

UNITED STATES DISTRICT COURT FOR
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE: LUMBER LIQUIDATORS)	MDL No. 1 :15-md-02627 (AJT/TRJ)
CHINESE- MANUFACTURED)	
LAMINATE FLOORING) PRODUCTS)	
MARKETING, SALES PRACTICES AND)	
PRODUCTS LIABILITY LITIGATION)	
_____)	
IN RE: LUMBER LIQUIDATORS)	MDL No. 1:16-md-02743 (AJT/TRJ)
CHINESE- MANUFACTURED)	
LAMINATE FLOORING) DURABILITY)	
MARKETING AND SALES PRACTICES)	
LITIGATION)	
_____)	

**CLASS ACTION SETTLEMENT AGREEMENT IN FORMALDEHYDE MDL AND
DURABILITY MDL**

This SETTLEMENT AGREEMENT is entered into, subject to final approval of the Court and entry of final judgment of dismissal with prejudice, between the following:

A. Plaintiffs Lila Washington (dec.), Maria and Romualdo Ronquillo, Joseph Michael Balero, Ryan and Kristin Brandt, Devin and Sara Clouden, Kevin and Julie Parnella, and Shawn and Tanya Burke (collectively the “Formaldehyde Plaintiffs”), individually and as representatives of the purported class (“Formaldehyde Class”), in *In Re: Lumber Liquidators Chinese-Manufactured Laminate Flooring Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. I :15-md-02627 (AJT) (the “Formaldehyde MDL”) pending in the United States District Court for the Eastern District of Virginia (“Court”); and

B. Plaintiffs Erin Florez, Jim Moylen, Kelly Ryan, Karen Hotaling, and Logan Perel (collectively the “Durability Plaintiffs”), individually and as representatives of the purported class (“Durability Class”), in *In Re: Lumber Liquidators Chinese-Manufactured Laminate*

Flooring Durability Marketing and Sales Practices Litigation, MDL No. 1:16-md-02743 (the “Durability MDL”) pending before the Court; and

C. Defendant Lumber Liquidators, Inc. (“Lumber Liquidators” or “Defendant”).

The Formaldehyde Plaintiffs, Durability Plaintiffs, and Defendant are, at times, collectively referred to as the “Parties.” The Durability Plaintiffs and the Formaldehyde Plaintiffs are collectively referred to as the “Plaintiffs.”

RECITALS

A. WHEREAS, beginning on or about March 3, 2015, multiple purported class action lawsuits were filed against Lumber Liquidators in various U.S. federal district courts and state courts involving claims of formaldehyde emissions from Chinese-manufactured laminate flooring in violation of the Airborne Toxic Control Measure found in Chapter 17 of the California Code of Regulations, sections 93120 *et seq.* issued by the California Air Resources Board (“CARB”).

B. WHEREAS, on June 12, 2015, the United States Judicial Panel on Multidistrict Litigation (the “MDL Panel”) issued an order transferring and consolidating the formaldehyde cases to the United States District Court for the Eastern District of Virginia. The consolidated case is captioned *In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales, Practices and Products Liability Litigation*, MDL No. 1:15-md-02627 (the “Formaldehyde MDL”).

C. WHEREAS, pursuant to court order, Plaintiffs filed a First Amended Representative Class Action Complaint in the Formaldehyde MDL on September 18, 2015. The complaint asserted twelve causes of action including: 1) Fraudulent concealment, 2) Violation of the California Unlawful, Unfair, or Fraudulent Business Acts and Practices Law, Cal. Bus. & Prof. Code s 17200 *et seq.*, 3) Violation of the California False Advertising Law, Cal. Bus. &

Prof. Code § 17500 *et seq.*, 4) Violation of the California Consumer Legal Remedies Act, Cal. Code § 1750 *et seq.*, 5) Violation of the Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. § 501.201 *et seq.*, 6) Violation of New York Gen. Bus. Law § 349 *et seq.*, 7) Violation of the Texas Deceptive Trade Practices Act, Tex. Bus. & Com. Code § 17.50 *et seq.*, 8) Violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 Ill. Comp. Stat. § 505/1 *et seq.*, 9) breach of implied warranty, 10) Violation of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301 *et seq.*, 11) Negligent misrepresentation, and 12) Declaratory relief.

D. WHEREAS, Lumber Liquidators filed a motion for summary judgment as to the Formaldehyde MDL Representative Complaint. On June 20, 2017, the Court issued a revised Memorandum Opinion in the Formaldehyde MDL granting Lumber Liquidators partial summary judgment as to (1) all claims filed by Laura Washington; (2) claims filed by the Cloudens (New York plaintiffs), the Burkes (Illinois plaintiffs), and Lila Washington (California plaintiff) for fraudulent concealment (Count 1); (3) all claims for violations of the California False Advertising Law (Count III); (4) all claims for violation of the California Legal Remedies Act (Count IV); (5) all claims for violation of the Illinois Consumer Fraud and Deceptive Business Practices Act (Count VIII); and 6) all Plaintiffs' demands for declaratory relief (Count XII). The court denied the remainder of the motion, and the following claims remain: (1) claims filed by Lila Washington, the Ronquillos, and Mr. Balero (California plaintiffs) and the Brandts (Florida plaintiffs) and Parnellas (Texas plaintiffs) for fraudulent concealment (Count 1); (2) claims filed by Lila Washington, the Ronquillos, and Mr. Balero (California plaintiffs under the California Unlawful, Unfair, or Fraudulent Business Acts and Practices Law (Count II); (3) the Brandts' (Florida plaintiffs) claims under the Florida Deceptive and Unfair Trade Practices Act (Count V); (4) the Parnellas' (Texas plaintiffs) claims under the Texas Deceptive Trade Practices Act

(Count VII); (5) the Cloudens' (New York plaintiffs) claims under New York General Business Law Section 349 (Count VI); (6) all plaintiffs' claims for breach of implied warranty and violations of the Magnuson-Moss Warranty Act (County IX-X) and (7) the Brandts' (Florida plaintiffs) claims for negligent misrepresentation (Count XI).

E. WHEREAS, the court further ruled that plaintiffs in the more than 100 pending cases, most purporting to represent class actions, must come forward to explain why their cases are factually or legally unique such that they should not be bound by the summary judgment ruling. On July 31, 2017, Plaintiffs filed a Report on Personal Injury and Objections to Application of the Summary Judgment Ruling identifying 19 plaintiffs who objected to the application of the summary judgment ruling to their claims.

F. WHEREAS, Lumber Liquidators filed a motion to dismiss the nationwide class allegations, on which the court has not yet ruled.

G. WHEREAS, Lumber Liquidators filed a motion to dismiss all personal injury claims asserted in class action complaints. Plaintiffs subsequently agreed and the Court ordered that no Chinese formaldehyde class action pending in the Formaldehyde MDL will seek damages for personal injury on a class-wide basis. The order did not affect any claims for personal injury brought solely on an individual basis.

H. WHEREAS, approximately 26 fact depositions and 10 expert depositions were completed in the Formaldehyde MDL.

I. WHEREAS, on May 20, 2015, a purported class action titled *Abad v. Lumber Liquidators, Inc.*, was filed in the United States District Court for the Central District of California and three amended complaints were subsequently filed challenging certain representations about the durability and the abrasion class ratings of Lumber Liquidators'

Chinese-manufactured laminate flooring. The California court ordered that all non-California plaintiffs re-file and were to be transferred to the district court located near their place of residence. The non-California plaintiffs refiled their actions and were subsequently transferred to the respective districts of each plaintiff. Additional plaintiffs filed purported class actions in Mississippi, Florida, and Alabama.

J. WHEREAS, on October 3, 2016, the MDL Panel issued an order transferring and consolidating the durability class actions to the United States District Court for the Eastern District of Virginia. The consolidated case is captioned *In re: Lumber Liquidators Chinese-Manufactured Laminate Flooring Durability Marketing and Sales Practices Litigation*, MDL No. 1:16-md-02743 (the “Durability MDL”).

K. WHEREAS, pursuant to court order, the Durability Plaintiffs filed a Representative Class Action Complaint on February 27, 2017, alleging ten causes of action, including: 1) Breach of implied warranties, 2) Fraudulent concealment, 3) Violation of the Magnuson-Moss Warranty Act, 25 U.S.C. § 2301 *et seq.*, 4) Violation of the California Unfair Competition Law, Cal. Bus. & Prof. Code s 17200 *et seq.*, 5) Violation of the California False Advertising Law, Cal. Bus. & Prof. Code § 17500 *et seq.*, 6) Violation of the California Consumers Legal Remedies Act, Cal. Civ. Code § 1750 *et seq.*, 7) Violation of the Alabama Deceptive Trade Practices Act, Ala. Code § 8-12-1 *et seq.*, 8) Violation of the Nevada Deceptive Trade Practices Act, Nev. Rev. Stat. § 41,600 and § 598.0915 *et seq.*, 9) Violation of the New York General Business Law § 349, and 10) Violation of the Virginia Consumer Protection Act, VA Code § 59.1-98 *et seq.*

L. WHEREAS, Lumber Liquidators filed a motion to dismiss the Durability MDL Representative Complaint. On July 7, 2017, the Court partially granted Lumber Liquidators’

motion and dismissed: (1) all Plaintiffs' claims for breach of implied warranty (Count 1); (2) Alabama Plaintiff Florez's claim for fraudulent concealment (Count ID; (3) Virginia Plaintiff Perel's claim for breach of written warranty under the Magnuson-Moss Warranty Act (Count III); (4) California Plaintiff Moylen's claim for damages under the California Legal Remedies Act (Count VI); and (5) Alabama Plaintiff Florez's claim under the Alabama Deceptive Trade Practices Act. The Court denied the remainder of the motion to dismiss, and the following claims remain: 1) all Plaintiffs' claims for fraudulent concealment other than that of Alabama Plaintiff Erin Florez (Count II); 2) all Plaintiffs' implied warranty claims and all Plaintiffs' written warranty claims under the Magnuson-Moss Warranty Act other than Plaintiff Perel (Count III); 3) California Plaintiff Moylen's claim under the California Unfair Competition Law (Count IV); 4) California Plaintiff Moylen's claim under the California False Advertising Law (Count V); 5) California Plaintiff Moylen's claim for injunctive relief under California Legal Remedies Act (Count VI); 6) Nevada Plaintiff Hotaling's claim under the New York General Business Law (Count IX); and 8) Virginia Plaintiff Perel's claim under the Virginia Consumer Protection Act.

M. WHEREAS, approximately 13 depositions in the Durability MDL were completed before the discovery was stayed.

N. WHEREAS, in accordance with the Court ordered schedules, Plaintiffs have not yet moved for class certification in either the Formaldehyde MDL or the Durability MDL, and no class has been certified against Lumber Liquidators.

