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Rescue Pets*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY DEVELOPER
ANTITRUST LITIGATION**

Case No. 3:20-cv-05792-JD

**DECLARATION OF MELINDA R.
COOLIDGE IN SUPPORT OF
DEVELOPER PLAINTIFFS' MOTION
FOR ATTORNEYS' FEES,
EXPENSES, AND SERVICE AWARDS
ON BEHALF OF HAUSFELD LLP**

1 I, Melinda R. Coolidge, declare as follows:

2 1. I am the US Managing Partner at Hausfeld LLP (“Hausfeld”) and a member of
3 the case team appointed as co-lead Interim Class Counsel for the developer class, ECF No.
4 79, and Class Counsel for the Settlement Class, ECF No. 233. I submit this declaration in
5 support of Developer Plaintiffs’ Motion for Attorneys’ Fees, Expenses, and Service Awards
6 on behalf of my firm, Hausfeld. I make this declaration based on personal, firsthand
7 knowledge, and if called and sworn as a witness, I could and would testify competently to
8 the matters stated herein.

9 2. Hausfeld has served as counsel for named plaintiffs Peekya App Services, Inc.
10 (“Peekya”) and Scalisco LLC d/b/a Rescue Pets (“Rescue Pets”) and as counsel for the
11 Developer Class throughout the course of this litigation. A description of the firm’s
12 background and experience can be found in Exhibit A, attached hereto. The biographies and
13 experience of the firm’s current attorneys who are primarily responsible for this litigation,
14 namely, Katie R. Beran, Scott Martin, Irving Scher, Kyle G. Bates, Yelena W. Dewald, and
15 me, are included in Exhibit A.

16 3. Hausfeld has advanced this litigation on a contingent fee basis, undertaking the
17 significant risk that arises in all antitrust class actions—that our significant investments of
18 costs and time in the litigation would go uncompensated.

19 4. In accordance with this Court’s December 11, 2020 Order, my colleague, Katie
20 R. Beran, carefully reviewed my firm’s detailed time records each month and by 14 days after
21 each month’s end made the following adjustments to my firm’s time: deleted time for
22 potentially duplicative, less efficient, or non-compensable time, and ensured that the time
23 records complied with the provisions of the Order Appointing Interim Class Counsel, ECF
24 No. 79. My firm also reviewed and maintained the monthly time records from The Lewis

1 Firm to ensure compliance with this Court’s December 11, 2020 Order. In addition, my firm
2 has elected not to seek reimbursement for any professionals who did not contribute
3 significantly to the case as reflected by the modest hours that those individuals charged.
4 These adjustments are reflected in Hausfeld’s billing records submitted in connection with
5 this application.

6 5. Hausfeld’s hourly rates are based on regular and ongoing monitoring of
7 prevailing market rates for attorneys of comparable skill, experience, and qualifications in
8 antitrust and consumer class actions. Applicable rates range from \$350 to \$1370/hour for a
9 lead partner with 30 years of experience, comparable to the rates approved in other antitrust
10 class actions in the Northern District of California. *See, e.g., In re Nat’l Collegiate Athletic*
11 *Ass’n Athletic Grant-in-Aid Cap Antitrust Litig.*, No. 4:14-MD-2541-CW, 2017 WL
12 6040065, at *8-9 (N.D. Cal. Dec. 6, 2017), *aff’d*, 768 F. App’x 651 (9th Cir. 2019) (rates
13 approved “are well within the range of \$200 to \$1,080 charged by attorneys in California in
14 2015”); *see also In re Animation Workers Antitrust Litig.*, No. 14-CV-4062-LHK, 2016 WL
15 6663005, at *6 (N.D. Cal. Nov. 11, 2016) (hourly rates ranging from \$275 to \$1,200 in 2016
16 were “fair, reasonable, and market-based, particularly for the ‘relevant community’ in which
17 counsel work”).

18 6. Attached hereto as **Exhibit B** is a billing summary of Hausfeld’s total hours and
19 lodestar at current billing rates, from inception of this case through December 31, 2022. The
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1 total number of hours spent by attorneys for Hausfeld during this period was 11,796.90 hours
2 with a corresponding lodestar based on current rates of \$7,688,910.00.

3 7. Submitted separately for *in camera* review due to the confidential work product
4 and attorney-client privileged information they contain, **Exhibit C** is a complete set of my
5 firm's detailed time records at current billing rates organized chronologically.

6 8. **Exhibits B and C** were prepared from contemporaneous, daily time records
7 regularly prepared and maintained by Hausfeld and were finalized at the close of each
8 calendar month in accordance with the provisions of the Order Appointing Interim Class
9 Counsel, ECF No. 79. The current hourly rates provided for my firm's attorneys are the same
10 as our usual and customary hourly rates charged in similar complex class action litigation.

11 9. Attached hereto as **Exhibit D** is a summary of the expenses Hausfeld has
12 incurred during the course of this litigation. Not including the contributions my firm has
13 made to the common litigation fund (discussed below), my firm has incurred a total of
14 \$24,146.74 in unreimbursed expenses in connection with the prosecution of this litigation.
15 These expenses were incurred on behalf of the Developer Class by Hausfeld on a contingent
16 basis and have not been reimbursed. The expenses reflected in **Exhibit D** were prepared
17 from expense vouchers, receipts, check records, bank records, and firm records (for court-
18 related expenses, couriers and delivery, photocopying, and similar charges) and represent a
19 complete and accurate record of the expenses incurred. These source materials can be
20 provided to the Court upon request.

21 10. In addition, my firm contributed a total of \$1,886,000 to a common litigation
22 fund to cover common litigation expenses such as expert fees, an accounting of which is
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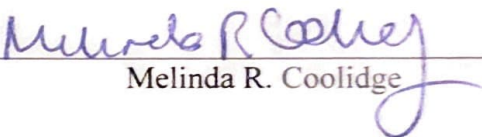
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separately detailed in the Declaration of Steve W. Berman, filed contemporaneously herewith.

11. I have reviewed the time and expenses reported by Hausfeld in this case which are included in this declaration, and I affirm that they are true and accurate.

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

Executed on this 1 day of March, 2023, at Washington, District of Columbia.



Melinda R. Coolidge

Exhibit A

**to Declaration of Melinda R. Coolidge
in Support of Developer Plaintiffs' Motion for Attorneys Fees,
Reimbursement of Expenses, and Service Awards on Behalf of
Hausfeld LLP**

HAUSFELD FIRM RESUME

www.hausfeld.com



About Hausfeld

In the last decade, Hausfeld attorneys have won landmark trials, negotiated complex settlements among dozens of defendants, and recovered billions of dollars for clients both in and out of court. Renowned for skillful prosecution and resolution of complex and class-action litigation, Hausfeld is the only claimants' firm to be ranked in the top tier of private enforcement of antitrust/competition law in both the United States and the United Kingdom by *The Legal 500* and *Chambers and Partners*. Our German office is also ranked by *The Legal 500* for general competition law.

From our locations in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Brussels, Düsseldorf, Stockholm, and London, Hausfeld contributes to the development of law in the United States and abroad in the areas of Antitrust/Competition, Commercial and Financial Disputes, Environmental and Product Liability, Human Rights, and Technology and Data Breach. Hausfeld attorneys have studied the global integration of markets—and responded with innovative legal theories and a creative approach to claims in developed and emerging markets.

Hausfeld was founded by Michael D. Hausfeld, who is widely recognized as one of the country's top civil litigators and a leading expert in the fields of private antitrust/competition enforcement and international human rights. *The New York Times* has described Mr. Hausfeld as one of the nation's "most prominent antitrust lawyers," while *Washingtonian* characterizes him as a lawyer who is "determined to change the world—and succeeding," noting that he "consistently brings in the biggest judgments in the history of law."

Antitrust and competition litigation

Hausfeld's reputation for leading groundbreaking antitrust class actions in the United States is well-earned. Having helmed more than 40 antitrust class actions, Hausfeld attorneys are prepared to **litigate and manage cases with dozens of defendants** (*In re Blue Cross Blue Shield Antitrust Litigation*, with more than thirty defendants), **negotiate favorable settlements for class members and clients** (*In re Air Cargo Shipping Services Antitrust Litigation*, settlements of more than \$1.2 billion, and *In re Blue Cross Blue Shield Antitrust Litigation*, \$2.67 billion settlement), **take on the financial services industry** (*In re Foreign Exchange Antitrust Litigation*, with settlements of more than \$2.3 billion), take cartelists to trial (*In re Vitamin C Antitrust Litigation*, trial victory of \$162 million against Chinese manufacturers of Vitamin C), and **push legal boundaries where others have not** (*O'Bannon v. NCAA*, another trial victory in which the court found that NCAA rules prohibiting additional scholarship payments to players as part of the recruiting process are unlawful).



Hausfeld is 'the world's leading antitrust litigation firm.'

Politico

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FOR THE CHALLENGE

Hausfeld: a global reach

Hausfeld's international reach enables it to advise across multiple jurisdictions and pursue claims on behalf of clients worldwide. Hausfeld works closely with clients to deliver outstanding results while always addressing their business concerns. Hausfeld does so by anticipating issues, considering innovative strategies, and maximizing the outcome of legal disputes in a way that creates shareholder value. The firm's innovative cross border solutions work to the benefit of the multinational companies it often represents.

Creative solutions to complex legal challenges

Hausfeld lawyers consistently apply forward-thinking ideas and creative solutions to the most vexing global legal challenges faced by clients. As a result, the firm's litigators have developed numerous innovative legal theories that have expanded the quality and availability of legal recourse for claimants around the globe that have a right to seek recovery. Hausfeld's impact was recognized by the *Financial Times*, which honored Hausfeld's European team with the "Innovation in Legal Expertise - Dispute Resolution," award, which was followed up by FT commending Hausfeld's North American team for its innovative work in the same category. In addition, *The Legal 500* has ranked Hausfeld as the only top tier claimants firm in private enforcement of antitrust/competition law in both the United States and the United Kingdom. For example, the landmark settlement that Hausfeld negotiated to resolve claims against Parker ITR for antitrust overcharges on marine hoses was the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation—creating opportunities never before possible for dispute resolution and providing a new model for global cartel settlements going forward.

Unmatched global resources

The firm combines its U.S. offices on both coasts and vibrant European presence with a broad and deep network around the globe to offer clients the ability to seek redress or confront disputes in every corner of the world and across every industry. With over 160 lawyers in offices in Washington, D.C., Boston, New York, Philadelphia, San Francisco, Amsterdam, Berlin, Düsseldorf, Brussels, Stockholm, and London, Hausfeld is a "market leader for claimant-side competition litigation" (*The Legal 500*).



A prominent litigation firm, renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues including monopolization, price manipulation and price fixing.

Chambers and Partners



Hausfeld, which 'commits extensive resources to the most difficult cases,' widely hails as one of the few market-leading plaintiff firms.

The Legal 500



Primarily in the antitrust capacity, Hausfeld is an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V'.

Benchmark Litigation

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Antitrust Litigation

Hausfeld's antitrust litigation experience is unparalleled

Few, if any, U.S. law firms are litigating more class actions on behalf of companies and individuals injured by anticompetitive conduct than Hausfeld. The firm has litigated cases involving price-fixing, price manipulation, monopolization, tying, and bundling, through individual and class representation, and has experience across a wide variety of industries, including automotive, aviation, energy, financial services, food & beverage, healthcare, manufacturing, retail, and the transportation and logistics sectors. Clients rely on us for our antitrust expertise and our history of success in the courtroom, and at the negotiation table; the firm does not shy away from challenges, taking on some of the most storied institutions.



Hausfeld, 'one of the most capable plaintiffs' firms involved in the area of civil cartel enforcement,' is [w]idely recognized as a market leader for claimant-side competition litigation... [It is the] market leader in terms of quantity of cases, and also the most advanced in terms of tactical thinking.

