTED]”

[REDACTED], bearing Bates numbers Alliance_Schierl_00009584 through Alliance_Schierl_00009586.

21. Exhibit 15 is a true and correct copy of an email string with attachments from [REDACTED], dated November 30, 2016, with Subject line “[REDACTED] [REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0154104 through TEAM-SCHIERL-ASPIRUS-0154108.

22. Exhibit 16 is a true and correct of a letter from [REDACTED] [REDACTED], dated June 14, 2017, and bearing Bates numbers NOVO_0002316 through NOVO_0002317.

23. Exhibit 17 is a true and correct copy of an email string (without its attachments) from [REDACTED], dated June 28, 2018, with Subject line “[REDACTED],” bearing Bates number TEAM-SCHIERL-ASPIRUS-0255235.

24. Exhibit 18 is a true and correct copy of an email string from [REDACTED] [REDACTED], dated December 2, 2019, with Subject line “[REDACTED]”, bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0017707 through TEAM-SCHIERL-ASPIRUS-0017709.

25. Exhibit 19 is a true and correct copy of an email string with attachment from [REDACTED] [REDACTED], dated June 12, 2017, with Subject line “[REDACTED] [REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0581254 through TEAM-SCHIERL-ASPIRUS-0581260.

26. Exhibit 20 is a true and correct copy of an email string from [REDACTED] [REDACTED], dated August 2, 2017, with Subject line “[REDACTED]” bearing

Bates numbers TEAM-SCHIERL-ASPIRUS-0479436 through TEAM-SCHIERL-ASPIRUS-0479439.

27. Exhibit 21 is a true and correct copy of a document titled “[REDACTED],” dated April 21, 2020, bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0342604 through TEAM-SCHIERL-ASPIRUS-0342621.

28. Exhibit 22 is a true and correct copy of a letter from [REDACTED], dated March 18, 2019, bearing Bates number TEAM-SCHIERL-ASPIRUS-0160556.

29. Exhibit 23 is a true and correct copy of the Rebuttal Report of Jeffrey J. Leitzinger, Ph.D., dated June 11, 2025.

30. Exhibit 24 is a true and correct copy of the Supplemental Report of Jeffrey J. Leitzinger, Ph.D., dated June 11, 2025.

31. Exhibit 25 is a true and correct copy of an email string from [REDACTED], dated August 1, 2019, with Subject line “[REDACTED]”, bearing Bates number TEAM-SCHIERL-ASPIRUS-0021687.

32. Exhibit 26 is a true and correct copy of an email string with attachments from [REDACTED], dated July 22, 2019, with Subject line “[REDACTED],” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0435485 through TEAM-SCHIERL-ASPIRUS-0435496.

33. Exhibit 27 is a true and correct copy of an email string from [REDACTED], dated May 10, 2019, with Subject line “[REDACTED]” bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0094633 through TEAM-SCHIERL-ASPIRUS-0094637.

34. Exhibit 28 is a true and correct copy of the Supplemental Report of David Dranove, Ph.D., dated June 11, 2025.

35. Exhibit 29 is a true and correct copy of an email string with attachment from [REDACTED], dated September 7, 2017, with Subject line “[REDACTED]”, bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0288157 through TEAM-SCHIERL-ASPIRUS-0288158. The attachment is a true and correct copy of a presentation titled “[REDACTED]” dated July 26, 2017.

36. Exhibit 30 is a true and correct copy of a letter from [REDACTED], dated May 11, 2018, “[REDACTED]”, bearing Bates numbers BJC0000068- BJC0000069.

37. Exhibit 31 is a true and correct copy of an email string from [REDACTED], dated March 9, 2019, with Subject line “[REDACTED]”, bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0059652 through TEAM-SCHIERL-ASPIRUS-0059655.

38. Exhibit 32 is a true and correct copy of an email string from [REDACTED], dated October 14, 2019, with Subject line “[REDACTED]”, bearing Bates numbers TEAM-SCHIERL-ASPIRUS-0058236 through TEAM-SCHIERL-ASPIRUS-0058237.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on July 2, 2025, in Washington, D.C.

/s/ Daniel J. Walker

Daniel J. Walker

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*Counsel for Plaintiffs and the
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 2, 2025, a true and correct copy of the foregoing with redaction to under seal information was filed with the Court via the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record. In addition, a true and correct copy of the sealed version of the foregoing was served upon counsel of record for Defendants via email.

Dated: July 2, 2025

/s/ Timothy W. Burns
Timothy W. Burns

EXHIBIT 1

FILED UNDER SEAL

EXHIBIT 2

FILED UNDER SEAL

EXHIBIT 3

FILED UNDER SEAL

EXHIBIT 4

FILED UNDER SEAL

EXHIBIT 5

FILED UNDER SEAL

EXHIBIT 6

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EXHIBIT 32

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