O. WHEREAS, the Formaldehyde Plaintiffs and Defendant held mediations in December 2015 and July 2016, and had ongoing mediation negotiations that also involved the Durability Plaintiffs in 2017. Beginning August 17, 2017, the Parties participated in mediation before the Honorable Judge Leonie M. Brinkema of the Eastern District of Virginia and entered

into a Memorandum of Understanding to settle all claims in the Formaldehyde MDL and Durability MDL on October 23, 2017 (the “MOU”).

P. WHEREAS, Formaldehyde Plaintiffs, the Formaldehyde Class, Durability Plaintiffs, the Durability Class, and Plaintiffs’ Co-Lead Counsel for the Formaldehyde MDL and Plaintiffs’ Co-Lead Counsel for the Durability MDL understand and acknowledge that Lumber Liquidators admits no fault or liability and that it expressly denies any fault or liability in connection with these claims and that Defendant has agreed to settle on the following terms set forth in this Settlement Agreement only to avoid the expense, inconvenience and uncertainty of further litigation.

NOW, THEREFORE, the Parties, in consideration of the foregoing, the terms and conditions set forth below, and the good and valuable consideration set forth herein, acknowledged by each of them to be satisfactory and adequate, and intending to be legally bound, it is agreed by and among the Parties that the Formaldehyde MDL and the Durability MDL are to be settled, and the Complaints dismissed on the merits, with prejudice, subject to Court approval, and the Parties mutually agree as follows:

1. DEFINITIONS

In addition to the terms defined above, capitalized terms shall have the meanings set forth below:

- a. “Approved Claim” means a Claim submitted by a Claimant that the Settlement Administrator, determines to be timely, accurate, eligible, and in proper form consistent with this Settlement Agreement.
- b. “Approved Claimants” means those verified purchasers of Chinese-made laminate flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015, who submitted Approved Claims. If a customer had an installer, contractor, or other

professional purchase the product on their behalf, the customer will be deemed a purchaser and eligible for participation in the Settlement Class provided:

- (1) They have evidence to support the purchase made on their behalf; and
 - (2) There is no double recovery by multiple Claimants related to the same purchase as determined by the Claims Administrator.
- c. “CARB1” refers to the standard employed by the California Air Resources Board from at least January 1, 2009 to December 31, 2010 for levels of formaldehyde in laminate flooring (.21 parts per million).
- d. “CARB2” refers to the standard employed by the California Air Resources Board from January 1, 2011 through May 31, 2015 for levels of formaldehyde in laminate flooring (.11 parts per million).
- e. “CARB2/Durability Settlement Class” means all purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2011 and May 31, 2015.
- f. “CARB1 Settlement Class” means all purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and December 31, 2010.
- g. “Claim” means a request to participate in the Settlement Fund submitted by a Class Member on a Claim Form to the Settlement Administrator in accordance with the terms of the Settlement Agreement. Each Claim shall be based on the total price of the Class Member’s purchase during the Class Period of the Chinese-manufactured laminate flooring referenced in the Definition of the Settlement Classes at ¶1.c. and 1.d. herein, before any taxes or other fees.
- h. “Claim Form” means the application provided by the Settlement Administrator to Class Members to make a Claim pursuant to this Settlement Agreement. The Settlement

Administrator shall make the Claim Form available online and in print. The Claim Form shall be developed by the Settlement Administrator and is subject to review and approval by the Parties.

- i. “Claim Deadline” means the date by which all Claim Forms must be postmarked or received by the Settlement Administrator to be considered timely. The Claim Deadline shall be 120 days after Preliminary Approval.
- j. “Claimant” means a Class Member who has submitted a Claim by the Claim Deadline.
- k. “Class Counsel” means the Co-Lead Counsel for the Formaldehyde MDL and the Co-Lead Counsel for the Durability MDL selected to represent the Settlement Classes by the Court.
- l. “Class Member” means all persons in the United States who purchased Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and May 31, 2015. Excluded from the Classes are (1) Defendant, (2) all present and former affiliates and/or officers or directors of Defendant, (3) the Judge of this Court, the Judge’s family and staff, (4) all individuals who have already entered a Release and Settlement Agreement with Lumber Liquidators related to their purchase of the Chinese-made laminate flooring product during the Class Period, (5) contractors, persons, or other entities who purchased Chinese-manufactured laminate flooring primarily for resale, (6) individuals bringing Personal Injury Claims as defined below and identified in Exhibit A, and (7) all persons who timely request to be excluded from the Settlement Class or Settlement Classes in accordance with the provisions of the Notice.
- m. “Class Representatives for the Formaldehyde MDL Representative Complaint” means Plaintiffs Lila Washington, Maria and Romualdo Ronquillo, Joseph Michael Balero,

Ryan and Kristin Brandt, Devin and Sara Clouden, Kevin and Julie Parnella, and Shawn and Tanya Burke.

- n. “Class Representatives for the Durability MDL Representative Complaint” means Plaintiffs Erin Florez, Jim Moylen, Kelly Ryan, Karen Hotaling, and Logan Perel.
- o. “Class Period” means January 1, 2009 through May 31, 2015. The “CARB2/Durability Period” means January 1, 2011 through May 31, 2015. The “CARB1 Period” means January 1, 2009 through December 31, 2010.
- p. “Complaints” means all lawsuits and claims transferred to the Formaldehyde MDL and all lawsuits and claims transferred to the Durability MDL.
- q. “Court” means the United States District Court for the Eastern District of Virginia.
- r. “Days” mean calendar days, excluding federal holidays.
- s. “Defendant” means Lumber Liquidators, Inc.
- t. “Durability Plaintiffs” shall have the meaning set forth in the introductory paragraph of this Settlement Agreement.
- u. “Effective Date” means the first date by which all of the following events shall have occurred:
 - (1) The Court has entered the Preliminary Approval Order.
 - (2) The Court has entered the Final Approval Order and Judgment approving the Settlement Agreement in all respects, dismissing the Formaldehyde MDL and the Durability MDL, including all of the Complaints, with prejudice.
 - (3) The time for appeal from the Final Approval Order and Judgment shall have expired, or if any appeal of the Final Approval Order and Judgment as to the Settlement Agreement is taken, that appeal shall have been finally determined by the

highest court, including any motions for reconsideration and/or petitions for writ of certiorari, and which Final Approval Order and Judgment is not subject to further adjudication or appeal.

- v. “Final Approval and Fairness Hearing” means the hearing at which the Court will:
 - (1) Determine whether to grant Final Approval of this Settlement Agreement;
 - (2) Consider any timely objections to this Settlement Agreement and all responses thereto; and
 - (3) Consider Class Counsel’s request for an award of attorneys’ fees, costs and expenses.
- w. “Final Approval Order and Judgment” shall mean the order finally approving this Settlement Agreement and dismissal of the Formaldehyde MDL and Durability MDL, including all of the Complaints, with prejudice.
- x. “Formaldehyde Plaintiffs” shall have the meaning set forth in the introductory paragraph of this Settlement Agreement.
- y. “Long Form Notice” means the Notice of Proposed Settlement of the Formaldehyde MDL and Durability MDL that will be published on the Settlement Administrator’s website.
- z. “Net Settlement Fund” means the Settlement Fund less (subject to Court approval):
 - (1) Service Awards;
 - (2) Attorneys’ Fees not to exceed 33.33% of the Settlement Fund;
 - (3) Plaintiffs’ Counsel’s actual costs and expenses related to the Formaldehyde MDL and Durability MDL; and
 - (4) Notice and Administrative Expenses.

- aa. “Notice” means, collectively, the communications by which purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and May 31, 2015 are notified of this Settlement Agreement and the Court’s Preliminary Approval of this Settlement Agreement as required by Fed. R. Civ. P. 23(e).
- bb. “Notice Date” shall be fifteen days after entry of the Preliminary Approval Order, or as soon as possible thereafter.
- cc. “Notice Plan” means the notice program used by parties and the Settlement Administrator to inform Class Members about the Settlement Agreement.
- dd. “Party” and “Parties” shall have the meaning set forth in the introductory paragraph of this Settlement Agreement.
- ee. “Person(s)” shall mean any natural person, individual, corporation, association, partnership, trust, or any other type of legal entity.
- ff. “Personal Injury Claims” means those claims filed by plaintiffs in the MDL or in state court as of the deadline for filing an objection or to opt out of the Settlement, and who are not bound by this settlement. A current list of those Claimants is attached at Exhibit A.
- gg. “Plaintiffs” collectively shall mean the Formaldehyde Plaintiffs, the Formaldehyde Class, the Durability Plaintiffs, and the Durability Class.
- hh. “Plaintiffs’ Co-Lead Counsel for the Formaldehyde MDL” means the law firms of Cohen Milstein Sellers & Toll PLLC; Cotchett, Pine & McCarthy, LLP; and Hagens Berman Sobol Shapiro LLP.
- ii. “Plaintiffs’ Co-Lead Counsel for the Durability MDL” means the law firms of Robertson & Associates LLP; Whitfield Bryson & Mason LLP and Ahdoot & Wolfson, PC.
- jj. “Preliminary Approval” or “Preliminary Approval Order” means the Court’s entry of an

order of initial approval of this Settlement Agreement.

- kk. “Recitals” means the Recitals set forth above, which are incorporated by reference and are explicitly made part of this Agreement.
- ll. “Released Claims” shall have the meaning set forth in Section 15 of this Settlement Agreement.
- mm. “Released Parties” shall have the meaning set forth in Section 15 of this Settlement Agreement.
- nn. “Releasing Parties” shall have the meaning set forth in Section 15 of this Settlement Agreement.
- oo. “Request for Exclusion” means a request to opt-out or be excluded from the Class, timely submitted in accordance with the terms and conditions of this Settlement Agreement and the instructions provided in the Notice.
- pp. “Service Awards” means cash awards paid to the Class Representatives for the Formaldehyde MDL Representative Complaint and the Class Representatives for the Durability MDL Representative Complaint as set forth below in Section 13.
- qq. “Settlement Administrator” means the Angeion Group.
- rr. “Settlement Agreement” or “Agreement” or “Settlement” refers to this document, and supersedes any prior agreements or discussions.
- ss. “Settlement Class” or “Settlement Classes” means the CARB2/Durability Settlement Class and/or the CARB1 Settlement Class, which derive from the Formaldehyde MDL and Durability MDL pending in the Eastern District of Virginia, as identified herein.
- tt. “Settlement Fund” means a total of \$22 million dollars in cash and \$14 million dollars in Store-credit Vouchers. The \$22 million in cash shall be paid by Defendant into the

Escrow Fund, as set forth below in Paragraph 4.A. The Store-credit Vouchers shall be provided by Defendant to the Settlement Administrator.