The Legal 500

Hausfeld is not only trusted by its clients but also by judges to pursue these claims, as evidenced by the fact that the firm has been appointed as lead or co-lead counsel in dozens of antitrust cases in the last decade. In one example, Judge Morrison C. England of the Eastern District of California praised Hausfeld for having “the breadth of experience, resources and talent necessary to navigate” cases of import.

Recognizing the firm's antitrust prowess, *Global Competition Review* has opined that Hausfeld is “one of—if not the— top Plaintiffs' antitrust firm in the U.S.” *The Legal 500* and

Chambers and Partners likewise consistently rank Hausfeld among the top five firms in the United States for antitrust litigation on behalf of plaintiffs.

Hausfeld has achieved outstanding results in antitrust cases

Hausfeld lawyers have achieved precedent-setting legal decisions and historic trial victories, negotiated some of the world's most complex settlement agreements, and have collectively recovered billions of dollars in settlement and judgments in antitrust cases. Key highlights include:

- ***In re Foreign Exchange Benchmark Rates Antitrust Litig., 13-cv-7789 (S.D.N.Y.)***
Hausfeld served as co-lead counsel in this case alleging financial institutions participated in a conspiracy to manipulate a key benchmark in the foreign exchange market. To date, the firm has obtained over **\$2.3 billion** in settlements from **fifteen defendants**.
- ***In re LIBOR-Based Financial Instruments Antitrust Litig., No. 11-md-2262 (S.D.N.Y.)***
Hausfeld serves as co-lead counsel in this case against sixteen of the world's largest financial institutions for conspiring to fix LIBOR, the primary benchmark for short-term interest rates. To date, the firm has obtained **\$590 million** in settlements with four defendants. An antitrust class has been certified and the case is ongoing against the remaining defendants.
- ***In re Blue Cross Blue Shield Antitrust Litig., No. 13-mdl-2496 (N.D. Ala.)***
The Court appointed Hausfeld attorneys as co-lead counsel, and to the Plaintiffs' Steering Committee, in this case against Blue Cross Blue Shield entities. This case was brought against over 30 Blue Cross companies and its trade association (BCBSA), and alleges that they illegally agreed not to compete with each other for health insurance subscribers across the United States. After defeating motions to dismiss, Hausfeld marshalled evidence from a record that consisted of over **14 million documents** from more than thirty defendants and won a landmark ruling when the district court ruled that the *per se* standard would be applied to defendants' conduct. In August 2022, the Court granted approval to the proposed

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FOR THE CHALLENGE

settlement agreement resolving the claims of Blue Cross Blue Shield subscribers for **\$2.67 billion**. In addition to monetary relief, the settlement includes systemic injunctive relief that will change the landscape for competition in healthcare. The settlement (pending an appeal) is the largest antitrust settlement in a case where the government had not itself prosecuted, investigated, or been part of the case at all.

- ***O'Bannon v. NCAA, No. 09-cv-03329 (N.D. Cal.)***

In the landmark O'Bannon litigation, Hausfeld represented college athletes who collectively alleged that the NCAA, its members, and its commercial partners, violated federal antitrust law by unlawfully foreclosing former players from receiving any compensation related to the use of their names, images, and likenesses in television broadcasts, rebroadcasts, and videogames. In 2013, the plaintiffs announced a **\$40 million settlement** agreement with defendant Electronic Arts, Inc., which left the NCAA as the remaining defendant. Following trial in 2014, the Court determined that the NCAA had violated the antitrust laws and issued a permanent injunction. The Ninth Circuit affirmed the NCAA's violation of the antitrust laws and upheld significant injunctive relief—the practical effect of which is that college athletes can now each receive up to \$5,000 more every year as part of their scholarship package (to cover their education, travel and medical expenses, and acquire pre-professional training as they enter the work force).

- ***In re Vitamin C Antitrust Litig., No. 06-md-01738 (E.D.N.Y.)***

Hausfeld serves as co-lead counsel in the first class antitrust case in the United States against Chinese manufacturers. Hausfeld obtained settlements for the class of **\$22.5 million from two of the defendants**—the first after summary judgment, and the second just before closing arguments at trial. Days later, the jury reached a verdict against the remaining defendants, and the court entered a judgment for **\$148 million** after trebling the damages awarded. On appeal to the U.S. Supreme Court, our clients prevailed, and the case was remanded for further consideration by the Second Circuit.

- ***In re Dental Supplies Antitrust Litig., No. 1:16-cv-00696 (E.D.N.Y.)***

Hausfeld served as co-lead counsel in this litigation in which a proposed class of private dental practices claimed that the four major distributors of dental products and equipment conspired to fix margins, divide markets and allocate customers, and orchestrate industry boycotts of lower-priced, innovative rivals. The Federal Trade Commission filed a related lawsuit against the dental distributor companies a year after the private plaintiffs first initiated their action, borrowing legal theories first investigated and advanced by the private plaintiffs. In 2019 the private plaintiffs' action was settled just minutes before a class certification Daubert hearing was set to commence for **\$80 million**.

- ***In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.)***

Hausfeld served as co-lead counsel in this case against two international airlines alleged to have fixed fuel surcharges on flights between the United States and United Kingdom. Lawyers at the firm negotiated a ground-breaking **\$200 million** international settlement that provides recovery for both U.S. purchasers under U.S. antitrust laws and U.K. purchasers under U.K. competition laws.

- ***In re Municipal Derivatives Antitrust Litig., No. 08-cv-2516 (S.D.N.Y.)***

Hausfeld served as co-lead counsel in this case against banks, insurance companies, and brokers accused of rigging bids on derivative instruments purchased by municipalities. The firm obtained over **\$200 million** in settlements with more than ten defendants.

- ***In re Automotive Aftermarket Lighting Products Antitrust Litig., No. 09-ML-2007 (C.D. Cal.)***

Hausfeld served as co-lead counsel in this case against three manufacturers for participating in an international conspiracy to fix the prices of aftermarket automotive lighting products. The firm obtained over **\$50 million** in settlements.

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- ***In re Processed Egg Products Antitrust Litig., No. 08-cv-04653 (E.D. Pa.)***

Hausfeld served as co-lead counsel in this case alleging that egg producers, through their trade associations, engaged in a scheme to artificially inflate egg prices by agreeing to restrict the supply of both laying hens and eggs. The firm obtained over **\$135 million** in settlements, won certification of a class of shell egg purchasers, and tried the case against the remaining defendants.

- ***In re Domestic Airline Travel Antitrust Litig., No. 15-1404 (CKK) (D.D.C.)***

Hausfeld serves as co-lead counsel for a proposed class of domestic air passengers that collectively allege the defendants, the four major U.S. passenger air carriers — United, American, Delta, and Southwest — conspired to fix domestic airfares by colluding to limit their respective capacity. The passengers allege that Defendants, in which a common set of investors owned significant shares during the conspiracy period, carried out the conspiracy through repeated assurances to each other on earnings calls and other statements that they each were engaging in “capacity discipline”. In October 2016, the court denied defendants’ motion to dismiss. Since that time, the firm has obtained **\$60 million** in settlements with American and Southwest. The litigation against United and Delta is ongoing.

Litigation achievements

Significant trial victories

While many law firms like to talk about litigation experience, Hausfeld lawyers regularly bring cases to trial—and win. Among our trial victories are some of the largest antitrust cases in the modern era. For example, in ***O’Bannon v. NCAA (N.D. Cal.)***, we conducted a three-week bench trial before the chief judge of the Northern District of California, resulting in a complete victory for college athletes who alleged an illegal agreement among the National Collegiate Athletic Association and its member schools to deny payment to athletes for the commercial licensing of their names, images, and likenesses. Our victory in the O’Bannon litigation followed the successful trial efforts in ***Law v. NCAA (D. Kan.)***, a case challenging earning restrictions imposed on

assistant college coaches in which the jury awarded **\$67 million** to the class plaintiffs that one of our lawyers represented.

In ***In re Vitamin C Antitrust Litigation (E.D.N.Y.)***, we obtained, on behalf of our direct purchaser clients, a **\$148 million** jury verdict and judgment against Chinese pharmaceutical companies that fixed prices and controlled export output of Vitamin C—on the heels of \$22.5 million in settlements with other defendants, which represented the first civil settlements with Chinese companies in a U.S. antitrust cartel case. Years earlier, we took on a global vitamin price-fixing cartel in ***In re Vitamins (D.D.C.)***, in which we secured a **\$1.1 billion settlement** for a class of vitamin purchasers and then took the remaining defendants to trial, culminating in a **\$148 million jury verdict**.

Our trial experience extends to intellectual property matters and general commercial litigation as well. Recently, we represented entertainment companies that sought to hold internet service provider Cox Communications accountable for willful contributory copyright infringement by ignoring the illegal downloading activity of its users. Following a trial in ***BMG Rights Management (US) LLC, v. Cox Enterprises, Inc. (E.D. Va.)***, the jury returned a **\$25 million verdict** for our client. After the defendants appealed and prior to a new trial, the parties settled.

Exceptional settlement results

Over the past decade, Hausfeld has recouped over \$20 billion for clients and the classes they represented. We are proud of our record of successful dispute resolution. Among our settlement achievements, a selection of cases merit special mention.

On August 9, 2022, the Court granted approval to the proposed settlement agreement in ***In re Blue Cross Blue Shield Antitrust Litigation (M.D. Ala.)***, resolving the claims of Blue Cross Blue Shield subscribers represented by Hausfeld for **\$2.67 billion**. In addition to monetary relief, the settlement includes systemic injunctive relief that will change the landscape for competition in healthcare.

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FOR THE CHALLENGE

In the high profile *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (S.D.N.Y.), we negotiated settlements totaling more than \$2.3 billion with fifteen banks accused of conspiring to manipulate prices paid in the foreign-exchange market. In another case involving allegations of pricefixing among the world's largest airfreight carriers, *In re Air Cargo Shipping Services Antitrust Litigation* (E.D.N.Y.), we negotiated settlements with more than 30 defendants totaling over \$1.2 billion—all in advance of trial. In the ongoing *In re LIBOR-Based Financial Instruments Antitrust Litigation* (S.D.N.Y.) case, we have secured settlements to date totaling \$590 million with Barclays (\$120 million), Citi (\$130 million), Deutsche Bank (\$240 million), and HSBC (\$100 million). The court has granted final approval to each of these settlements.

Hausfeld served as class counsel in *Hale v. State Farm Mutual Automobile Insurance Co.* (S.D.Ill.). This case involved allegations that State Farm worked to help elect an Illinois state supreme court justice in order to overturn a billion-dollar judgment against it. On the day opening statements were to be delivered to the jury, State Farm agreed to settle for **\$250 million**. Finally, in the global Marine Hose matter, we broke new ground with the first private resolution of a company's global cartel liability without any arbitration, mediation, or litigation. That settlement enabled every one of Parker ITR's non-US marine-hose purchasers to recover up to 16% of their total purchases.

As co-lead counsel for a class of app developers in *In re Google Play Store Antitrust Litigation* (N.D. Cal.), on November 18, 2022, Hausfeld secured preliminary approval for a **\$90 million** settlement in groundbreaking antitrust class action against Google. The settlement resolves claims against Google regarding its alleged anticompetitive conduct and unlawful practices related to the Google Play Store, including Google's requirement that app developers pay a 30% fee to Google on revenue earned from paid apps and in-app products. The settlement was reached on behalf of app developers with \$2 million or less in annual sales, which includes nearly all U.S. developers earning revenue in the Google Play Store. In addition to paying \$90 million in monetary relief directly to developers, Google has

acknowledged that the litigation was a catalyst for its 2021 launch of a program where developers pay a reduced 15% service fee on their first \$1 million in annual revenues and agreed to maintain that reduced fee tier for at least three more years. Google has also committed to a series of structural reforms, including developing an "Indie Apps Corner" on the homepage of the Google Play Store and publishing an annual transparency report.