- uu. “Settlement Fund Escrow Account” means an escrow account established by Class Counsel and supervised by the Court to receive and maintain funds paid pursuant to this Settlement Agreement for the benefit of the Settlement Class.
- vv. “Store-credit Vouchers” or “Vouchers” means product vouchers distributed by the Claims Administrator as part of this Settlement Agreement to certain Class Members who so elect of the CARB2/Durability Settlement Class for their use to purchase product from Lumber Liquidators.

2. NO ADMISSION OF WRONGDOING

A. This Settlement Agreement is made to terminate any and all controversies, real or potential, asserted or unasserted, and claims for injuries or damages or any nature whatsoever, between Defendant and the Plaintiffs. Neither the execution of this Settlement Agreement or compliance with its terms shall constitute an admission of any fault or liability on the part of the Defendant, or any of the Released Parties. Defendant does not admit fault or liability of any sort and, in fact, Defendant expressly denies fault and liability.

B. Further, there has been no consideration or determination as to whether any class pending as part of the Formaldehyde MDL No. 1:15-md-02627 or the Durability MDL No. 1:16-md-02743 would be suitable for class treatment in any form other than as the Settlement Classes agreed to in this Settlement Agreement. These Settlement Classes are not a concession and shall not be used as an admission that any class other than these Settlement Classes are appropriate.

3. COOPERATION BY PARTIES AND REASONABLE BEST EFFORTS TO EFFECTUATE SETTLEMENT

The Parties and their counsel agree to cooperate fully with each other to promptly execute all documents and take all steps necessary to effectuate the terms and conditions of this Settlement Agreement. The Parties shall recommend approval of this Settlement Agreement by the Court. The Parties and their counsel further agree to support the final approval of the Settlement Agreement including against any appeal of the Final Approval Order and Judgment and including any collateral attack on the Settlement Agreement or the Final Approval Order and Judgment.

4. CONSIDERATION TO PLAINTIFFS

In exchange for the terms and conditions set forth herein, Defendant will provide the following consideration:

A. Settlement Fund. Defendant will pay \$22 million dollars in cash and \$14 million dollars in Store-credit Vouchers for a total of \$36 million to establish a common fund for the benefit of the Settlement Class. The Settlement Fund shall be paid in the following manner:

i. Within five (5) days of the Court's Preliminary Approval of the Settlement Agreement, Lumber Liquidators will transfer \$500,000.00 to the Settlement Fund Escrow Account to be used to pay for Class Notice and the Settlement Administrator's fees.

ii. Within thirty (30) days of the Court's Final Approval Order and Judgment, Lumber Liquidators will transfer \$21,500,000.00 in cash to the Settlement Fund Escrow Account. To the extent Lumber Liquidators elects to sell/transfer stock to fund the cash obligation, Plaintiffs agree, at no risk, cost or expense to them, to cooperate with Lumber Liquidators to ensure the process is as expedient and efficient as possible. To the extent stock is used to fund the Settlement Agreement, the stock qualifies for a Section (a)(10) exemption of the Securities Act of 1933, as amended (the "Securities Act"). For the avoidance of doubt, the Court must find and order in its Final Approval Order and Judgment that any stock used to fund the

Settlement Agreement is exempt from registration under Section 3(a)(10) of the Securities Act.

iii. Lumber Liquidators will work with Class Counsel and with the Settlement Administrator to prepare \$14,000,000.00 worth of Store-credit Vouchers for distribution to eligible Claimants.

iv. The payments described above constitute the entire payment due from Defendant or any of the Released Parties under the Settlement Agreement. The Parties agree and acknowledge that none of the Settlement Fund paid by Defendant under the Settlement Agreement shall be deemed to be, in any way, a penalty or a fine of any kind.

v. A Settlement Fund Escrow Account shall be established and administered by Class Counsel under the Court's continuing supervision and control. No disbursements of funds from the Settlement Fund Escrow Account will occur without order of the Court.

vi. The Settlement Fund Escrow Account is intended by the Parties to be treated as a "qualified settlement fund" for federal income tax purposes pursuant to Treasury Reg. 1.468B-1, and to that end, the Parties shall cooperate with each other and shall not take a position in any filing or before any tax authority that is inconsistent with such treatment.

vii. Defendant shall have no responsibility or liability relating to the administration, investment, or distribution of the Settlement Fund, which shall be the sole responsibility of Class Counsel and the Settlement Administrator.

B. Distribution of the Net Settlement Fund. This is a common fund settlement to be administered on a claims-made basis. In order to be entitled to participate in the Settlement Fund, a member of the Classes, who has not requested exclusion, must submit a valid Claim on or before the deadline established by the Court. Any member of the Classes who does not submit a timely, valid Claim shall not be entitled to share in the Settlement Fund, but nonetheless shall be

barred and enjoined from asserting any of the Released Claims described herein.

There shall be two separate classes of participants: the CARB2/Durability Settlement Class and the CARB1 Settlement Class (sometimes jointly referred to as “Class” or “Classes”).

i. CARB2/Durability Settlement Class

a. The CARB2/Durability Settlement Class will be limited to purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2011 and May 31, 2015. Benefits will only be available for Approved Claimants.

b. All members of the CARB2/Durability Settlement Class will be entitled to make a claim against the Settlement Fund. Claim Forms will be submitted electronically or by mail and will be administered by the Settlement Administrator.

c. CARB2/Durability Settlement Class members who submit an Approved Claim will have the option of choosing either a cash award or a Lumber Liquidators’ Store-credit Voucher. Claimants will be limited to one recovery per household, but if multiple purchases were made, the total purchase price of all purchases will be used to calculate the award.

d. For CARB2/Durability Settlement Class members electing cash, each household will receive a cash award subject to participation and eligibility. The cash Settlement Fund will be distributed as follows: For each Approved Claim, the Approved Claimant receives back a percentage of what he or she paid for the purchase of his or her laminate flooring. That percentage may increase or be reduced by the Settlement Administrator so as to exhaust but not exceed the Settlement Fund.

e. The total amount of cash shall not exceed the Settlement Fund described above.

(i) In the event that the cash fund is not exhausted after all Approved

Claims, attorneys' fees, costs, Service Awards, and administration costs have been paid, cash Approved Claimants will receive a proportional additional cash payment.

(ii) If after having paid all attorneys' fees, costs, Service Awards, and administrative costs, the cash Settlement Fund is reduced such that it cannot pay Approved Claimants the anticipated amount, the cash payments will be proportionally reduced across the Approved Claimants.

(iii) If any amounts remain in the cash Settlement Fund (for example, because of uncashed checks), Class Counsel may seek a *cy pres* award to benefit the victims of 2017 hurricanes that struck the U.S. or its territories.

f. For CARB2/Durability Settlement Class members electing Store-credit Vouchers, Lumber Liquidators will provide Vouchers, good for 3 years from date of issuance, one per household, with the following exceptions based on state escheat laws:

(i) Store-credit Vouchers issued to Approved Claimants in the following states shall have no expiration date: California, Connecticut, Florida, Maine, Minnesota, Rhode Island, and Washington.

(ii) Store-credit Vouchers issued to Approved Claimants in the following states shall have the expiration dates identified below:

- (a) Illinois - 5 year expiration
- (b) Maryland - 4 year expiration
- (c) North Dakota - 6 year expiration.

At the time of making the election for Store-credit Vouchers, or within 20 days thereafter, CARB2/Durability Settlement Class members may designate a family member or nationally recognized charity to be the recipient of the Store-credit Vouchers. The Settlement Administrator

will determine whether a charity is a nationally recognized charity for purposes of this

Settlement. The term “family member,” as defined by the SEC at 17 C.F.R. § 275.202(a)(11)(G)-

1, shall mean:

All lineal descendants (including by adoption, stepchildren, foster children, and individuals that were a minor when another family member became a legal guardian of that individual) of a common ancestor (who may be living or deceased), and such lineal descendants’ spouses or spousal equivalents; provided that the common ancestor is no more than 10 generations removed from the youngest generation of family members.

g. Approved Claimants may use their Store-credit Vouchers to purchase product and have the product shipped to a third party within the United States. Except as described above, the Store-credit Vouchers will not otherwise be transferrable, nor may they be sold or redeemed for cash.

h. The total amount of Store-credit Vouchers will not exceed \$14 million in the aggregate.

i. The Store-credit Vouchers will be distributed as follows: For each Approved Claim, the Approved Claimant receives a voucher that contains an amount that is a percentage of the price he or she paid for the purchase of his or her laminate flooring. That percentage may increase or be reduced by the Settlement Administrator to exhaust but not exceed the portion of the Settlement Fund designated for Store-credit Vouchers.

j. Depending on the level of eligible participation, the values of the Store-credit Vouchers may increase or decrease so that the full \$14 million in Store-credit Vouchers are distributed to electing, Approved Claimants from the CARB2/Durability Settlement Class.

ii. CARB1 Settlement Class

a. The CARB1 Settlement Class will be limited to purchasers of Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and December 31,

2010. Benefits will only be available for Approved Claimants. If a Class Member made a purchase during both the 2009-2010 CARB1 Settlement Class period and the 2011-2015 CARB2/Durability Settlement Class period, he or she will be entitled to receive both: (a) the \$50 cash benefit described below as a member of the CARB1 Settlement Class; and (b) either cash or a Store-credit Voucher as a member of the CARB2/Durability Settlement Class based upon the total purchase price of all purchases made between 2011-2015.

b. Members of the CARB1 Settlement Class will be entitled to make a claim against the Settlement Fund for \$50; provided, however, that a maximum of \$1.0 million in cash will be set aside for the CARB1 Settlement Class.

c. If the CARB1 Settlement Class Settlement Fund is oversubscribed (*i.e.*, if Approved Claims exceed \$1.0 million, such that funds are insufficient to pay Approved Claimants \$50 each), then these cash payments will be proportionally reduced across the Approved Claimants. If, on the other hand, the \$1.0 million cash fund set aside for CARB1 Settlement Class Members is not exhausted by Approved Claims, the remaining cash will be added to the funds available to pay Approved Claimants of the CARB2/Durability Settlement Class.

d. Claim forms for CARB1 Settlement Class members will be submitted electronically or by mail, and will be administered by the Settlement Administrator.

e. CARB1 Settlement Class members who are not also members of the CARB2/Durability Settlement Class may only elect cash and may not elect Store-credit Vouchers.

5. PRELIMINARY APPROVAL OF SETTLEMENT AND CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS

Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL and Plaintiffs' Co-Lead Counsel for the Durability MDL shall prepare the motion seeking preliminary approval of the Settlement Class, and the Parties shall work in good faith to support the motion. The Court shall be asked to approve the terms and conditions of the Settlement Agreement, the notice to the Class, the method of notice, the claim forms, and the procedure for submitting claims, and to appoint Class Representatives for the CARB2/Durability Settlement Class and the CARB1 Settlement Class, and Class Counsel for both of these Settlement Classes, all as part of preliminary approval.