In the *In re Disposable Contact Lens Antitrust Litigation* case, Hausfeld serves as one of the three co-lead counsel for a nationwide class of consumers alleging horizontal and vertical conspiracies by the four leading contact lens manufacturers and their primary distributor to impose minimum resale price maintenance policies called "unilateral pricing policies," or "UPPs." case. On June 16, 2016, the court overseeing the litigation denied the defendants' motion to dismiss; on December 4, 2018, the court certified litigation classes of consumers who purchased contact lenses subject to UPPs; and on November 27, 2019, the Court denied the defendants' four motions for summary judgment. The plaintiffs have prevailed at every turn. On June 16, 2016, the court denied the defendants' motion to dismiss, on December 4, 2018, the court granted class certification, and on November 27, 2019, the court denied the defendants' motions for summary judgment. Settlements were reached with all five defendants prior to the scheduled trial in March 2022, totaling **over \$117 million**: CVI (\$2 million), B&L (\$10 million), ABB (\$30.2 million), Alcon (\$20 million) and JJVC (\$55 million).

These cases are just a few among dozens of landmark settlements across our practice areas.

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FOR THE CHALLENGE

Reputation and leadership in the antitrust bar

Court commendations

Judges across the country have taken note of Hausfeld's experience and results achieved in antitrust litigation.



This has just been an absolute gem of an experience from the standpoint of having the opportunity to have just great lawyers fighting over something that's really important and significant.

– District Judge R. David Proctor

In re Blue Cross Blue Shield Antitrust Litigation, MDL No. 2406 (N.D. Ala.) (granting preliminary approval of settlement in case where Hausfeld serves as co-lead counsel.)



All class actions generally are more complex than routine actions... But this one is a doozy. This case is now, I guess, nearly more than ten years old. The discovery as I've noted has been extensive. The motion practice has been extraordinary... The recovery by the class is itself extraordinary. The case, the international aspect of the case is extraordinary. Chasing around the world after all these airlines is an undertaking that took enormous courage.

– Judge Brian M. Cogan

In re Air Cargo Shipping Services Antitrust Litigation, No. 06-md-1775 (E.D.N.Y.)



Comparing Hausfeld's work through trial to *Game of Thrones*: 'where individuals with seemingly long odds overcome unthinkable challenges... For plaintiffs, their trial victory in this adventurous, risky suit, while more than a mere game, is nothing less than a win...'

– Magistrate Judge Nathanael M. Cousins

O'Bannon v. Nat'l College Athletic Ass'n, No. 09-cv-3329 (N.D. Cal.)



Hausfeld lawyers achieved 'really, an outstanding settlement in which a group of lawyers from two firms coordinated the work... and brought an enormous expertise and then experience in dealing with the case.' Hausfeld lawyers are 'more than competent. They are outstanding.'

– Judge Charles R. Breyer

In re International Air Passenger Surcharge Antitrust Litig., No. 06-md-01793 (N.D. Cal.) (approving a ground-breaking \$200 million international settlement that provided recovery for both U.S. purchasers under U.S. antitrust laws, and U.K. purchasers under U.K. competition laws.)



Hausfeld has 'the breadth of experience, resources and talent necessary to navigate a case of this import.' Hausfeld 'stands out from the rest.'

– District Judge Morrison C. England Jr.

Four In One v. SK Foods, No. 08-cv-3017 (E.D. Cal.)



The class is represented by what I would describe as an all-star group of litigators...

– District Judge David R. Herdon

Hale v. State Farm, No. 12-cv-00660-DRH-SCW (S.D. Ill.)

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FOR THE CHALLENGE

Awards and recognitions



The Legal 500

In 2022, for the 13th consecutive year, Hausfeld was ranked in the top tier nationally for firms in antitrust civil litigation and class actions by *The Legal 500*. The publication has described Hausfeld lawyers as “top-notch in all respects and particularly expert in everything about antitrust law.” The publication also previously stated that:

Hausfeld lawyers are, “pragmatic, smart and focused litigation experts,” and the firm is “at the top of its game,” with “a number of heavyweight practitioners.”

“DC firm Hausfeld LLP remains top-notch in antitrust litigation... Hausfeld LLP is one of the most capable plaintiffs firms involved in the area of civil cartel enforcement, and is handling some of the major cartel-related cases...”

Hausfeld is a “market transformer,” the “most innovative firm with respect to antitrust damages,” is “[d]riven by excellence,” “anticipates the evolving needs of clients,” and delivers “outstanding advice not only in legal terms but also with a true entrepreneurial touch. . .”

Described by a client as ‘very tenacious and appropriately aggressive, with great client relations skills’, Hausfeld LLP enjoys a stellar reputation in the antitrust space and is regularly praised for its European and global plaintiff-side antitrust practice alongside its work in the US.

Concurrences



In 2020, the Hausfeld *Competition Bulletin* article titled, “Data Exploiting as an Abuse of Dominance: The German Facebook Decision,” authored by Hausfeld lawyer Thomas Höppner, was awarded *Concurrences*’ 2020 Writing Award in its Unilateral Conduct (Business) category.

In 2018, an article authored by Hausfeld lawyer Scott Martin, joined by co-authors Brian Henry and Michaela Spero, was awarded *Concurrences*’ 2018 Writing Award for Private Enforcement (Business) Category. The article, “Cartel Damage Recovery: A Roadmap for In-House Counsel,” was originally published in *Antitrust Magazine*.

In 2017, Hausfeld’s *Competition Bulletin* was selected to be ranked among the top antitrust firms distributing newsletters and bulletins. Hausfeld is the only Plaintiffs’ firm to be ranked, and we secured the number one spot for Private Enforcement Newsletters.

In 2015, Hausfeld Partners Michael Hausfeld, Michael Lehmann and Sathya Gosselin won the *Concurrences*’ 2015 Antitrust Writing Awards in the Private Enforcement (Academic) category for their article, “Antitrust Class Proceedings—Then and Now,” *Research in Law and Economics*, Vol. 26, 2014.

HAUSFELD

FOR THE CHALLENGE



Benchmark Litigation

In 2022, for the fourth consecutive year, *Benchmark Litigation* highlighted Hausfeld as a leader in the domain of dispute resolution, recognizing the firm at the national level, as well as regionally on both coasts.

Hausfeld was ranked by *Benchmark* for Antitrust/Competition Nationwide, and is one of only a small handful of plaintiff-side firms on the list. Hausfeld was also honored as a 'Recommended Top Plaintiff Firm' Nationwide, and described by the publication as "an undisputed trailblazer, identified as a ubiquitous presence by peers on both the plaintiff and defense sides of the 'V.'" A peer on the defense side commented "many firms try to do what they do, but Hausfeld is one of the only ones that gets it right and one of the ones we take the most seriously." Further to Hausfeld's national recognitions, *Benchmark* recognized several individuals in the firm's San Francisco and Washington, DC offices.

2022 Antitrust Report

In 2022, for a fourth consecutive year, Hausfeld has been recognized as one of the leading claimant firms for recovery in antitrust litigation in the US. In the *2021 Antitrust Annual Report*, published by the Center for Litigation and Courts | UC Hastings Law and The Huntington National Bank, Hausfeld is listed as the top firm out of the 25 analyzed, having achieved an aggregate settlement recovery totaling over \$5.27 billion over 13 years from 2009-2021. Hausfeld also ranked first among lead counsel in relation to the number of complaints filed in US federal courts (Hausfeld was responsible for 296 filings between 2009 and 2021) and first among lead counsel in the total amounts recovered for class members (Hausfeld recovered 114 settlements for its clients between 2009 and 2021 totaling over \$5.27 billion).



Who's Who Legal

In 2022, *Who's Who Legal* honored 14 Hausfeld partners - more than any other firm - among the world's top 106 competition claimant lawyers. These practitioners are renowned for their experience and expertise in competition or antitrust matters before the highest courts in the UK, EU and USA.

In 2019, *Who's Who Legal* honored Hausfeld as the 'Competition Plaintiff Firm of the Year,' noting that the firm is, "a giant in the competition plaintiff field that once again demonstrates the strength and depth of its expertise..."

In 2018, the publication recognized the firm as "[a] powerhouse in the plaintiffs' litigation field, with particularly deep capability in competition matters," highlighting "nine outstanding litigators."



HAUSFELD

FOR THE CHALLENGE



Financial Times

In 2019, the *Financial Times* named Hausfeld one of the 25 'Most Innovative Law Firms: Overall' in North America. Notably, Hausfeld was the only plaintiffs' firm to make the list. In 2018, the *Financial Times*' Innovative Lawyers Report honored Hausfeld with the 'Innovation in Legal Expertise - Dispute Resolution' award for the firm's work with Dutch transportation insurer TVM. The *Financial Times* followed up this award by commending Hausfeld in its 2018 North America Innovative Lawyers Report for its representation of plaintiffs in *In Re Foreign Exchange Benchmark Rates Antitrust Litigation*. Hausfeld is proud to be the only plaintiffs' firm to have received recognition in the category of 'dispute resolution' for 2018 on both sides of the Atlantic.

In 2016, the *Financial Times* named Hausfeld as a top innovative law firm. Writing about Hausfeld's innovation in the legal market, the *Financial Times* noted: "The firm has taken the litigation finance model to Germany, to turn company inhouse legal departments into profit centres."

In 2015, Michael Hausfeld was recognized by the *Financial Times* as one of the Top 10 Innovative Lawyers in North America.

In 2013, Hausfeld won the *Financial Times* Innovative Lawyer Dispute Resolution Award. The FT stated that Hausfeld has "[p]ioneered a unique and market-changing litigation funding structure that improved accessibility and enabled victims to pursue actions with little or no risk."



U.S. News & World Report & Best Lawyers

In 2022, Hausfeld was the only firm awarded the honor of best law firm in the 'Antitrust Law' category by *U.S. News and Best Lawyers* in its 2023 Best Law Firms edition.

In 2021, Hausfeld was the only firm awarded the honor of best law firm in the 'Litigation – Antitrust' category by *U.S. News and Best Lawyers* in its 2022 Best Law Firms edition.

Global Competition Review



In 2021, the firm won *Global Competition Review's* award for "Litigation of the Year – Cartel Prosecution" in recognition of the firm's work on *In re Blue Cross Blue Shield Antitrust Litigation*. After eight years of litigation, the proposed class of subscribers secured a \$2.67 billion settlement from the Blue Cross Blue Shield (BCBS) network, which was preliminarily approved in 2020 and pending final approval.

In 2018, Hausfeld attorneys were awarded *Global Competition Review's* "Litigation of the Year – Cartel Prosecution" commending its work on *In re Vitamin C Antitrust Litigation*. In this historic case, the Supreme Court ruled in favor of Hausfeld's clients, setting forth criteria and a framework for courts to use when assessing the credibility and weight to give to a foreign government's expression of its own laws.

HAUSFELD

FOR THE CHALLENGE

In 2016, Hausfeld was awarded Global Competition Review's "Litigation of the Year – Cartel Prosecution" for its work on *In re Foreign Exchange Antitrust Benchmark Litigation*. The award recognized Hausfeld's success in the Foreign Exchange litigation to date, which has included securing settlements for more than \$2.3 billion in on behalf of a class of injured foreign exchange investors and overcoming three motions to dismiss in the action.

In 2015, Hausfeld attorneys were awarded Global Competition Review's "Litigation of the Year – Non-Cartel Prosecution," which recognized their trial victory in *O'Bannon v. NCAA*, a landmark case brought on behalf of college athletes challenging the NCAA's restrictions on payment for commercial licensing of those athletes' names, images, and likenesses in various media.



U.S. News & World Report

Since 2016, *U.S. News & World Report – Best Law Firms* has named Hausfeld to its top tier in both Antitrust Law and Litigation, and among its top tiers in Commercial Litigation. Hausfeld is also continuously recognized in New York, San Francisco, and Washington, DC in Antitrust Law, Litigation, Mass Torts and Commercial Litigation.

American Antitrust Institute



In 2021, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for collective work on behalf of our clients in *In re Blue Cross Blue Shield Antitrust Litigation*.