6. SETTLEMENT ADMINISTRATOR

The Settlement Administrator shall be selected by Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL and Plaintiffs' Co-Lead Counsel for the Durability MDL based on cost, experience and reputation of the proposed administrators. The Settlement Administrator will work to:

- A. Provide Notice to potential Class Members;
- B. Maintain a Settlement website;
- C. Process Claim Forms;
- D. Preserve (on paper or transferred in to electronic format) all Requests for Exclusion, Claim Forms, and any and all other written communications from Class Members in response to the Notices for a period of one (1) year following the Claim Deadline, or pursuant to further order of the Court. All written communications received by the Settlement Administrator from Class Members relating to the Settlement Agreement shall be available and provided upon request to Class Counsel and Counsel for Defendant.
- E. Distribute the proceeds of the Settlement Fund in accordance with the Settlement Agreement;
- F. Confirm the issuance of payment to the Approved Claimants;

G. Provide any necessary certifications to the Court concerning the administration and processing of the claims; and

H. Respond to inquiries from Class Counsel, Counsel for Lumber Liquidators, the Court, and Class Members.

7. NOTICE OF SETTLEMENT AND ADMINISTRATION OF CLAIMS

A. Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL and Plaintiffs' Co-Lead Counsel for the Durability MDL shall work with the Settlement Administrator to prepare the Notice program. It is the Parties' intent that Class Members receive constitutionally adequate notice of the Settlement. Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL and Plaintiffs' Co-Lead Counsel for the Durability MDL shall submit to the Court for approval the Notice Plan. The Notice Plan will provide the best notice practicable under the circumstances of the foregoing actions, conform to all aspects of Federal Rule of Civil Procedure 23, satisfy the Due Process Clause of the United States Constitution, and comply with the terms and conditions of the Agreement. Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL and Plaintiffs' Co-Lead Counsel for the Durability MDL also shall work with the Settlement Administrator and/or other class notice specialists, as necessary, to prepare drafts of the proposed Class Notice. Lumber Liquidators shall have the right to review and approve the proposed Class Notice, including the content of the Settlement website. If any objections to the proposed Class Notice cannot be resolved by the Parties, they shall be submitted to the Court for resolution.

B. Class Member Information

Defendant shall provide Class Counsel and the Settlement Administrator with information in its possession reflecting the name, e-mail address, telephone number, physical mailing address, and total value of Chinese-made laminate flooring purchased (collectively, "Class Member Information") of each reasonably identifiable person or entity who falls within

the definition of the Classes by the time this Agreement is executed. Defendant warrants and represents that the Class Member Information provided to Class Counsel accurately reflects the information retained by Defendant in the ordinary course of business.

C. Internet Website

Prior to the Notice Date, the Settlement Administrator shall establish an Internet website, www.laminatesettlement.com that will inform Settlement Class members of the terms of this Settlement, their rights, dates and deadlines and related information. The website shall include, in .pdf format and available for download, the following: (i) the Long Form Notice; (ii) the Claim Form; (iii) the Preliminary Approval Order; (iv) this Agreement (including all of its Exhibits), (v) the operative Complaints filed in the Formaldehyde and Durability MDLs; and (vi) any other materials agreed upon by the Parties and/or required by the Court. The Internet website shall provide Settlement Class Members with the ability to complete and submit the Claim Form electronically. The Internet website shall also make the Claim Form available for download. Banner ads on the Internet shall direct Class Members to the Settlement website at www.laminatesettlement.com.

D. Toll-Free Telephone Number

Commencing by the Notice Date, the Settlement Administrator shall establish a toll-free telephone number, through which Settlement Class members may obtain information about the Formaldehyde MDL and the Durability MDL, the Settlement, and request a mailed copy of the Long Form Notice and/or the Claim Form, pursuant to the terms and conditions of this Settlement. The Long Form Notice and Claim Form will be mailed to all persons who request one via the toll-free phone number maintained by the Settlement Administrator.

E. Direct Notice – United States Mail

By the Notice Date, the Settlement Administrator will send the notice (“Postcard Notice”) by United States Postal Service (“USPS”) first class mail to all Settlement Class Members for whom a physical mailing address can be identified from the Class Member Information. Each Postcard Notice will include a claim number and will have a detachable claim form with business reply mail postage included. The Settlement Administrator shall send one of three versions of the Postcard Notice attached to the Settlement Administrator’s Declaration at Exhibit B to this Agreement: one for CARB2/Durability Settlement Class Members, one for CARB1 Settlement Class Members, and one for those who qualify for both the CARB2/Durability and CARB1 Settlement Classes.

Prior to the initial mailing of the Postcard Notice, postal mailing addresses will be checked against the National Change of Address (“NCOA”) database maintained by the USPS. Postcard Notices that are returned as undeliverable by the USPS and have a forwarding address will be re-mailed to that forwarding address, and Postcard Notices that are returned as undeliverable by the USPS without a forwarding address will be subject to address verification (“skip tracing”), utilizing a wide variety of data sources, including public records, real estate records, electronic directory assistance listings, etc. to locate updated addresses. Postcard notices will then be re-mailed to updated addresses located through skip tracing.

F. Direct Notice – E-mail Notice

By the Notice Date, the Settlement Administrator shall e-mail each Settlement Class Member included in the Class Member Information provided by Defendant (“Email Notice”). The content of the Email Notice shall substantially conform to the information provided in the Claim Form and will contain a link that the Settlement Class members can click to take them directly to the claim filing page on the settlement agreement website where they can enter their

individualized claim number and confirmation code.

G. Publication

By the Notice Date, and subject to the requirements of this Agreement and the Preliminary Approval Order, the Settlement Administrator will provide Notice to the Settlement Class as follows: Publishing the publication notice and digital notice pursuant to the Preliminary Approval Order and as set forth in the Notice Plan described in the Declaration of the Settlement Administrator attached hereto as Exhibit B; Publishing, on or before the Notice Date, the Long Form Notice on the settlement website (www.laminatesettlement.com), as specified in the Preliminary Approval Order and as set forth in the Notice Plan described in the Declaration of the Settlement Administrator attached hereto as Exhibit B; and Providing the Internet address, in the Long Form Notice and the Summary Notice, to the settlement website (www.laminatesettlement.com).

H. Notice to Appropriate Federal and State Officials

Not later than 10 days after for the Court enters the Preliminary Approval Order, the Settlement Administrator shall comply with 28 U.S.C. § 1715.

I. Confirmation

The Settlement Administrator is directed to file with the Court and serve upon Class Counsel a declaration confirming the dissemination of the Notice to the Class has taken place in accordance with this Order no later than fifteen (15) days before the Final Approval and Fairness Hearing.

8. REQUESTS FOR EXCLUSION

A. Members of CARB2/Durability Settlement Class and the CARB1 Settlement Class who wish to exclude themselves from their respective Class(es) must submit a written Request for Exclusion. To be effective, such a request must include the Class Member's name,

mailing address, e-mail address, the signature of the Class Member, identify their individual counsel (if any), and substantially the following statement: "I want to opt out of the Class(es) certified in the Lumber Liquidators Chinese-laminate flooring litigation." Requests for Exclusion must be submitted via First Class U.S. Mail paid by the Class Member and sent to the Settlement Administrator at the address provided in the Notice. Requests for Exclusion shall be served not later than thirty (30) days prior to the Final Approval and Fairness Hearing. Personal Injury Claims already filed in the MDL or State Court and listed in Exhibit A are already excluded from the Settlement.

B. The Settlement Administrator shall promptly log each Request for Exclusion that is received, and shall provide copies of the log and all such Requests for Exclusion to Class Counsel and Counsel for Defendant on a monthly basis and the final list no later than fifteen (15) days before the Final Approval and Fairness Hearing.

C. Any Class Member who does not properly and timely mail a Request for Exclusion shall be automatically included in the Settlement Class and shall be bound by all the terms and provisions of the Settlement Agreement, and any Court order related to the Settlement, whether or not such Class Member received actual notice or shall have objected to the Settlement, and whether or not such Class Member makes a Claim upon or participates in the Settlement.

D. If the number of Requests for Exclusion exceeds a percentage of the total size of the CARB2/Durability Settlement Class and the CARB1 Settlement Class combined, as agreed upon by the Parties hereto, Defendant has the option to terminate this Settlement Agreement. The confidential opt-out number shall be memorialized in a separate Supplemental Agreement and communicated confidentially to the Court.

E. The Class Representatives, Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL, and Plaintiffs' Co-Lead Counsel for the Durability MDL covenant and agree to take no actions, directly or indirectly, designed or intended to influence any putative member of the Settlement Classes to opt out of the Settlement Agreement, or to assist others in doing so. The Parties acknowledge, however, that if and when Class Counsel answer Class Member questions pertaining to their respective matters, the Parties' Settlement, or the Settlement Agreement or related matters, answering these questions shall not constitute taking action to influence any putative member of the Classes to opt out of the Settlement or to assist others in doing so.

9. OBJECTIONS

A. Class Members who do not request exclusion from the Class may object to the Settlement Agreement. Class Members who choose to object to the Settlement must file written notices of intent to object with the Court and serve copies of any such objection on counsel for the Parties, identified in Section 27 unless filed via the Court's ECF system, such that copies will be transmitted electronically to these counsel. Any Class Member may appear at the Final Approval and Fairness Hearing, in person or by counsel, and be heard to the extent permitted under applicable law and allowed by the Court. The right to object to the Settlement must be exercised individually by an individual Class Member and, except in the case of a deceased, minor, or incapacitated Person or where represented by counsel, not by the act of another Person acting or purporting to act in a representative capacity.

To be effective, an objection to the Settlement that is filed with the Court must:

i. Contain a caption that includes the case name and the case number as follows: *In Re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1:15-md-02627; or *In Re Lumber Liquidators Chinese- Manufactured Laminate Flooring Durability Marketing and Sales*

Practices Litigation, MDL No. 1:16-md-2743; or both;

ii. Provide the name, mailing address, email address, telephone number and signature of the Class Member filing the intent to object, and identify his or her individual counsel, if any;

iii. Provide a valid proof of membership in one of the Settlement Classes, or both;

iv. File a written letter or brief detailing the specific basis for each objection, including any legal and factual support the objector wishes to bring to the Court's attention and any evidence the objector wishes to introduce in support of the objection with the United States District Court for the Eastern District of Virginia not later than thirty (30) days prior to the Final Approval and Fairness Hearing;

v. Be served contemporaneously on Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL, Plaintiffs' Co-Lead Counsel for the Durability MDL, and Counsel for Defendant (unless filed via the Court's ECF system, such that copies will be transmitted electronically to these counsel);

vi. Contain the number of class action settlements objected to by the Class Member in the last three years;

vii. State whether the objecting Class Member intends to appear at the Final Approval and Fairness Hearing, either in person or through counsel.