In 2018, Hausfeld and its co-counsel received the American Antitrust Institute's award for 'Outstanding Antitrust Litigation Achievement in Private Law Practice' for their trial and appellate victories in *In re Vitamin C Antitrust Litigation*.

In 2016, the American Antitrust Institute honored two Hausfeld case teams—*In re Air Cargo Shipping Services Antitrust Litig.* (E.D.N.Y.) and *In re Municipal Derivatives Antitrust Litig.* (S.D.N.Y.)—with its top award for Outstanding Antitrust Litigation Achievement in Private Law Practice. Taken together, these two cases have yielded settlements of over \$1.4 billion to class members after nearly a decade of litigation. The award celebrates private civil actions that provide significant benefits to clients, consumers, or a class and contribute to the positive development of antitrust policy.

In 2015, Hausfeld and fellow trial counsel won the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement in Private Law Practice for their trial and appellate victories in *O'Bannon v. NCAA*.

HAUSFELD

FOR THE CHALLENGE

Chambers AND PARTNERS

Chambers and Partners

In 2022, *Chambers and Partners* once again named Hausfeld to its highest tier, Band 1, for “Antitrust: Plaintiff – USA – Nationwide,” noting that the firm:

“has fantastic lawyers who are out-of-the-box thinkers, client service-oriented and a pleasure to work with.”

Hausfeld was one of just four law firms ranked in Band 1. Hausfeld’s New York office was also named to Band 1 for “Antitrust: Mainly Plaintiff – New York” and Hausfeld’s California office was named to Band 1 for “Antitrust: Mainly Plaintiff - California.”

The publication has also previously noted about the firm:

“Able to deploy a deep bench of trial attorneys with outstanding litigation experience,” and is “renowned for its abilities representing plaintiffs in multidistrict class action antitrust suits across the country involving a wide variety of antitrust issues.”

Clients reported to the publication that “Hausfeld is a great partner that makes sure to understand our perspective,” and peers have commended the firm’s “terrific, deep bench.”

- A reputation as a “[m]arket-leading plaintiffs’ firm with considerable experience in antitrust class action suits and criminal cartel investigations.”
- “[N]umerous successes in the area, resulting in major recovery or settlements for its clients.”
- Firm Chair Michael Hausfeld’s record as “a very successful and able antitrust litigator,” and “one of the titans of the Plaintiffs Bar.”

Additionally, between 2016 and 2020, *Chambers and Partners UK* ranked Hausfeld in the top tier among London firms representing private claimants in competition matters and recognized the firm’s accomplishments in Banking Litigation.

National Law Journal

In 2015, Hausfeld was named to the *National Law Journal*’s “Plaintiffs Hot List” for the fourth year in a row. The publication elaborated:

“Hausfeld’s creative approaches underpinned key antitrust wins last year, including a trailblazing victory for former college athletes over the use of their likenesses in television broadcasts and video games...” and Hausfeld, along with its co-counsel, “nailed down a \$99.5 million settlement with JPMorgan Chase & Co. in January in New York federal court for alleged manipulation of market benchmarks. And it helped land nearly \$440 million in settlements last year, and more than \$900 million thus far, in multidistrict antitrust litigation against air cargo companies.”

In 2014, the *National Law Journal* named Hausfeld as one of a select group of America’s Elite Trial Lawyers, as determined by “big victories in complex cases that have a wide impact on the law and legal business.” The award notes that Hausfeld is among those “doing the most creative and substantial work on the plaintiffs side.”

THE NATIONAL
LAW JOURNAL

HAUSFELD

FOR THE CHALLENGE

Diversity, equity & inclusion

Hausfeld is committed to diversity and inclusion, because we know that embracing a variety of viewpoints and backgrounds allows us to gain better insights and strengthen our practice. Our diversity is reflected throughout our dozens of case teams leading class actions across the country. Hausfeld is proud that half of our lawyers are women, who lead some of the largest price-fixing and market manipulation antitrust MDLs in the United States on behalf of our firm.

Hausfeld's Appointed Diversity Partner and Diversity, Equity & Inclusion Committee is committed to examining and improving all aspects of our hiring, benefits, training, support, and promotion practices to ensure that Hausfeld maintains the highest standards for ourselves, and continually strive for improvement. Hausfeld seeks to ensure that all of our attorneys are provided the resources they need to excel, and are given opportunities to lead, both within and outside the firm.

At Hausfeld, achieving social justice, diversity, inclusivity, and equity is core to our values. Some examples of how we live out our values, both through our legal work and within the firm internally includes our representation of victims of apartheid in South Africa, black Americans persecuted in the Tulsa race riots and their survivors, and plaintiffs in a racial-bias discrimination case against Texaco, Inc., among other civil rights and pro bono cases. Today, the firm continues to fight for victims of deeply ingrained inequities, including taking on intersectional challenges like climate change litigation and advocacy.

Hausfeld has a strong ethos of providing access to justice for communities across the world. This is evidenced in much of the pro-bono work the firm has undertaken over the years. One of the highest profile recent cases involves our representation of Greta Thunberg and 15 young climate activists from around the world who are threatened by the climate crisis. Represented by a team of human rights and environmental lawyers from Hausfeld, and NGO Earthjustice, the young people submitted a petition to the UN Committee on the Rights of the Child arguing that five G20 countries - Argentina, Brazil, France, Germany, and Turkey - are violating their rights to life, health, and culture under the

Convention on the Rights of the Child by failing to curb greenhouse gas emissions to levels that would limit global warming to 1.5°C, a target set by climate science and the Paris Agreement. Hausfeld lawyers have worked tirelessly for several years in supporting these young people in tackling climate change.

For over a decade, Hausfeld has supported the Mid-Atlantic Innocence Project, which seeks to exonerate innocent convicted individuals, who are disproportionately persons of color. In addition, the firm ran a significant donation and employee matching program for the Equal Justice Initiative, the National Urban League, and the NAACP's Legal Defense and Education Fund, with ultimate donations over \$50,000. The firm has also joined the Law Firm Anti-Racism Alliance (LFAA), a group with the strategic goal of changing the way institutions deal with racial inequality.

Hausfeld achieved Certification Plus in Diversity Lab's Mansfield Rule for Midsize Firms, an innovative national initiative modeled after the original Mansfield Rule, committing the firm to consider an intentionally broad and diverse pool of candidates when selecting leaders for positions within the firm, hiring entry-level and lateral attorneys, positioning lawyers for case leadership roles, and forming teams for client pitches. As a Mansfield Certified Plus firm, Hausfeld also achieved 30 percent or more diverse representation in current leadership roles, formal client pitches, and staffing on key matters. Out of the total 26 firms that participated in this inaugural program, Hausfeld is one of 16 firms that achieved Certified Plus status.

Hausfeld also has a 1L Diversity Fellowship Program in which a 1L law student from a historically underrepresented background participates in the US summer associate program and receives a \$10,000 scholarship toward the student's law school costs.

In addition, our Diversity, Equity & Inclusion Committees continues to facilitate mandatory trainings, including anti-bias and diversity, equity & inclusion training, for all management, attorneys, and staff. Further, the DEI Committee continues to hold numerous all-firm programs, often time with outside experts including historians, NGOs, and DEI professionals, to speak on various social justice topics including Racial Justice, LGBTQ+, Disability Rights, Women's Rights, and Social Inclusion.

HAUSFELD

FOR THE CHALLENGE

Thought leadership

Hausfeld lawyers do more than litigation. They exercise thought leadership in many fields. Hausfeld lawyers host, lecture at, and participate in leading legal conferences worldwide and address ground-breaking topics including: the pursuit of damages actions in the United States and the European Union on behalf of EU and other non-U.S. plaintiffs; nascent private civil enforcement of EU competition laws; application of the Foreign Trade Antitrust Improvements Act; the impact of *Wal-Mart Stores, Inc. v. Dukes* and *Comcast Corp. v. Behrend* on class certification; reforms to the Federal Civil Rules of Procedure; emerging issues in complex litigation; and legal technology and electronic discovery.

Hausfeld attorneys have presented before Congressional subcommittees, regulators, judges, business leaders, in-house counsel, private lawyers, public-interest advocates, elected officials, and institutional investors, and hold leadership positions in organizations such as the American Bar Association, the American Antitrust Institute, the Women Antitrust Plaintiffs' Attorneys network group, the Sedona Conference, and the Institute for the Advancement of the American Legal System.

Selected articles

- **“Will the FTC resuscitate the Robinson Patman Act in an effort to bring down prescription drug prices?”** Irving Scher, Hausfeld *Competition Bulletin/Lexology* (Spring 2022).
- **“Seventh Circuit reminds practitioners: Article III standing and antitrust standing are distinct,”** Sarah LaFreniere, Hausfeld *Competition Bulletin/Lexology* (Spring 2022).
- **“Court certifies Interchange Fee equitable-relief class despite major retailer opposition,”** Ian Engdahl, Hausfeld *Competition Bulletin/Lexology* (Fall 2021).
- **“Indirect purchaser class actions after the 9th Circuit Stromberg v. Qualcomm decision,”** Kyle Bates & Yelena Dewald, Hausfeld *Competition Bulletin/Lexology* (Fall 2021).
- **“Confusion continues in the antitrust evaluation of Most Favored Nations Provisions,”** Irving Scher, Hausfeld *Competition Bulletin/Lexology* (Spring 2021).
- **“Supreme Court Justices foreshadow a turbulent future for the NCAA,”** Swathi Bojedla & Eduardo Carlo, Hausfeld *Competition Bulletin/Lexology* (Summer 2021).
- **“Can a non-signatory compel arbitration?”** Walter D. Kelley Jr., Hausfeld *Competition Bulletin/Lexology* (Summer 2021).
- **“Briseño v. Henderson: new considerations for class action settlements today,”** Christopher Lebsock & Kyle Bates, Hausfeld *Competition Bulletin/Lexology* (Summer 2021).
- **“Umbrella Liability: Has Its Time Come?”** Michael D. Hausfeld and Irving Scher, *Competition Policy International* (October 24, 2020).
- **“Third Circuit’s Suboxone Class Certification Affirmance Clarifies Commonality and Predominance Requirements,”** Swathi Bojedla, Hausfeld *Competition Bulletin/Lexology* (Fall 2020).
- **“Class Actions & Competition Law, An Overview Of EU and National Case Law,”** Michael D. Hausfeld, Anthony Maton, David R. Wingfield, *Concurrences e-Competition Bulletin - Special Issue on Class Actions* (August 27, 2020).
- **“Personal Jurisdiction in Federal Class Actions: Three New Rulings but Little Clarity,”** Sarah LaFreniere, Hausfeld *Competition Bulletin/Lexology* (Spring 2020).
- **“In Defense of Class Actions: A Response to Makan Delrahim’s Commentary on the UK Mastercard Case,”** Michael D. Hausfeld, Irving Scher, Laurence T. Sorokin, *Competition Policy International* (June 8, 2020).