B. Any Class Member who does not file a timely and adequate notice of intent to object in accordance with this Settlement Agreement waives the right to object or to be heard at the Final Approval and Fairness Hearing, unless the Court permits otherwise, and shall be forever barred from making any objection to the Settlement. To the extent any Class Member

objects to the Settlement, and such objection is overruled in whole or in part, such Class Member will be forever bound by the Final Approval Order and Judgment of the Court.

C. The filing of an objection allows Plaintiffs' Co-Lead Counsel for the Formaldehyde MDL, Plaintiffs' Co-Lead Counsel for the Durability MDL, or Counsel for Defendant to request the Court to notice such objecting Class Member for and take his or her deposition consistent with the Federal Rules of Civil Procedure at an agreed-upon location, and to seek any documentary evidence or other tangible things that are relevant to the objection. Failure by an objecting Class Member to make himself or herself available for a deposition or to comply with expedited discovery requests may result in the Court striking the Class Member's objection and otherwise denying that Class Member the opportunity to make an objection or be further heard. The Parties reserve the right to ask the Court to tax the costs of any such discovery to the objecting Class Member or the objecting Class Member's separate counsel should the Court determine that the objection is frivolous or is made for an improper purpose.

D. If the objection is made through an attorney, the written objection must also include: (1) the identity and number of the Class Members represented by objector's counsel; and (2) the number of such represented Class Members who have opted out of the Settlement Class.

10. REPORT BY SETTLEMENT ADMINISTRATOR

A. No later than fifteen (15) days before the Final Approval and Fairness Hearing, the Settlement Administrator shall provide to Class Counsel and Counsel for Defendant the following information:

- i. The number of Notices mailed or sent to Class Members;
- ii. The number of Class Members who have submitted Approved Claims for the CARB2/Durability Settlement Class and the CARB1 Settlement Class;

- iii. The number of Class Members who have submitted Requests for Exclusion from the Settlement Classes and the names of such persons;
- iv. Any information about any objections to the Settlement that the Settlement Administrator has not previously forwarded; and
- v. Any other tracking information reasonably requested by Class Counsel or Counsel for Defendant.

B. A report stating the total number of class members who have submitted timely and valid Requests for Exclusions and the names of such class members shall be filed by Class Counsel not later than ten (10) days before the Final Approval and Fairness Hearing.

11. FINAL APPROVAL

A. If the Court preliminarily approves the Settlement, Class Counsel, with the cooperation of counsel for Defendant, shall submit a motion for final approval of the Settlement Agreement by the Court at a date set by the Court, but no later than forty-five (45) days before the Final Approval and Fairness Hearing. The parties may submit supplemental memoranda in support of the motions for final settlement approval or the awarding of costs and fees at a date set by the Court, but no later than ten (10) days before the Final Approval and Fairness Hearing.

B. The Notice to the Class shall contain a date, time and location for the Final Approval and Fairness Hearing to be conducted by the Court. The Parties shall jointly request the Court to set a hearing on Final Approval of the Settlement Agreement approximately hundred (100) days from the date the Court enters an order granting preliminary approval of the Settlement Agreement.

C. The Parties shall request the Court upon final approval of this Settlement Agreement, to enter the Final Approved Order and Judgment, which shall, *inter alia*:

- i. Grant final approval to the Settlement and Settlement Agreement as fair,

reasonable, adequate, in good faith and in the best interests of the Class(es), and order the Parties to carry out the provisions of this Settlement Agreement;

ii. Dismiss with prejudice and without costs all Complaints pending in the Formaldehyde MDL and the Durability MDL, including the Representative Complaints, and dismiss with prejudice and without costs the litigation against Defendant and the Released Parties;

iii. Adjudge that Releasing Parties are conclusively deemed to have released Defendant and the Released Parties of the Released Claims;

iv. Bar and permanently enjoin each Class Member who has not timely submitted a Request for Exclusion from prosecuting against the Released Persons any and all of the Released Claims;

v. Reserve continuing and exclusive jurisdiction by the Court to preside over any ongoing proceedings relating to the Claims or this Settlement Agreement;

vi. Determine under Fed. R. Civ. P. 54(b) that there is no just reason for delay and direct that the Final Judgment as to the Released Parties to be final and appealable and entered forthwith; and

vii. To the extent stock will be used to fund the Settlement, find and conclude that the Court has sufficient information before it to assess the value of the claims and securities to be exchanged in the Settlement. Additionally, conclude that the applicable procedural and substantive fairness requirements of Section 3(a)(10) of the Securities Act have been satisfied, and find that any such stock used is exempt from registration under Section 3(a)(10) of the Securities Act.

12. CLASS COUNSEL FEES AND ADMINISTRATIVE COST

A. Co-lead Counsel for the Formaldehyde MDL and the Durability MDL may jointly

or separately file for costs and fees in this action. At a time to be set by the Court, but no later than forty-five (45) days before the Final Approval and Fairness Hearing, Class Counsel may seek an award of attorneys' fees of up to 33.33% of the Settlement Fund, and for actual costs and expenses, together with the cost of Notice and administrative costs, to be paid from the Settlement Fund. Co-Lead Counsel for the Formaldehyde MDL and Co-Lead Counsel for the Durability MDL may jointly or separately file motion(s) for attorneys' fees, costs, and expenses.

B. Within thirty-one (31) days of Final Approval Order and Judgment and entry by the Court of an order awarding attorneys' fees, costs, and expenses ("Fee, Cost, and Expense Order"), any awarded attorneys' fees, costs, and expenses shall be paid to Class Counsel from the Escrow Account by the Escrow Agent, notwithstanding the existence of or pendency of any appeal or collateral attack on the Settlement or any part thereof or the Fee, Cost, and Expense Order. In the event that the Effective Date does not occur or the Settlement is terminated pursuant to its terms, or if, as the result of any appeal or further proceedings on remand, or successful collateral attack, the Fee, Cost, and Expense Order is reversed or modified pursuant to a final court order and attorneys' fees, costs, and expenses have been paid out of the Escrow Account to any extent, then Class Counsel shall be obligated and does hereby agree, within ten (10) business days after receiving notice of the foregoing from Defendants' Counsel or from a court of appropriate jurisdiction, to refund to the Escrow Account such attorneys' fees, costs, and expenses that have been paid, plus interest thereon at the same rate as would have been earned had those sums remained in the Escrow Account. For avoidance of doubt, however, under no circumstances shall Class Counsel be required to return to the Escrow Account or the Defendant the \$500,000 paid pursuant to section 4(A)(i) to the Settlement Administrator or to any other Notice consultant or provider.

13. SERVICE AWARDS

Subject to approval by the Court, the following seven (7) Plaintiff households identified in the Formaldehyde MDL representative complaint (A-G below) and the five (5) Plaintiff households identified in the Durability MDL representative complaint (H-L below) will each receive a Service Award for their service as named Plaintiffs in the MDLs in the amount of \$5,000 each:

- A. Lila Washington (California) (dec.)
- B. Maria and Romualdo Ronquillo (California)
- C. Joseph Michael Balero (California)
- D. Ryan and Kristin Brandt (Florida)
- E. Devin and Sara Clouden (New York)
- F. Kevin and Julie Parnella (Texas)
- G. Shawn and Tanya Burke (Illinois)
- H. Erin Florez (Alabama)
- I. Jim Moylen (California)
- J. Kelly Ryan (Nevada)
- K. Karen Hotaling (New York)
- L. Logan Perel (Virginia)

No individual shall be entitled to more than one Service Award. If a husband and wife, or other co-purchasers were both Plaintiffs, they are entitled to a single Service Award.

14. CLAIM PROCESSING AND DISTRIBUTION OF SETTLEMENT

A. Class Members may electronically complete and sign the appropriate Claim Form and submit it to the Settlement Administrator via an electronic Claim Form submission process to be established by the Settlement Administrator. Alternatively, Class Members may submit

such Claim Forms via U.S. mail. A Claim Form shall be considered defective if the Claimant fails to timely submit the Claim Form, provide the required information on the Claim Form, or fails to electronically or physically sign certifying that the Claimant is entitled to the benefit sought.

B. Within thirty forty-five (45) days of the entry of the Final Approval Order and Judgment, the Settlement Administrator will notify Class Counsel of any Class Member who has submitted a deficient Claim Form, and those Class Members will be given ten (10) calendar days from the date of the deficiency notice to cure the deficiency.

C. Within sixty (60) days of the Effective Date, the Settlement Administrator will distribute the checks and the vouchers.

D. Cash payments made pursuant to this Settlement Agreement will be made to Claimants via physical checks mailed to the address provided on the Claim Form. Alternatively, if elected, Store-credit Vouchers will be mailed to the address provided on the Claim Form. Class Counsel and Counsel for Defense shall confer before the Settlement Administrator begins to distribute the checks or Store-credit Vouchers to the Class Members who have submitted an Approved Claim. If an appeal is filed, distribution of Settlement Fund to Claimants will be stayed until further order by the Court.

E. The Class Members acknowledge that the Claims process may take longer than described above due to the number of potential Class Members. The Settlement Administrator will employ all due commercially reasonable speed to distribute claimed cash payments and Store-credit Vouchers to Approved Claimants as set forth herein.

F. The Class Members shall be entitled solely to the Settlement Funds and Store-Credit Vouchers for settlement and satisfaction against Defendant and the Released Parties for

the Released Claims, and shall not be entitled to any other payment or relief from Defendant or the Released Parties. The Class Representatives, Class Members and their counsel, Class Counsel, as well as the Settlement Administrator will be reimbursed and indemnified solely out of the Settlement Funds. Defendant and the other Released Parties shall not be liable for any costs, fees, or expenses of any description, including any costs, fees or expenses of the Class Representatives or their attorneys, experts, advisors, or other representatives of the Class.

15. RELEASE BY ALL SETTLEMENT CLASS MEMBERS

A. Effective upon Final Approval, Plaintiffs, for and on behalf of themselves, and every member of the Settlement Classes, every purchaser of Chinese-manufactured laminate flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015, and each of their respective heirs and assigns, except for those who have requested to be excluded from the Classes pursuant to Section 8 of this Agreement, and those who as of the Final Approval and Judgment have filed personal injury cases as set out in Exhibit A (hereafter the “Releasing Parties”), jointly and severally, hereby RELEASE, HOLD HARMLESS, FOREVER DISCHARGE, AND SHALL FOREVER BE ENJOINED FROM PROSECUTION against Defendant and the Released Parties of any and all claims, causes of action, lawsuits, proceedings, damages, judgments, losses, penalties, liabilities, rights, obligations, duties, demands, liens, actions, administrative proceedings, warranty claims, remedies, costs, fees of any kind, expenses, and claims of any kind whatsoever, including based on fraud, whether known or unknown, contingent or unsuspected, disclosed or undisclosed, liquidated or unliquidated, asserted or unasserted, accrued or unaccrued, in law, in equity or otherwise, in contract, tort, warranty, strict liability or otherwise, that have been, could have been, or in the future can or might be asserted in any court, tribunal or proceeding (including but not limited to any claims arising under federal, state, foreign or common law, including any federal or state consumer protection law or

personal injury claim), by or on behalf of Plaintiffs or any member of the Class, whether individual, direct, class, representative, legal, equitable, or other type or in any other capacity against Defendant and the Released Parties, which the Releasing Parties ever had, now have, or may have had, from the beginning of time to the Effective Date, by reason of, arising out of, relating to, or in connection with the acts, events, facts, matters, transactions, occurrences, statements, representations, misrepresentations, omissions, or any other matter whatsoever related directly or indirectly to: 1) the Plaintiffs' and Class Members' purchase and/or use of Chinese-manufactured laminate flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015; 2) the manufacture, sale, distribution, labeling, marketing or advertising of Chinese-laminate flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015; 3) Defendant's compliance with state or federal labeling laws and regulations related to the Chinese-laminate flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015; and/or 4) any claim by Plaintiffs of any nature related to Chinese-manufactured laminate flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015 (the "Released Claims").

The Released Claims, however, shall not include any claims to enforce the Settlement Agreement, or the request of Class Counsel for fees, costs, and expenses as set forth in, or as related to, this Settlement Agreement. Nor shall the Released Claims extinguish any existing express warranty rights that do not pertain to the allegations in the Durability MDL or the Formaldehyde MDL, to the extent they exist.

B. The "Released Parties" shall include Lumber Liquidators, Inc., its parent, subsidiaries, and affiliates, including but not limited to, Lumber Liquidators, Holdings, Inc.; Lumber Liquidators Services, LLC; Lumber Liquidators Leasing, LLC; individual Lumber

Liquidators retail stores located throughout the United States; the China Regional Office; Fesco; Pure Air Control Services; ED Labs; and including but not limited to any controlling persons, associates, affiliates, or subsidiaries and each and all of their respective past or present officers, members, managers, directors, stockholders, principals, representatives, employees, attorneys, financial or investment advisors, insurers, consultants, experts, accountants, bankers, testing laboratories, advisors or agents, heirs, executors, trustees, general or limited partners or partnerships, limited liability companies, members, joint ventures, personal or legal representatives, estates, administrators, predecessors, successors, and assigns.

C. In agreeing to the foregoing waiver, the Releasing Parties expressly acknowledge and understand that they may hereafter discover facts in addition to or different from those which they now believe to be true with respect to the subject matter of the claims released herein, but expressly agree that they have taken these possibilities into account in electing to participate in this release, and that the release given herein shall be and remain in effect as a full and complete release notwithstanding the discovery or existence of any such additional or different facts, as to which the Releasing Parties expressly assume the risk.

D. As of the Effective Date, by operation of the entry of the Final Approval Order and Judgment, each Class Member who does not file a valid Request for Exclusion, automatically, upon entry of the Final Approval Order and Judgment, shall be held to have fully released, waived, relinquished, and discharged the Released Parties from the Released Claims, to the fullest extent permitted by law, and shall be enjoined from continuing, instituting, or prosecuting any legal proceeding against the Released Parties relating in any way whatsoever to the Released Claims.

E. The Releasing Parties, on behalf of themselves and their respective assigns, agree

not to sue or otherwise make a claim against any of the Released Parties that is in any way related to the Released Claims.

F. With respect to the Released Claims, the Releasing Parties shall expressly waive any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States which is similar, comparable or equivalent to California Civil Code Section 1543, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

16. DISMISSAL

The Releasing Parties stipulate and agree that upon the Court's entry of the Final Approval Order and Judgment, and after expiration of any appeals of that Order, the following shall be DISMISSED WITH PREJUDICE (except for those Personal Injury cases filed in the Formaldehyde MDL or in state court and included on Exhibit A):

A. All cases pending before the Court consolidated in *In Re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1:15-md-02627, including any additional filed and/or transferred cases as of the date of Final Approval Order; and

B. All cases pending before the Court in *In Re Lumber Liquidators Chinese-Manufactured Laminate Flooring Durability Marketing and Sales Practices Litigation*, MDL No. 1:16-md-2743, including any additional filed and/or transferred cases as of the date of Final Approval Order.

17. CONFIDENTIALITY

Plaintiffs and Class Counsel agree that they will not affirmatively seek media coverage in

print, Internet, or other media regarding this Settlement Agreement, but may neutrally respond to press or media inquiries by describing the Settlement as a good result for the Settlement Class, or other substantially similar words. Nothing in this paragraph, however, restricts Class Counsel from:

- A. Publishing the Settlement and the result on their websites;
- B. Utilizing media as set forth in the Court-approved Notice plan;
- C. Truthfully responding privately to inquiries concerning the Settlement from their clients, including Class Members; or
- D. Truthfully responding to any press or media inquiries regarding details of the Settlement.

18. AMENDMENT

This Agreement may be modified, amended or supplemented only by written agreement signed by or on behalf of all Parties, and if such modification, amendment or supplement is to be executed and become effective subsequent to the entry of the Preliminary Approval Order, only with the approval of the Court.

19. AUTOMATIC TERMINATION OF SETTLEMENT AGREEMENT AND TERMINATION RIGHTS

In the event that this Settlement Agreement does not become a final, enforceable contract that is approved by the Court and upheld on appeal for any reason:

- A. Except as expressly stated herein, this Settlement Agreement shall automatically become null and void and have no further force or effect, and all proceedings that have taken place with regard to this Settlement shall be without prejudice to the rights and contentions of the Parties;
- B. If the Settlement Agreement is not preliminarily or finally approved by the Court,

the Parties will resume the litigation of the referenced MDLs without prejudice as to their procedural status as of August 17, 2017;

C. This Settlement Agreement, any provision of this Settlement Agreement and the fact of this Settlement Agreement having been made, shall not be admissible or entered into evidence for any purpose whatsoever; nor will any information produced solely in connection with any of the Parties' mediations be admissible;

D. If this Settlement Agreement; the order preliminarily approving the Settlement Agreement and/or Final Order and Judgment approving this Settlement Agreement is vacated, materially modified or reversed, in whole or part, this Settlement Agreement will be deemed terminated, unless the Parties, in their sole discretion within thirty (30) days of receipt of such ruling, agree to proceed with the Settlement Agreement as modified by the Court or on appeal.

E. If the Settlement Agreement is terminated, any Settlement Funds in the Settlement Fund Escrow Account or that have come into possession of the Plaintiffs or Class Counsel, except for any funds paid or owed to the Settlement Administrator or to any other Notice consultant or provider, or any funds otherwise paid or owed for any Settlement administration or Notice-related purpose, shall be returned to Defendant within ten (10) Days of termination.

F. This Section and the Section on Confidentiality shall survive any termination of this Settlement Agreement.

20. SEVERABILITY

With the exception of the provisions contained in Section 15, 16 and 19, in the event any covenant, term or other provision contained in this Settlement Agreement is held to be invalid, void or illegal, the same shall be deemed severed from the remainder of this Settlement Agreement and shall in no way affect, impair or invalidate any other covenant, condition or other provision herein. If any covenant, condition or other provision herein is held to be invalid due to

its scope or breadth, such covenant, condition or other provision shall be deemed valid to the extent of the scope or breadth permitted by law.

21. INCORPORATION OF EXHIBITS

All attached exhibits are hereby incorporated by reference as though set forth fully herein and are a material part of the Settlement Agreement.

22. GOVERNING LAW AND COMPLIANCE WITH TERMS OF SETTLEMENT AGREEMENT

All questions with respect to the construction of this Settlement Agreement and the rights and liabilities of the Parties shall be governed by the laws of the Commonwealth of Virginia, without giving effect to its law of conflict of laws.

The Court shall have continuing and exclusive jurisdiction to resolve any dispute that may arise with regard to the terms and conditions of this Settlement Agreement, and the Parties hereby consent to such jurisdiction.

23. PREPARATION OF SETTLEMENT AGREEMENT, SEPARATE COUNSEL AND AUTHORITY TO ENTER SETTLEMENT AGREEMENT

A. The Parties and their counsel have each participated and cooperated in the drafting and preparation of this Settlement Agreement. Hence, in any construction to be made of this Settlement Agreement, the same shall not be construed against any Party as drafter of the Settlement Agreement.

B. In entering this Settlement Agreement, each Party has relied upon the advice of the Party's own attorneys of choice, and has not relied upon any representation of law or fact by any other Party hereto.

C. This Settlement Agreement, including exhibits attached hereto, supersedes any and all prior agreements, including, without limitation, the MOU, and it constitutes the entire understanding between and among the Parties with regard to the matters herein. There are no

representations, warranties, agreements, or undertakings, written or oral, between the Parties hereto, relating to the subject matter of this Settlement Agreement which are not fully expressed herein.

D. The Parties each represent and warrant that each of the Persons executing this Settlement Agreement is duly empowered and authorized to do so.

24. COUNTERPARTS

This Settlement Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

25. BINDING EFFECT

This Settlement Agreement shall be binding upon and inure to the benefit of the Parties and to their respective heirs, assigns, and successors-in-interest.

26. ENTIRE AGREEMENT

This Settlement Agreement and the Supplemental Agreement referenced in 8.D above, represent the entire agreement between the Parties and supersedes all other oral and written agreements and discussions. Each of the Parties covenants that he, she or it has not entered into this Settlement Agreement as a result of any representation, agreement, inducement, or coercion, except to the extent specifically provided herein. Each Party further covenants that the consideration recited herein is the only consideration for entering into this Settlement Agreement and that no promises or representations of another or further consideration have been made by any Person,

27. NOTICE

All notices, requests, demands and other communications to the Parties or their counsel required or permitted to be given pursuant to this Settlement Agreement shall be in writing and

shall be delivered personally or mailed postage-prepaid by First Class U.S. Mail to the following persons at their addresses set forth as follows:

Formaldehyde

Plaintiffs' Co-Lead Counsel:

Steven Toll, Esq.
Cohen Milstein Sellers & Toll PLLC
1100 New York Ave, NW
Suite 500 — West Tower
Washington, DC 20005

Durability

Plaintiffs' Co-Lead Counsel:

Alexander Robertson, IV, Esq.
Robertson & Associates, LLP
32121 Lindero Canyon Rd, Suite 200
Westlake Village, CA 91361

Defendant Lumber Liquidators, Inc.

Lead Counsel:

Diane P. Flannery, Esq.
McGuireWoods LLP
Gateway Plaza
800 East Canal Street
Richmond, VA 23219

WHEREFORE, the undersigned, being duly authorized, have caused this Settlement Agreement to be executed on the dates shown below and agreed that it shall take effect on the last date of execution by all undersigned representatives of the Parties.

[signatures on following page]

Dated this 15th day of March, 2018.

Formaldehyde
Plaintiffs' Co-Lead Counsel

Steven Toll, Esq.
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Defendant, Lumber Liquidators, Inc.