HAUSFELD

FOR THE CHALLENGE

- **“Social Media and Antitrust: A Discovery Primer,”** Nathaniel C. Giddings & Aaron Patton, *Antitrust Magazine* (Summer 2018).
- **“The Volkswagen Scandal: Catalyst for Class Action Change?”** Sarah LaFreniere (Co-Author), *Law360* (Feb. 27, 2018).
- **“Litigating Indirect Purchasers Claims: Lessons for the EU from the U.S. Experience,”** Michael D. Hausfeld, Irving Scher, and Laurence Sorkin, *Antitrust Magazine* (Fall 2017).
- **“Cartel Damage Recovery: A Roadmap for In-House Counsel,”** Scott Martin, Michaela Spero, and Brian Henry, *Antitrust Magazine* (Fall 2017)—Recipient of Concurrences’ 2018 Antitrust Writing Award for Private Enforcement (Business) Category.
- **“Oligopoly & No Direct Evidence? Good Luck, Says Third Circuit,”** Christopher Lebsock and Samantha Stein, *Hausfeld Competition Bulletin/Lexology* (Fall 2017).
- **“Damage Class Actions After Comcast: A View from the Plaintiffs’ Side,”** Michael D. Hausfeld and Irving Scher, *Antitrust Magazine* (Spring 2016).
- **“Proving Damages in Consumer Class Actions,”** James J. Pizzirusso, *Consumer Protection Committee, Vol. 22/No. 1*, ABA Section of Antitrust Law (March 2016).
- **“Courts determine that non-cash consideration is subject to antitrust scrutiny under Actavis,”** Jeannine Kenney, *Hausfeld Competition Bulletin/Lexology* (Oct. 2015).
- **“The FTC’s Revised Fred Meyer Guides: Back to the Sixties,”** Irving Scher, *Antitrust Source* (February 2015).
- **“Bundling Claims Under Section 1 of the Sherman Act: Focusing on Firms’ Abilities to Create Anticompetitive Effects in a Market, Rather Than Their Share of It,”** Brent W. Landau and Gary Smith, *Antitrust Health Care Chronicle, Vol. 28/ No. 1*, ABA Section of Antitrust Law (Jan. 2015).
- **“Antitrust Class Proceedings – Then and Now,”** Michael D. Hausfeld, Gordon C. Rausser, Gareth J. Macartney, Michael P. Lehmann, and Sathya S. Gosselin, *Research in Law and Economics (Vol. 26, 2014)*—Recipient of Concurrences’ 2015 Antitrust Writing Award for Private Enforcement (Academic) Category.
- **“Chapter 39: USA,”** Brent W. Landau and Brian A. Ratner, *The International Comparative Legal Guide to Cartels & Leniency Ch. 39* (2014).
- **“Prosecuting Class Actions and Group Litigation – Understanding the Rise of International Class and Collective Action Litigation and How this Leads to Classes that Span International Borders,”** Michael D. Hausfeld and Brian A. Ratner, *World Class Actions Ch. 26* (2012).
- **“Private Enforcement of Antitrust Law in the United States, A Handbook - Chapter 4: Initiation of a Private Claim,”** Michael D. Hausfeld and Brent W. Landau, et al., (2012).
- **“The Novelty of Wal-Mart v. Dukes,”** Brian A. Ratner and Sathya S. Gosselin, American Bar Association, Business Torts & Civil RICO Committee, *Business Torts & RICO News, Vol. 8, Issue 1*, (Fall 2011).

Melinda R. Coolidge

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EXPERIENCE

Antitrust/Competition

- *In re Google Play Developer Antitrust Litigation* – Represents a class of app developers that sold apps or in-app products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee.
- *In re Rail Freight Fuel Surcharge Antitrust Litigation* – Represents large corporations that directly purchased rail freight shipping services from BNSF, CSX, Norfolk Southern, and Union Pacific in their claims for damages stemming from the alleged rail freight cartel in the early 2000s.
- *In re Automotive Parts Antitrust Litigation* – Represents various car manufacturers and other OEMs, working to recover damages incurred from the massive worldwide auto parts cartel. The cartel has resulted in over 80 guilty pleas in the United States, and fines and decisions by regulatory authorities around the world.
- *In re Thalomid and Revlimid Antitrust Litigation* – Represents a class of end-payors of Thalomid and Revlimid in antitrust litigation against Celgene (settled for \$34 million), and *In re Zymar and Zymaxid Litigation*, representing a class of direct purchasers of two eye medications against Allergan, Kyorin, and Senju.
- *In re Broiler Grower Antitrust Litigation* – Represents a class of poultry growers alleging a nationwide conspiracy among vertically-integrated poultry companies to suppress and maintain compensation for growing services below competitive levels.
- *In re Air Cargo Antitrust Litigation* – Represented freight forwarders and other direct purchasers of air cargo shipping services against a worldwide price-fixing cartel, in which her clients and the class recovered over \$1 billion in settlements.
- *In re Vitamin C Antitrust Litigation* – In 2013, Melinda served on the trial team for the plaintiff class at trial in this case which secured a trebled jury verdict of \$162 million against Chinese vitamin C manufacturer defendants. On appeal, the U.S. Supreme Court ruled 9-0 in favor of Hausfeld's clients, creating an important precedent for any transnational litigation where U.S. victims' rights are threatened by interpretations of foreign law and international comity principles.

Environmental & Product Liability

- *In re Prempro Products Liability Litigation* – Served as primary brief writer on liability issues and represented dozens of women in a mass tort action against Pfizer and Wyeth over their hormone replacement therapy and links to breast cancer.

OVERVIEW

As the US Managing Partner, Melinda oversees the US operations and finances and collaborates with its 60+ US attorneys to ensure the firm's success.

Experience

Melinda represents large companies and classes of direct and indirect purchasers of products that have been the subject of antitrust violations across the globe. She has litigated complex class actions through the hurdles of class certification, summary judgment, and trial. In her cases, clients and classes she represents have obtained more than \$1 billion in settlements, and in one recent case, a 9-0 victory in the U.S. Supreme Court. Melinda works hard to ensure private enforcement of the country's antitrust laws and to safeguard free and open markets and is proud to be named one of the Top 100 Women in Antitrust by Global Competition Review.

Clients

Melinda has represented clients in the pharmaceutical, agricultural, industrial gas, auto parts, and rail freight and air cargo industries. She represents companies listed in the Fortune 200, as well as classes of direct and indirect purchasers of products impacted by antitrust violations.

EDUCATION

Georgetown University Law Center, J.D., *cum laude*, 2008; Former editor of the Georgetown Journal of Gender and the Law

Tufts University, B.A., *magna cum laude*, 2003

BAR ADMISSIONS

Maryland

District of Columbia

United States District Court for the District of Columbia

United States District Court for the District of Maryland

United States District Court for the Western District of New York

United States Court of Appeals for the Second Circuit

United States Supreme Court

Katie R. Beran

Partner

Philadelphia

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in <https://www.linkedin.com/in/katieberan>



EXPERIENCE

Antitrust/Competition

- *In re Google Play Developer Antitrust Litigation*– Represents a class of app developers that sold apps or in-app products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee. The developer class recently settled for \$90 million and significant injunctive relief.
- *In re Thalomid and Revlimid Antitrust Litigation*– A class action alleging that the defendant’s extensive anticompetitive conduct excluded generic alternatives for Thalomid and Revlimid, two drugs used to treat rare but deadly conditions, from entering the market, causing end payors to incur millions of dollars in overcharges (settled for \$34 million)
- *In re Foreign Exchange Benchmark Rates Antitrust Litigation*– A case alleging a conspiracy to fix the prices of foreign exchange instruments among some of the largest banks in the world, in which the firm has secured more than \$2.3 billion in settlements.

Environmental & Product Liability

- *SCWA v. Dow, et al.* and *SCWA v. 3M Company, et al.* – Two environmental cases on behalf of the largest public water supplier in the country against the manufacturers and distributors of products containing toxic chemicals for contamination of the local public drinking water.
- *New Jersey Department of Environmental Protection et al. v. Ford Motor Company et al.* – Katie serves as Special Counsel to the New Jersey Attorney General in an environmental justice suit against Ford Motor Company seeking natural resource damages related to environmental pollution near the company’s Mahwah, NJ plant. The State alleges that Ford polluted an area that includes the homeland of a Native American tribe and later concealed the extent of the contamination from subsequent property owners and regulators (as depicted in the HBO documentary *Mann V. Ford*).
- *Bhatia v. 3M Company*, No. 0:16 cv-1304 (D. Minn.) – A class action filed on behalf of dentists and dental practices alleging that 3M knowingly sold defective dental crowns and, even after pulling the product from the market, refused to reimburse dentists for the replacement costs, which ultimately settled for \$32.5 million.

Human Rights

Katie has worked on human rights litigation regarding imminent threats to public health and represented individuals pursuing civil rights claims.

Public Entity

We have extensive experience representing public and governmental entities, including state Attorneys General Offices, municipal utility boards, and counties in high-stakes investigations and litigation involving a variety of legal practice areas, including antitrust, consumer protection, financial services, and environmental law. The firm's public entity portfolio includes:

- Retention by state Attorneys General Offices for antitrust litigation against Big Tech platforms.
- Retention by the largest public water supplier in the country relating to environmental contamination.
- Retention by public entities to pursue antitrust claims relating to fraud in financial markets; and
- Retention by the state of West Virginia in one of the earliest cases against the pharmaceutical industry relating to the opioid crisis, filed decades before the current wave of opioid litigation.

OVERVIEW

Experience

Katie is a partner in Hausfeld's Philadelphia office. Her practice focuses on pursuing justice for plaintiffs in antitrust, consumer protection, civil and human rights, and environmental litigation. Katie has represented a diverse array of clients, including cancer patients fighting for access to affordable treatment, municipalities seeking remedies to protect the health and well-being of their residents, and app developers challenging Google's monopolization of the mobile application marketplace.

Katie also maintains a robust pro bono practice, where she regularly represents participants in the Eastern District of Pennsylvania Supervision to Aid Reentry Program in civil legal matters, and oversees the firm's pro bono partnerships with several non-profit organizations leading the fight on racial equality and reproductive justice. She previously served as counsel for victims of childhood sexual abuse by Pennsylvania clergy and has engaged in climate change impact litigation.

Katie has received numerous accolades across several practice areas, including being recognized as an On the Rise - Top 40 Young Lawyer in the country by the American Bar Association, a Rising Star in Antitrust Litigation by *Pennsylvania Super Lawyers*, an Energy & Environmental Trailblazer by *The National Law Journal*, and a Leading Plaintiff Consumer Lawyer by *Lawdragon*.

At Hausfeld, Katie leads the firm's business development strategy efforts for the U.S. offices. As Chair of the firm's U.S. Business Development Strategy Committee, she manages all new case investigations and potential matters. She is also a member of the firm's Hiring Committee, Pro Bono Committee, and Diversity, Equity & Inclusion Committee. Before joining the firm, Katie served as a federal Law Clerk to the Honorable Gerald A. McHugh in the Eastern District of Pennsylvania during the first two years of Judge McHugh's tenure on the Bench.

EDUCATION

University of Pennsylvania Law School, *cum laude* 2012

American University, *magna cum laude*, 2009

BAR ADMISSIONS

Pennsylvania

New Jersey

U.S. District Court – Eastern District of Pennsylvania

U.S. District Court – New Jersey

U.S. Court of Appeals for the Third Circuit

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EXPERIENCE

Antitrust/Competition

- *In re National Football League's "Sunday Ticket" Antitrust Litigation* – Scott serves as co-lead counsel on behalf of businesses against DirecTV, a leading provider of digital entertainment in the United States, and the National Football League (“NFL”), alleging that the NFL’s exclusive agreement to allow DirecTV to broadcast out-of-market Sunday NFL football games violated the antitrust laws.
- *In re Libor-Based Financial Instruments Antitrust Litigation* – Class action lawsuit alleging a global conspiracy by some of the world’s largest financial institutions to manipulate LIBOR. The manipulation of LIBOR, which is the primary benchmark for short-term interest rates for trillions of dollars-worth of financial transactions worldwide, is alleged to have caused billions of dollars in damage to municipalities, businesses, and investors.
- *In re Blue Cross Blue Shield Antitrust Litigation* – In one of the largest and most complex antitrust class action cases ever litigated, Scott represents tens of millions of subscriber plaintiffs alleging higher premiums and loss of competition in the market for health insurance due to a conspiracy among 36 insurer defendants to allocate geographic territories. In 2018, the subscriber plaintiffs achieved summary judgment on the application of a per se standard to the alleged conduct, streamlining the case for class certification and trial.
- *Core-Mark NY CMSA Litigation* – Multi-plaintiff action asserted against leading distributors of cigarettes and other consumer goods in New York under the Cigarette Marketing Sales Act.
- Scott regularly presents compliance talks to businesspersons at industry-leading apparel, industrial, retailing, and distribution clients.
- Scott currently is providing competition advocacy before the Federal Trade Commission and merger advice to a Fortune 100 company.