Lee Reeves
Sr. Vice President, Chief Legal Officer &
Corporate Secretary
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3000 John Deere Road
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Whitfield Bryson & Mason LLP
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Raleigh, NC 27603

Robert R. Ahdoot
Ahdoot & Wolfson, P.C.
10728 Lindbrook Drive
Los Angeles, CA 90024

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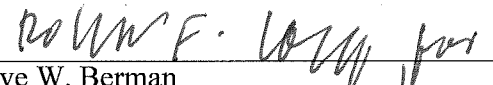
Robert R. Ahdoot
Ahdoot & Wolfson, P.C.
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Dated this 15th day of March, 2018.

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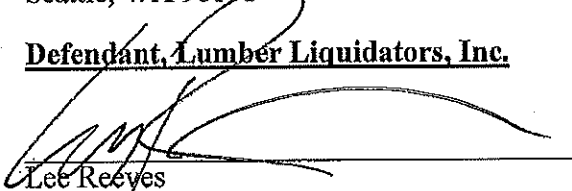
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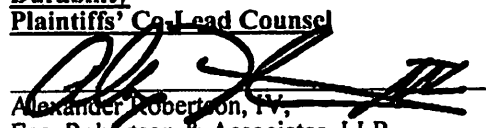
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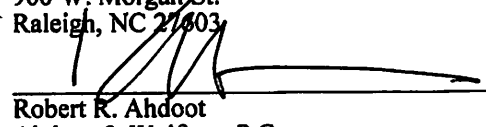

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EXHIBIT A

Chart of All Pending Personal Injury Cases

	Case Name and No.	Plaintiff(s)	Jurisdiction
1.	<i>Archer v. Lumber Liquidators, Inc., 15-CC-024873</i>	Brenda Archer	In the County Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida County Civil Division
2.	<i>Balderson et al v. Lumber Liquidators, Inc., et al, 1:17-cv-02798</i>	Thomas Balderson Barbara Balderson	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Southern District of West Virginia, Charleston
3.	<i>Barrios et al v. Lumber Liquidators, Inc., 1:16-cv-02790</i>	Deanna Barrios Brenda Schwartz as the Representative of the Estate of Anton Schwartz, III	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Eastern District of Louisiana
4.	<i>Bednarski et al v. Lumber Liquidators, Inc., 1:17-cv-02800</i>	Peter Bednarski K.B. (1), a minor K.B. (2), a minor	District Court for the Eastern District of Virginia Originally filed: Tippecanoe Circuit/Superior Court sitting in Lafayette, Indiana
5.	<i>Bogler et al v. Lumber Liquidators, Inc., et al, 1:15-cv-02768</i>	John Friday Pearlene Friday	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Western District of Texas Austin Division
6.	<i>Choe et al v. Lumber Liquidators, Inc., 1:17-cv-02812</i>	Sung Choe Carolyn Choe	District Court for the Eastern District of Virginia Originally filed: United States District Court of Georgia, Rome Division
7.	<i>Craig et al v. Lumber Liquidators, Inc., 8:17-cv-480</i>	Rachael Craig Scott Craig K.C., (a minor)	United States District Court for the District of Nebraska
8.	<i>Cutler et al v. Lumber Liquidators, Inc., et al, 1:17-cv-02809</i>	Richard Cutler Sharon Cutler	District Court for the Eastern District of Virginia

			Originally filed: District Court of Clark County, Nevada
9.	<i>Gilman et al v. Lumber Liquidators, Inc., et al, 1:16-cv-02783</i>	Jeff Gilman Jessica Gilman D.G., a minor A.G., a minor	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Western District of Washington at Seattle
10.	<i>Groton et al v. Lumber Liquidator, Inc., et al, 1:15-cv-02661</i>	Robert Kowalski Laura Zurek Cassandra Kowalski	District Court for the Eastern District of Virginia Originally filed: United States District Court for the District of Nevada
11.	<i>Hesney et al v. Lumber Liquidators, Inc., 1:16-cv-02793</i>	Solomon Hesney Lynne Hesney	District Court for the Eastern District of Virginia Originally filed: United States District Court for the District of New Jersey
12.	<i>Hulse et al v. Lumber Liquidators, Inc., et al, 1:15-cv-02769</i>	Sheryl Hulse David Hulse	District Court for the Eastern District of Virginia Originally filed: The District Court for the Eastern District of Tennessee, Greenville Division
13.	<i>Jensen v. Lumber Liquidators, Inc., No 2023153</i>	Mariam Jensen	Superior Court of Stanislaus County, California
14.	<i>Lemaster v. Lumber Liquidators Inc., 1:17-cv-02795</i>	Dana Lemaster	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Northern District of Alabama, Southern Division
15.	<i>McKernan and Horwath v. Lumber Liquidators, Inc., et al, 16-250CA</i>	Katie McKernan Ryan Horwath	In the Circuit Court of the Nineteenth Judicial Circuit in and for Martin County, Florida
16.	<i>Mitchem et al v. Lumber Liquidators Inc., et al, 1:17-cv-02797</i>	Russell Mitchem Wanda Mitchem	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Southern District of West Virginia, Charleston

17.	<i>Morris et al v. Lumber Liquidators, Inc., 1:16-cv-02791</i>	Heather Morris Colton Morris J.M., a minor W.M., a minor M.M., a minor	District Court for the Eastern District of Virginia Originally filed: United States District Court for the District of Montana, Helena Division
18.	<i>Quinones et al v. Lumber Liquidators, Inc., 15CA5738</i>	Raymond Quinones Jessica Quinones I.Q., (a minor)	In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida Civil Division
19.	<i>Rasmussen et al v. Lumber Liquidators, Inc., et al, 1:16-cv-02782</i>	Val Rasmussen Pauline Rasmussen	District Court for the Eastern District of Virginia Originally filed: United States District Court for the District of Utah, Central Division
20.	<i>Russo et al v. Lumber Liquidators, Inc., 3:17-cv-05599</i>	Justine Russo Alfredo Russo	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Western District of Washington, Tacoma
21.	<i>Sanchez et al v. Lumber Liquidators, Inc., et al, 1:17-cv-02803</i>	George Sanchez Maria Sanchez	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Northern District of Ohio, Western District
22.	<i>Simonetti v. Lumber Liquidators, Inc., 2016-CA-00146</i>	Margaret Simonetti	In the Circuit Court of the Thirteenth Judicial Circuit in and for Hillsborough County, Florida Civil Division
23.	<i>Spence et al v. Lumber Liquidators, Inc., et al, 1:17-cv-02805</i>	Dwight Spence Mitchell Spence Diana Spence Dwight Spence, Jr.	District Court for the Eastern District of Virginia Originally filed: United States District Court for the District of Nevada
24.	<i>Stein et al v. Lumber Liquidators, Inc., et al, 1:16-cv-02794</i>	Tiffany S. Stein Cami Stein	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Central District of California

25.	<i>Thomas et al v. Lumber Liquidators Inc., 1:17-cv-02808</i>	Kathy Thomas David Thomas	District Court for the Eastern District of Virginia Originally filed: United States District Court for the Middle District of Georgia, Macon Division
26.	<i>Tyler v. Lumber Liquidators, Inc., N15C-11-138</i>	Keala Tyler	In the Superior Court of the State of Delaware in and for New Castle County

EXHIBIT B

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

IN RE: LUMBER LIQUIDATORS CHINESE-)	
MANUFACTURED LAMINATE FLOORING)	
PRODUCTS MARKETING, SALES)	MDL No. 1:15-md-02627 (AJT/TRJ)
PRACTICES AND PRODUCTS LIABILITY)	
LITIGATION)	
_____)	
)	
IN RE: LUMBER LIQUIDATORS CHINESE-)	
MANUFACTURED LAMINATE FLOORING)	
DURABILITY MARKETING AND SALES)	MDL No. 1:16-md-02743 (AJT/TRJ)
PRACTICES LITIGATION)	
_____)	

**DECLARATION OF STEVEN WEISBROT, ESQ. IN SUPPORT OF PRELIMINARY
APPROVAL OF SETTLEMENT**

I, STEVEN WEISBROT, ESQ., of full age, pursuant to section 1746 of title 28 of the United States Code, hereby declare under penalty of perjury as follows:

1. I am a partner at the class action notice and settlement administration firm, Angeion Group, LLC (“Angeion”). I am fully familiar with the facts contained herein based upon my personal knowledge.
2. I have been responsible in whole or in part for the design and implementation of hundreds of class action administration plans and have taught numerous accredited Continuing Legal Education courses on the Ethics of Legal Notification in Class Action Settlements, using Digital Media in Class Action Notice Programs, as well as Class Action Claims Administration, generally. Additionally, I am the author of frequent articles on Class Action Notice, Class Action Claims Administration and Notice Design in publications such as *Bloomberg*, *BNA Class Action Litigation Report*, *Law360*, the *ABA Class Action and Derivative Section Newsletter* and numerous private law firm publications. I have given public comment and written testimony to the Judicial Conference Committee on Rules of Practice and Procedure on the role of direct mail,

email, digital media and print publication, in effecting Due Process notice, and I have met with representatives of the Federal Judicial Center, to discuss the proposed amendments to Rule 23 and suggested educational programs for the judiciary concerning class action notice procedures.

3. Prior to joining Angeion's executive team, I was employed as Director of Class Action services at Kurtzman Carson Consultants, a nationally recognized class action notice and settlement administrator. Prior to my notice and claims administration experience, I was employed in private law practice and I am currently an attorney in good standing in the State of New Jersey and the Commonwealth of Pennsylvania.

4. My notice work comprises a wide range of class actions that includes product defect, false advertising, employment, antitrust, tobacco, banking, firearm, insurance, and bankruptcy cases. Likewise, I have been instrumental in infusing digital and social media, as well as big data and advanced targeting into class action notice programs. For example, the Honorable Sarah Vance stated in her December 31, 2014 Order in *In Re: Pool Products Distribution Market Antitrust Litigation MDL No. 2328*:

To make up for the lack of individual notice to the remainder of the class, the parties propose a print and web-based plan for publicizing notice. The Court welcomes the inclusion of web-based forms of communication in the plan.... The Court finds that the proposed method of notice satisfies the requirements of Rule 23(c)(2)(B) and due process.

The direct emailing of notice to those potential class members for whom Hayward and Zodiac have a valid email address, along with publication of notice in print and on the web, is reasonably calculated to apprise class members of the settlement.

As detailed below, courts have repeatedly recognized my work in the design of class action notice programs:

(a) For example, on February 24, 2017, The Honorable Ronald B. Rubin in *James Roy et al. v. Titeflex Corporation et al.*, 384003V (Md. Cir. Ct. 2013), noted when granting preliminary approval to the settlement:

What is impressive to me about this settlement is in addition to all the usual recitation of road racing litanies is that there is going to be a) public notice of a real nature and b) about a matter concerning not just money but public safety and then folks will have the knowledge to decide for themselves whether to take steps to protect themselves or not. And that's probably the best thing a government can do is to arm their citizens with knowledge and then the citizens can make a decision. To me that is a key piece of this deal. *I think the notice provisions are exquisite.* (Emphasis added).