Environmental & Product Liability

- *SCWA v. Dow, et al. and SCWA v. 3M Company, et al.* – Scott is currently representing the largest municipal groundwater provider in the United States for recovery in various water contamination matters.

Public Entity

We have extensive experience representing public and governmental entities, including state Attorneys General Offices, municipal utility boards, and counties in high-stakes investigations and litigation involving a variety of legal practice areas, including antitrust, consumer protection, financial services, and environmental law. The firm's public entity portfolio includes:

- Retention by state Attorneys General Offices for antitrust litigation against Big Tech platforms.
- Retention by the largest public water supplier in the country relating to environmental contamination.
- Retention by public entities to pursue antitrust claims relating to fraud in financial markets; and
- Retention by the state of West Virginia in one of the earliest cases against the pharmaceutical industry relating to the opioid crisis, filed decades before the current wave of opioid litigation.

OVERVIEW

Experience

Scott is co-chair of the firm's Antitrust practice group. Scott's perspective is a unique one, as prior to joining the firm in 2015, he played major roles in defending antitrust and class action cases as a partner in two leading international law firms. Over the course of more than 25 years, he also has negotiated resolutions of numerous regulatory investigations and actions on behalf of corporate clients. Scott's practice extends to bench and jury trials in both federal and state courts, complex federal multidistrict actions, class actions involving direct and indirect purchasers, *parens patriae* cases, FTC and DOJ investigations as well as other regulatory actions, and *qui tam* litigation.

Clients

Scott has two decades of counseling experience across a broad range of industries on pricing, distribution, competitive intelligence, joint ventures, and non-compete agreements, among other competition issues, and has designed antitrust compliance programs for some of the world's largest corporations.

EDUCATION

Stanford Law School, J.D., 1990

Stanford University, A.B., with honors, 1987

BAR ADMISSIONS

New York

District of Columbia

Supreme Court of the United States

Numerous Federal District and Circuit Courts

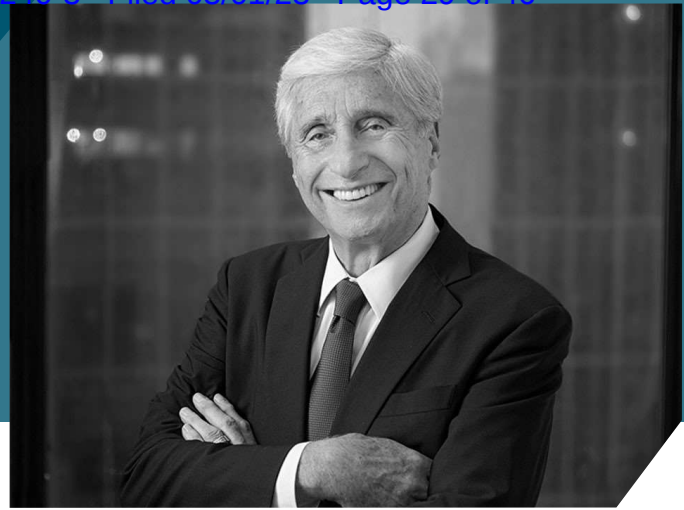
Irving Scher

Senior Counsel
New York

he / him / his

✉ ischer@hausfeld.com

☎ +1 646 354 1196



EXPERIENCE

Antitrust/Competition

Current Plaintiff-Side Cases:

- *In re American Express Anti-Steering Rules Antitrust Litigation*
- *In re Blue Cross Blue Shield Antitrust Litigation*
- *In re Contact Lens Antitrust Litigation*
- *In re Domestic Airline Travel Antitrust Litigation*
- *2301 M Cinema LLC d/b/a West End Cinema v. Silver Cinemas Acquisition Co.*

Selected Prior Defense-Side Cases:

- *United Magazine Co. v. Time Warner, Inc.*
- *In re Compact Disc Minimum Advertised Price Litigation*
- *In re Recorded Music Price Fixing Litigation*
- *Williamson Oil Co. v. Philip Morris*
- *In re Nine West Antitrust Litigation*
- *In re Lorazepam Antitrust Litigation*
- *In re Toys "R" Us Antitrust Litigation*
- *Caribe BMW v. BMW AG*
- *Reisner v. General Motors Corp.*

OVERVIEW

Experience

Irv is considered an antitrust icon, with many decades of extensive experience in counseling and all phases of antitrust, marketing, and trade practice litigation and appeals, often as lead counsel in multi-party matters. He has

been the lead defense counsel in numerous class actions and FTC and government enforcement agency investigations and cases across a wide range of industries.

Irv's enthusiasm for and knowledge of competition law is unparalleled. He prides himself on developing a deep knowledge of his clients' businesses, enabling him to guide them to pragmatic and lawful business solutions. As a litigator, he advocates vigorously and impresses judges, co-counsel, and opponents with his legal and strategic acumen. He has been chosen to lead many times by his peers, both in litigation and in the antitrust bar.

Clients

With competition expertise spanning the airline, retail, apparel, automotive, electronics, publishing, grocery, pharmaceutical, publishing, and recorded music industries, Irv has represented numerous clients in significant antitrust, marketing, advertising, and trade practice investigations, litigations, and counseling matters over many decades.

EDUCATION

Columbia Law School (Reviews Editor, Columbia Law Review, and recipient of National Scholarship and Gluck Scholarship)

City College of NY, B.A.

BAR ADMISSIONS

New York

First Circuit

Second Circuit

Third Circuit

Seventh Circuit

Ninth Circuit

D.C. Circuit

United States District Court for the Southern District of New York

United States District Court for the Eastern District of New York

United States District Court for the Northern District of New York

United States Supreme Court

AFFILIATIONS

Editor, Hausfeld *Competition Bulletin*

Member, MLex Advisory Board

Co-Editor and Co-Author, *Antitrust Adviser*, a Thomson Reuters two-volume practical reference treatise

Author, "Living with the Robinson-Patman Act, *Corporate Practice Series Portfolio*," Bloomberg Bureau of National Affairs, 2019

Former Chair, American Bar Association (ABA) Section of Antitrust Law

Former Chair, New York State Bar Association (NYSBA) Antitrust Section

Former Co-Chair, Practising Law Institute Annual Antitrust Institute

Vice Chair, Editorial Board, *Antitrust Law Developments*, ABA Section of Antitrust Law, 1975

NEWS

WWL 2022 recommends 14 Hausfeld lawyers among top competition plaintiff lawyers globally

ANTITRUST / COMPETITION /

UNITED STATES, GERMANY, UNITED KINGDOM, SWEDEN /

SEP 06 2022

15 Hausfeld lawyers honored in Lawdragon's Leading Plaintiff Financial Lawyers Guide

ANTITRUST / COMPETITION /

ENVIRONMENTAL & PRODUCT LIABILITY / TECHNOLOGY & DATA BREACH /

UNITED STATES / AUG 01 2022

Lawdragon Plaintiff Financial Lawyers Guide Honors 15 Hausfeld Lawyers in 2021

COMMERCIAL & FINANCIAL DISPUTES /

UNITED STATES / SEP 01 2021

19 Hausfeld lawyers recognized by Who's Who Legal, Competition 2021

ANTITRUST / COMPETITION /

UNITED STATES, FRANCE, GERMANY, UNITED KINGDOM /

AUG 25 2021

Two Hausfeld Competition Bulletin articles nominated by the Concurrences Antitrust Writing Awards 2021

ANTITRUST / COMPETITION /

UNITED STATES, FRANCE, GERMANY, UNITED KINGDOM, NETHERLANDS, SWEDEN, BELGIUM /

MAY 04 2021

Fifteen Hausfeld lawyers named to Lawdragon Plaintiff Financial Lawyer Guide 2020

Hausfeld renews numerous Tier 1 rankings in Chambers and Partners USA 2022

ANTITRUST / COMPETITION /

TECHNOLOGY & DATA BREACH /

UNITED STATES / JUN 15 2022

Five Hausfeld articles nominated by the Concurrences Antitrust Writing Awards 2022

ANTITRUST / COMPETITION /

UNITED STATES, FRANCE, GERMANY, UNITED KINGDOM, NETHERLANDS, SWEDEN, BELGIUM /

JAN 21 2022

Hausfeld wins 2021 GCR award for 'Litigation of the Year - Cartel Prosecution'

ANTITRUST / COMPETITION / UNITED STATES /

MAY 24 2021

Chambers and Partners USA (2021) recognizes Hausfeld and its lawyers in its highest tier

ANTITRUST / COMPETITION /

TECHNOLOGY & DATA BREACH /

UNITED STATES / MAY 21 2021

Best Lawyers 2021 recognizes six Hausfeld lawyers on both coasts

ANTITRUST / COMPETITION /

ENVIRONMENTAL & PRODUCT LIABILITY / COMMERCIAL & FINANCIAL DISPUTES /

UNITED STATES / AUG 20 2020

WWL 2020 counts 9 Hausfeld lawyers among world's top competition plaintiff lawyers

COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / AUG 28 2020

Chambers and Partners USA (2020) again recognizes Hausfeld and its lawyers in its highest tier

ANTITRUST / COMPETITION / UNITED STATES /
APR 24 2020

Four Hausfeld articles make Antitrust Writing Awards 2020 shortlist

ANTITRUST / COMPETITION /
UNITED STATES, GERMANY, UNITED KINGDOM /
JAN 31 2020

Fifteen Hausfeld lawyers named to Lawdragon Plaintiff Financial Lawyer Guide 2019

COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / SEP 19 2019

The Legal 500 US (2019) ranks Hausfeld as first tier in 'Antitrust' for a 10th consecutive year

ANTITRUST / COMPETITION / UNITED STATES /
MAY 30 2019

U.S. News & World Report and Best Lawyers rank Hausfeld as a top firm for 2019

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / NOV 20 2018

Six Hausfeld lawyers recognized in 2019 edition of 'Best Lawyers in America'

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
ENVIRONMENTAL & PRODUCT LIABILITY /
UNITED STATES / AUG 28 2018

Hausfeld expands to New York, welcoming renowned antitrust litigators Scott Martin and Irving Scher

ANTITRUST / COMPETITION / UNITED STATES / JUL 13 2015

UNITED STATES, FRANCE, GERMANY, UNITED
KINGDOM /
JUL 08 2020

Super Lawyers recognizes 21 Hausfeld lawyers spanning both coasts and multiple practice areas

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
ENVIRONMENTAL & PRODUCT LIABILITY /
HUMAN RIGHTS / UNITED STATES / NOV 18 2019

U.S. News & World Report and Best Lawyers rank Hausfeld as a top firm for 2020

ANTITRUST / COMPETITION /
COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES / NOV 01 2019

Chambers and Partners USA (2019) recognizes Hausfeld and its lawyers in its highest tier

ANTITRUST / COMPETITION / UNITED STATES /
APR 29 2019

Five Hausfeld articles make the Antitrust Writing Awards 2019 shortlist

ANTITRUST / COMPETITION /
UNITED STATES, GERMANY, UNITED KINGDOM /
JAN 11 2019

Chambers and Partners USA (2018) recognizes Hausfeld and its lawyers

ANTITRUST / COMPETITION / UNITED STATES /
MAY 22 2018

Hausfeld expands to New York, welcoming renowned antitrust litigators Scott Martin and Irving Scher

ANTITRUST / COMPETITION /
UNITED STATES, FRANCE, GERMANY, UNITED
KINGDOM, NETHERLANDS, SWEDEN, BELGIUM /
JUL 13 2015

EVENTS

Hausfeld & NYU School of Law Present - Antitrust and 21st Century Bigness: Dealing with Tech Platforms in a Globalized World

ANTITRUST / COMPETITION / 24 FEB 2023

Irv has been asked to speak on a wide variety of topics over the course of his career:

- "Penalties for Collusion: Can There Be an Overlap Between Fines and Damages?" The Global Antitrust Economics Conference (2016), Speaker
- Numerous New York State Bar Association Annual Meetings, Speaker
- Numerous ABA Antitrust Section Annual Spring Meetings, Speaker
- Annual Antitrust Institute, PLI (1977-2004), Co-Chair
- Dual Distribution, Law Journal Seminars (1992-2003), Speaker
- Category Management Guidelines, American Antitrust Institute (2003), Speaker
- "Discrimination in Price and Promotion," 43rd Annual Antitrust Law Institute, Sponsored by PLI (2002), Speaker
- Speaker, "eCommerce Antitrust & Trade Practices," Sponsored by PLI (2001), Speaker

PUBLICATIONS

The DOJ reinvigorates criminal enforcement of Section 2 of the Sherman Act

ANTITRUST / COMPETITION / UNITED STATES / NOV 17 2022

Will the FTC resuscitate the Robinson Patman Act in an effort to bring down prescription drug prices?

ANTITRUST / COMPETITION / UNITED STATES / AUG 24 2022

Passage of Competitive Health Insurance Reform Act repeals 75 year old health insurers' federal antitrust exemption

ANTITRUST / COMPETITION / FEB 25 2021

Umbrella liability: has its time come?

ANTITRUST / COMPETITION / UNITED STATES / NOV 19 2020

In defense of class actions: a response to Makan

Ninth Circuit reminds district courts that pre-certification and coupon class action settlements must be subject to heightened scrutiny

ANTITRUST / COMPETITION / UNITED STATES / NOV 17 2021

Confusion continues in the antitrust evaluation of Most Favored Nation provisions

ANTITRUST / COMPETITION / UNITED STATES, UNITED KINGDOM, GERMANY / MAY 25 2021

Supreme Court to determine the extent of the FTC's authority to obtain monetary relief

ANTITRUST / COMPETITION / UNITED STATES / NOV 19 2020

Can U.S. class action law serve as guidelines for the UK indirect purchaser Mastercard case?

ANTITRUST / COMPETITION / UNITED STATES / AUG 18 2020

Third Circuit rules against customer in

case

ANTITRUST / COMPETITION / UNITED STATES /
JUN 09 2020

Seventh Circuit revives monopolization and tying agreement suit against Comcast

ANTITRUST / COMPETITION / UNITED STATES /
MAR 09 2020

The Supreme Court appears ready to permit 100% cy pres awards in class actions under very limited circumstances*

ANTITRUST / COMPETITION / UNITED STATES /
NOV 12 2018

Six Hausfeld Lawyers Recognized in 2019 Edition of "Best Lawyers in America"

ANTITRUST / COMPETITION /
ENVIRONMENTAL & PRODUCT LIABILITY /
COMMERCIAL & FINANCIAL DISPUTES /
UNITED STATES, FRANCE, GERMANY, UNITED KINGDOM /
AUG 28 2018

The role of comity in antitrust discovery

ANTITRUST / COMPETITION / UNITED STATES / MAY 22 2018

Third Circuit limits the breadth of its rule against "umbrella damages"

ANTITRUST / COMPETITION / UNITED STATES / FEB 14 2018

In addition, Irv has written extensively in a variety of legal publication over his career, including:

- "Competition Laws Outside the United States," two-volume treatise, American Bar Association (2020), Editor-In-Chief
- "Applying Amex: When Two-Sided Platforms Become One Market," Antitrust Magazine (Fall 2018), Co-Author
- "Litigating Indirect Purchasers Claims: Lessons for the EU from the U.S. Experience," Antitrust Magazine (Fall 2017), Co-Author
- "Damage Class Actions After Comcast: A View From the Plaintiffs' Bar," Antitrust Magazine, (Spring 2016), Co-Author
- "Living with the Robinson-Patman Act, Corporate Practice Series Portfolio," Bloomberg Bureau of National Affairs (2019), Author
- "The FTC's Revised Fred Meyer Guides: Back to the Sixties," Antitrust Source (Feb. 2015), Author
- "Stepped Up Enforcement Against Inadequate Negative Option/Automatic-Renewal Disclosures " Orange

discount defendant provided to the customer's sole competitor

ANTITRUST / COMPETITION / UNITED STATES /
SEP 03 2019

Supreme Court rules that purchasers of apps can bring an antitrust suit against Apple for overcharges

ANTITRUST / COMPETITION / UNITED STATES /
MAY 16 2019

Ohio v. American Express Co.: The Supreme Court addresses anti-steering

ANTITRUST / COMPETITION / UNITED STATES /
AUG 16 2018

Supreme Court to address cy pres only class action settlements

ANTITRUST / COMPETITION / UNITED STATES /
MAY 22 2018

- "Conscious Parallelism or Conspiracy," Issues in Competition Law and Policy, American Bar Association (2008), Co-Author
- "Anticipating Collateral Legal Risks Arising From FTC Enforcement Actions," Metropolitan Corporate Counsel (May 1999), Author
- "Franchising and the Robinson-Patman Act: Some Problems and Solutions," Antitrust Law Journal (1991), Author
- "Single Firm Conduct: The Government's and Antitrust Section's View," Antitrust Law Journal (1990), Author
- "The Major Antitrust Issues in the Decade Ahead," Antitrust Law Journal (1989), Author
- "How Sellers Can Live With the Robinson-Patman Act," Business Lawyer (1986), Author
- "Emerging Issues under the Antitrust Improvements Act of 1976," Columbia Law Review (1977), Author
- Author, "Opening State Courts to Class Actions: The Uniform Class Actions Act," Business Lawyer (1976)
- "New Directions in Buyer's Liability Under the Robinson-Patman Act," Antitrust Law Journal (1971), Author
- "Antitrust and Consumerism: What Is It All About?" Case Western Law Review (1970), Author
- "Manual of Federal Trade Regulations Affecting Retailers," two-volume treatise published by National Retail Merchants Association (1969), Author
- Supplement to report of Attorney General's National Committee to Study the Antitrust Laws, American Bar Association (1968), Contributing Editor

PERSPECTIVES

The Supreme Court appears ready to permit 100% cy pres awards in class actions under very limited circumstances

ANTITRUST / COMPETITION / UNITED STATES / NOV 27 2018

WHAT OTHERS SAY

Best Lawyers

- Best Lawyer since 2006
 - Antitrust Law
 - Litigation - Antitrust
- Lawyer of the Year in New York City, Antitrust Law in 2015

Chambers

- Senior Statesperson, Antitrust: USA - Nationwide since 2018
- One of only two Senior Statespeople, Antitrust: Mainly Plaintiff - New York since 2018

"Irving Scher is renowned in the market for his antitrust expertise, especially in representing plaintiffs. He has significant experience handling cases in the healthcare and media spheres. Sources note that is 'one of the greatest lawyers I have worked with. He is simply one of the best.'" (Chambers USA, Antitrust, 2022)

"Irving Scher's clients benefit from his decades of experience in the antitrust space and his singular knowledge of the law. A long-time defense-side practitioner, he now provides invaluable advice in plaintiff-side multidistrict class action litigation." (Chambers US, Antitrust: Mainly Plaintiff, New York, 2020)

"Commands respect for his extensive experience litigating complex antitrust disputes for plaintiff classes and individuals." (Chambers US, Antitrust: Mainly Plaintiff, New York, 2019)

- Litigation of the Year - Cartel Prosecution in 2021: an honor he received as part of the *In re Blue Cross Blue Shield Antitrust Litigation* case team.

Lawdragon

- Hall of Fame since 2021 – described by the Lawdragon as “outstanding lawyers who have made remarkable contributions as leaders, litigators, dealmakers, power brokers, judges and innovators.”
- Leading Plaintiff Financial Lawyer since 2019

Super Lawyers

- Super Lawyer, Antitrust Litigation in New York since 2006

Who's Who Legal

- Recommended Competition Plaintiff Lawyer in 2020

“Irving Scher is an antitrust specialist who garners plaudits for his experience as lead counsel in all phases of litigation.” (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2022)

“Irving Scher is a highly respected antitrust specialist and a mainstay of the North American market. He has standout experience advising clients in the airline, retail, automotive and pharmaceutical sectors.” (Who's Who Legal, Competition - Plaintiff - Legal Marketplace Analysis, 2020)

Other

- World's Leading Competition Lawyer: an honor he received from the *Euromoney Expert Guide* in 2008.

WHAT OTHERS SAY

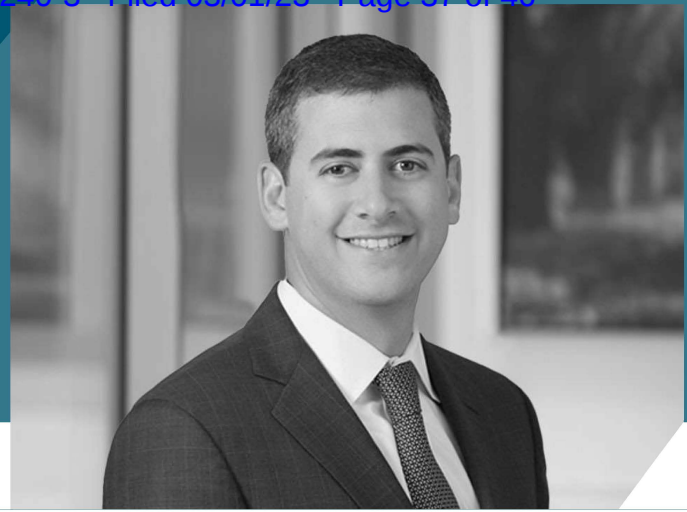
- *Chambers US, 2020*
His clients benefit from his decades of experience in the antitrust space and his singular knowledge of the law. A long-time defense-side practitioner, he now provides invaluable advice in plaintiff-side multidistrict class action litigation.
- *Who's Who Legal, 2020*
A highly respected antitrust specialist and a mainstay of the North American market. He has standout experience advising clients in the airline, retail, automotive and pharmaceutical sectors.
- *Chambers US, 2019*
Commands respect for his extensive experience litigating complex antitrust disputes for plaintiff classes and individuals.

Kyle Bates

Counsel
New York

✉ kbates@hausfeld.com

☎ +1 415 744 1966



EXPERIENCE

Antitrust/Competition

- *In re Pork Antitrust Litigation* - Kyle represents the Commonwealth of Puerto Rico, the first state plaintiff to pursue a direct action, against the nation's leading pork producers alleged to have conspired to artificially constrict the supply of pork products in the U.S. in violation of the Sherman Act.
- *In re Automatic Card Shufflers Litigation* - Represents a class of casino operators that purchased automated deck shufflers at an artificially high price because of defendants' monopolization of the market. Plaintiffs allege defendants monopolized the market for automated card shufflers through abuse of the patent system and judicial process to exclude and drive out competitors.
- *In re Google Play Developer Antitrust Litigation* - Represents a class of app developers that sold apps or in-app products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee.
- *In re California Gasoline Market Antitrust Litigation* - Represents a proposed class of California gasoline purchasers alleging manipulation of a pricing benchmark by SK Energy and Vitol, two dominant trading firms.
- *In Re Google Display Advertising Antitrust Litigation* - Represents the Commonwealth of Puerto Rico as special outside counsel alongside other state attorneys general alleging that Google eliminated competition through anticompetitive acquisitions and manipulated online advertising auctions it administers through its suite of online advertising tools.
- *In re Broiler Chicken Growers Antitrust Litigation* - Represents a proposed class of broiler chicken farmers (referred to as "Growers") claiming that over twenty of the country's largest poultry producers, including Defendants Tyson Foods, Pilgrim's Pride, Perdue Farms, Kock Foods, and Sanderson Farms colluded to suppress Grower pay. Settlements have been reached with Tyson (\$21 million), Perdue (\$14.75 million), and Kock (\$15.5 million), and the litigation continues against the non-settling defendants.

Commercial & Financial Disputes

- *Kabakoff et al. v. Zeneca, Inc.*—Kyle represented the current and former equityholders of Amplimmune, a pharmaceutical development firm, in a challenge to AstraZeneca's alleged failure to make milestone payments due under a merger agreement between the two companies. Kyle was one of the attorneys who presented the case for trial in Delaware's Court of Chancery, and the case remains ongoing.

OVERVIEW

Experience

Kyle's practice focuses on complex litigation in predominantly antitrust, financial services, and consumer protection matters. Kyle has represented clients at every stage of litigation, including trial and appellate court work at both the state and federal level. Kyle has a wide range of experience briefing and arguing dispositive motions, taking and defending fact and expert witness depositions, and serving on trial teams. Kyle's focus on anticompetitive conduct has led him to represent a diverse group of clients including biotechnology firms, app developers, healthcare insurers, venture capital firms, and others. Kyle also has a robust public entity practice in which he regularly serves as special outside counsel to state and local governments.

Kyle has particular experience in antitrust cases involving digital markets and cryptocurrency, and currently represents plaintiffs in *In Re Google Play Store Antitrust Litigation* and *In Re Google Digital Advertising Antitrust Litigation*.

Kyle is licensed to practice in California and in the United States District Court of Puerto Rico. He has been recognized as a Rising Star in Antitrust Litigation by both *California Super Lawyers* and the National Law Journal, and was personally appointed as liaison counsel in *In Re Pork Antitrust Litigation*.

Kyle is an active member of the American Bar Association's Antitrust Law Section, the San Francisco Trial Lawyers' Association, and is a frequent speaker on issues relating to complex litigation case management and professional development in antitrust.

Clients

Kyle has represented classes of individuals in state and federal courts across the country, as well as corporate plaintiffs in direct actions. Some of Kyle's current and former clients include Fortune 500 companies in the insurance and manufacturing industries as well as privately-held companies in the pharmaceutical and technology spaces. Kyle also has substantial experience representing public entities, including states and municipalities as well as affiliated public corporations, in direct actions on behalf of themselves and their citizens.

EDUCATION

American University Washington College of Law, J.D. (*cum laude*), 2014

Emory University, B.A., Middle Eastern & South Asian Studies, 2011

BAR ADMISSIONS

California

United States District Court for the District of Puerto Rico

Yelena W. Dewald

Associate

Washington, DC

she / her / hers

✉ ydewald@hausfeld.com

☎ +1 202 849 4779

in <http://www.linkedin.com/in/yelena-w-dewald>



EXPERIENCE

Antitrust/Competition

- *In re Google Play Developer Antitrust Litigation* – Represents a class of app developers that sold apps or in-app products via the Google Play store. The developers allege that Google has abused its market power to exclude competing app stores from Android phones, stifling innovation and consumer choice, and resulting in a supracompetitive default 30% transaction fee.
- *In re Automatic Card Shufflers Litigation*. – Represents a class of casino operators that purchased automated deck shufflers at an artificially high price because of defendants' monopolization of the market. Plaintiffs allege defendants monopolized the market for automated card shufflers through abuse of the patent system and judicial process to exclude and drive out competitors.

Environmental & Product Liability

- *Suffolk County Water Authority v. The Dow Chemical Company et al.* – Member of the case team representing the largest public water supplier in the country against the manufacturers and distributors of products containing toxic chemicals for contamination of the local public drinking water.

OVERVIEW

Experience

Yelena's work focuses on antitrust and environmental litigation. Yelena earned her J.D. from The George Washington University Law School.

Prior to joining the firm, Yelena served as a judicial law clerk to the Honorable Salvador Mendoza Jr. in the U.S. District Court for the Eastern District of Washington and as a judicial law clerk to the Honorable Autumn D. Spaeth

in the U.S. District Court for the Central District of California. Before clerking, Yelena was a fellow with a nonprofit organization dedicated to protecting the environment and consumers.

EDUCATION

The George Washington University Law School, J.D., with honors, 2017

The George Washington University Elliott School of International Affairs, M.A., 2017

University of Maryland, Baltimore County, B.A., *magna cum laude*, 2012

BAR ADMISSIONS

District of Columbia

Washington State

Exhibit B

**to Declaration of Melinda R. Coolidge
in Support of Developer Plaintiffs' Motion for Attorneys Fees,
Reimbursement of Expenses, and Service Awards on Behalf of
Hausfeld LLP**

Exhibit B**Reported Hours and Lodestar at Current Hourly Rates****For the Period June 30, 2020 through December 31, 2022**

Attorney Name/Title	Total Hours	Current Hourly Rate	Total Lodestar
Bates, Kyle (Counsel)	705.4	\$ 690.00	\$ 486,726.00
Investigations, Factual Research (1)	10.4		\$ 7,176.00
Discovery of Plaintiffs (2)	8.4		\$ 5,796.00
Discovery of Defendants/Third Party (3)	362.5		\$ 250,125.00
Work with Experts (4)	50.6		\$ 34,914.00
Pleadings, Briefs, Pre-trial Motions (5)	35.8		\$ 24,702.00
Litigation Strategy, Analysis, Case Management (6)	236.5		\$ 163,185.00
Court Appearances (7)	0.9		\$ 621.00
Settlement (8)	0.3		\$ 207.00
Beran, Katie (Partner)	879.2	\$ 840.00	\$ 738,528.00
Discovery of Plaintiffs (2)	25.1		\$ 21,084.00
Discovery of Defendants/Third Party (3)	97.1		\$ 81,564.00
Work with Experts (4)	39.2		\$ 32,928.00
Pleadings, Briefs, Pre-trial Motions (5)	30.6		\$ 25,704.00
Litigation Strategy, Analysis, Case Management (6)	648.1		\$ 544,404.00
Court Appearances (7)	9		\$ 7,560.00
Settlement (8)	30.1		\$ 25,284.00
Carlo, Eduardo (Staff Attorney)	1,281.40	\$ 425.00	\$ 544,595.00
Investigations, Factual Research (1)	152.5		\$ 64,812.50
Discovery of Defendants/Third Party (3)	1,062.70		\$ 451,647.50
Litigation Strategy, Analysis, Case Management (6)	66.2		\$ 28,135.00
Coolidge, Melinda R. (Partner)	654.6	\$ 920.00	\$ 602,232.00
Investigations, Factual Research (1)	4.2		\$ 3,864.00
Discovery of Plaintiffs (2)	70.8		\$ 65,136.00
Discovery of Defendants/Third Party (3)	175.9		\$ 161,828.00
Work with Experts (4)	98.7		\$ 90,804.00
Pleadings, Briefs, Pre-trial Motions (5)	47.9		\$ 44,068.00
Litigation Strategy, Analysis, Case Management (6)	167		\$ 153,640.00
Court Appearances (7)	33.3		\$ 30,636.00
Settlement (8)	56.8		\$ 52,256.00
Dewald, Yelena (Associate)	2,369.70	\$ 580.00	\$ 1,374,426.00
Investigations, Factual Research (1)	54.9		\$ 31,842.00
Discovery of Plaintiffs (2)	222.9		\$ 129,282.00
Discovery of Defendants/Third Party (3)	621.3		\$ 360,354.00
Work with Experts (4)	8.2		\$ 4,756.00
Pleadings, Briefs, Pre-trial Motions (5)	39.4		\$ 22,852.00
Litigation Strategy, Analysis, Case Management (6)	1,420.80		\$ 824,064.00
Settlement (8)	2.2		\$ 1,276.00

Ernst, Amy (Staff Attorney)	2,047.80	\$ 460.00	\$ 941,988.00
Investigations, Factual Research (1)	72.5		\$ 33,350.00
Discovery of Defendants/Third Party (3)	1,872.00		\$ 861,120.00
Work with Experts (4)	18.8		\$ 8,648.00
Litigation Strategy, Analysis, Case Management (6)	84		\$ 38,640.00
Court Appearances (7)	0.5		\$ 230.00
Kees, Daniel (Associate)	2,020.30	\$ 480.00	\$ 969,744.00
Investigations, Factual Research (1)	127		\$ 60,960.00
Discovery of Plaintiffs (2)	4.6		\$ 2,208.00
Discovery of Defendants/Third Party (3)	896.7		\$ 430,416.00
Work with Experts (4)	39.7		\$ 19,056.00
Pleadings, Briefs, Pre-trial Motions (5)	2.8		\$ 1,344.00
Litigation Strategy, Analysis, Case Management (6)	946.10		\$ 454,128.00
Court Appearances (7)	3.4		\$ 1,632.00
Martin, Scott (Partner)	42.3	\$ 1,370.00	\$ 57,951.00
Litigation Strategy, Analysis, Case Management (6)	42.3		\$ 57,951.00
Patel, Krishna (Paralegal)	119	\$ 350.00	\$ 41,650.00
Discovery of Plaintiffs (2)	28		\$ 9,800.00
Discovery of Defendants/Third Party (3)	12.5		\$ 4,375.00
Pleadings, Briefs, Pre-trial Motions (5)	11		\$ 3,850.00
Litigation Strategy, Analysis, Case Management (6)	67.5		\$ 23,625.00
Robinson, Elliot (Paralegal)	230.8	\$ 350.00	\$ 80,780.00
Investigations, Factual Research (1)	9.8		\$ 3,430.00
Discovery of Plaintiffs (2)	31.2		\$ 10,920.00
Discovery of Defendants/Third Party (3)	20.2		\$ 7,070.00
Pleadings, Briefs, Pre-trial Motions (5)	14		\$ 4,900.00
Litigation Strategy, Analysis, Case Management (6)	155.6		\$ 54,460.00
Scher, Irv (Senior Counsel)	245.2	\$ 1,300.00	\$ 318,760.00
Investigations, Factual Research (1)	45		\$ 58,500.00
Discovery of Plaintiffs (2)	10.1		\$ 13,130.00
Discovery of Defendants/Third Party (3)	9.9		\$ 12,870.00
Work with Experts (4)	15.4		\$ 20,020.00
Pleadings, Briefs, Pre-trial Motions (5)	21.1		\$ 27,430.00
Litigation Strategy, Analysis, Case Management (6)	143		\$ 185,900.00
Court Appearances (7)	0.7		\$ 910.00
Sweeney, Bonny (Partner)	1,201.20	\$ 1,275.00	\$ 1,531,530.00
Investigations, Factual Research (1)	13.5		\$ 17,212.50
Discovery of Plaintiffs (2)	12.1		\$ 15,427.50
Discovery of Defendants/Third Party (3)	192.5		\$ 245,437.50
Work with Experts (4)	315.7		\$ 402,517.50
Pleadings, Briefs, Pre-trial Motions (5)	307.3		\$ 391,807.50
Litigation Strategy, Analysis, Case Management (6)	231.9		\$ 295,672.50
Court Appearances (7)	49.1		\$ 62,602.50
Settlement (8)	79.1		\$ 100,852.50
Grand Total	11,796.90		\$ 7,688,910.00

Exhibit C

**to Declaration of Melinda R. Coolidge
in Support of Developer Plaintiffs' Motion for Attorneys Fees,
Reimbursement of Expenses, and Service Awards on Behalf of
Hausfeld LLP**

[Submitted for *in camera* review only]

Exhibit D

**to Declaration of Melinda R. Coolidge
in Support of Developer Plaintiffs' Motion for Attorneys Fees,
Reimbursement of Expenses, and Service Awards on Behalf of
Hausfeld LLP**

Exhibit D**Reported Expenses****For the Period June 30, 2020 through March 1, 2023**

Category	Amount
Court-related expenses	5,164.61
Courier and Delivery Expenses	167.81
Printing and Copying Charges	1,397.80
Travel-related Expenses	6,616.55
Online research (PACER, Westlaw)	6,862.27
Miscellaneous Expenses	3,937.70
Expense Total:	\$24,146.74
Litigation Fund Assessments	\$1,886,000.00
Grand Total:	\$1,910,146.74