(b) Likewise, on May 12, 2016 in his Order granting preliminary approval of the settlement in *In Re Whirlpool Corp. Front Loading Washer Products Liability Litigation* (MDL No. 2001), The Honorable Christopher A. Boyko ruled:

The Court, having reviewed the proposed Summary Notices, the proposed FAQ, the proposed Publication Notice, the proposed Claim Form, and the proposed plan for distributing and disseminating each of them, finds and concludes that the proposed plan for distributing and disseminating each of them will provide the best notice practicable under the circumstances and satisfies all requirements of federal and state laws and due process.

(c) In *in Re LG Front Loading Washing Machine Class Action Litigation- Civil Action No. 08-SI (MCA)(LDW)*, the Honorable Madeline Cox Arleo ruled:

This Court further approves the proposed methods for giving notice of the Settlement to the Members of the Settlement Class, as reflected in the Settlement Agreement and the joint motion for preliminary approval. The Court has reviewed the notices attached as exhibits to the Settlement, the plan for distributing the Summary Notices to the Settlement Class, and the plan for the Publication Notice's publication in print periodicals and on the internet, and finds that the Members of the Settlement Class will receive the best notice practicable under the circumstances. The Court specifically approves the Parties' proposal to use reasonable diligence to identify potential class members and an associated mailing and/or email address in the Company's records, and their proposal to direct the ICA to use this information to send absent class members notice both via first class mail and email. The Court further approves the plan for the Publication Notice's publication in two national print magazines and on the internet. The Court also approves payment of notice costs as provided in the Settlement. The Court finds that these procedures, carried out with reasonable

diligence, will constitute the best notice practicable under the circumstances and will satisfy due process.

5. By way of background, Angeion Group is a class action notice and claims administration company formed by a team of executives that have had extensive tenures at five other nationally recognized claims administration companies. Collectively, the management team at Angeion has overseen more than 2,000 class action settlements and distributed over \$10 billion to class members. The executive profiles as well as the company overview are available at http://www.angeiongroup.com/meet_the_team.htm.

6. This declaration will describe the notice program that my colleagues and I suggest using in this matter, including the considerations that informed the development of the plan and why it will provide Due Process of Law to the Class Members.

SUMMARY OF NOTICE PROGRAM

7. The notice program is the best notice that is practicable under the circumstances, as it provides individual notice to all Class Members who can be identified through reasonable effort. Specifically, the notice program incorporates a combination of direct notice via both US postal Mail *and* e-mail where both are available, which is predicted to reach the vast majority of class members at least once, but in certain cases, multiple times. Attached hereto are copies of each of the Long Form Notice (Ex. A); the three postcards notices (Exs. B, C, and D), the email notices (Exs. E, F, and G), and the banner ads and publication notice. (Exs. H and I).

8. Additionally, above and beyond the individual notice campaign which is slated to reach approximately 95%-99% of the class, the parties are implementing a robust publication campaign consisting of state of the art, national internet banner advertisements, as well as traditional publication notice in a widely-read consumer magazine. The notice program also

includes an informational website and toll-free telephone line where class members can learn more about their rights and responsibilities in the litigation.

9. In addition to the direct notice campaign, which is further described below and which utilizes every available mail and email address for all known Class Members, the comprehensive media notice program alone will deliver an approximate 70.2% reach with an average frequency of 2.98 times.

10. What this means in practice is that separate and apart from the direct notice campaign, which is likely to reach nearly every class member, the media campaign will reach approximately 70% of the target audience, and that on average, each person who is exposed to the media campaign, will see an advertisement 2.98 times. The Federal Judicial Center states that a publication notice plan that reaches 70% of class members is one that reaches a “high percentage” and is within the “norm.” Barbara J. Rothstein & Thomas E. Willging, Federal Judicial Center, “Managing Class Action Litigation: A Pocket Guide for Judges,” at 27 (3d Ed. 2010).

CLASS DEFINITION

11. The “Settlement Classes” here are defined as:

All United States consumers who purchased from Lumber Liquidators Chinese-manufactured laminate flooring from January 1, 2011 and May 31, 2015 (hereafter the “CARB2/Durability Class”); and

All United States consumers who purchased from Lumber Liquidators Chinese-manufactured laminate flooring from 1, 2009 to December 31, 2010 (hereafter the “CARB1 Class”);

DIRECT NOTICE

12. The direct notice effort in this matter is robust and will consist of sending individual notice to all members who can be identified through reasonable effort. Specifically, we will (1)

mail notice by U.S. first-class mail, postage prepaid, to all mailing addresses in the records that the Defendant provided to Angeion. Each Settlement Class Member will be sent a personalized double-postcard notice with a detachable claim form, and (2) emailing notice of the Settlement to each Settlement Class Member for whom an email address is available in the Defendant's records provided to Angeion.

13. The detachable claim form will have Business Reply Mail ("BRM") postage included, which means that class members can mail their claim form back at no cost to them. Moreover, if Class Members do not opt to mail their claim form to the administrator, they may file their claim online at a dedicated case website.

14. Each claim form will have an individualized claim number and confirmation code, which can be entered on the dedicated website, to file a claim. The individualized claim number and confirmation code are keyed to defendant's purchase data, so the class member's purchase price is already associated with their individual claim number, thus reducing the burden on potential Class Members to substantiate their claims with additional documentation.

15. Furthermore, the Class Members will receive individualized notice keyed to their specific class. (Exs. B, C. and D.) Therefore, class members from each class (CARB2/Durability Class, CARB1 Class, and and those who are in both Classes) will receive an appropriately-tailored postcard that explains the rights and obligations relative to that class. All postcards will contain a detachable claim form Class Members can mail in at no cost. We note in the post-cards and the longform notice for CARB2/Durability claimants that based upon past settlement data in similar consumer cases, class members selecting the cash award may expect to receive about 20% - 56% of the purchase price of their flooring—not including the cost of installation. Class members electing to receive a voucher can expect approximately 38% -104% of their purchase price. We further note that this is for illustration purposes only, given that the ultimate benefits to be paid

are dependent on a number of currently unknown elements, including the number of claims that are filed. Nevertheless, this information provides claimants a better idea of what they may receive if they participate in the settlement, and will likely increase participation.

16. Based on Angeion's review of the records provided in the Defendant's data, the total class size in this matter is 1,005,470. Defendant's data contains approximately 1,005,423 U.S. Postal addresses and 757,966 email addresses. There are only 22 Class Cembers referenced in the records provided to Angeion that do not have an email address or a postal address.

17. To obtain the most current mailing addresses for Class Members, prior to mailing the postcard notices, the addresses provided in Defendant's records will be processed through the United States Postal Service ("USPS") National Change of Address ("NCOA") database. This process provides updated addresses for individuals who have moved within the last four years and who filed a change of address card with the USPS.

18. Similarly, in an effort to deliver notices to the intended Class Member recipients, the notice program provides for the following: (1) notices that are returned as undeliverable by the USPS and have a forwarding address will be re-mailed to that forwarding address; and (2) notices that are returned as undeliverable by the USPS without a forwarding address will be subject to address verification ("skip tracing"), utilizing a wide variety of data sources, including public records, real estate records, electronic directory assistance listings, etc., to locate updated addresses. Postcard notices will then be re-mailed to updated addresses located through skip tracing.

19. The direct mail effort will be supplemented by sending email notice to all Class Members that have email addresses contained in Defendant's records. (Exs. E, F, and G.) It is important to note that the email effort will be *in addition to*, not in lieu of, mailed notice. Angeion has been informed that Defendant's records contain email addresses for approximately 757,966 Settlement

Class Members. The email notice will contain a link that the Class Members can click to take them directly to the claim filing page on the settlement website where they can enter their individualized claim number and confirmation code.

MEDIA NOTICE TARGET AUDIENCE

20. This matter contemplates two nationwide settlement classes as defined in the Class Definition section, *supra*, in paragraph 11. To create the media notice program and verify its effectiveness, our media team analyzed data from 2017 comScore/GfK MRI 2016 Fall Fusion to profile the classes. Specifically, the following target definition was used to profile class members:

- Remodeling Household Had Done Last 12 Months [Laminate flooring]

Based on the target definition, the potential audience size is estimated at 4,857,000. It should be noted that this audience is over-inclusive in that it includes *all* individuals who have installed laminate flooring, not just those who purchased Chinese-made laminate flooring from Lumber Liquidators. This over-inclusive target audience is an appropriate proxy for the class, and is based on objective syndicated data that allow the parties to report the reach and frequency to the Court, with the confidence that the reach within the target audience and the number of exposure opportunities complies with due process and exceeds the Federal Judicial Center's threshold as to reasonableness in notification programs.

21. Understanding the socio-economic characteristics, interests and practices of a target group aids in the proper selection of media to reach that target. Here, the target audience has the following characteristics:

- Adults ages 25-64 with an average age of 47
- A sizable percentage (64.5%) are married
- 47.8% have a college degree
- 51.3% live in households with total income above \$75K

- 65.3% are employed, with most working full time (54.9%)

22. To identify the best vehicles to deliver messaging to the target audience, we reviewed the media quintiles, which measure the degree to which an audience uses media relative to the general population. Here, it shows our target audience is composed of “heavy” internet users, utilizing the web approximately 19 hours per week. Likewise, they read approximately 7 magazine issues per month, which is also considered “heavy” compared to the national average.

23. Given the strength of these two mediums and our target audience’s heavy reliance on those forms of media, we recommended running a publication in a magazine that resonates well with our target audience and utilizing a robust internet advertising campaign to reach absent Class Members. This media schedule will allow us to deliver an effective reach level for notice messaging while maximizing efficiencies. Each form of media notice will be discussed in further detail below.

ONLINE NOTICE

24. Multiple targeting layers will be implemented to help ensure delivery to the most appropriate users, inclusive of search targeting, category contextual targeting, keyword contextual targeting, and site retargeting. Inventory will run on desktop and mobile devices to reach the most qualified audience. Search terms will be relevant to hardwood flooring, laminate flooring, and Lumber Liquidators. Targeting users who are currently browsing or have recently browsed content in categories such as home improvement and flooring will also help qualify impressions to ensure messaging is served to the most relevant audience. Where available, purchase data will be utilized to further qualify the audience.

25. The internet banner notice portion of the notice program will be implemented using a 4-week desktop and mobile campaign, utilizing standard IAB sizes (160x600, 300x250, 728x90, 300x600, 320x50 and 300x50.) A 3x frequency cap will be imposed to maximize reach. The

banner notice portion of the notice program is designed to result in serving approximately 9,325,000 impressions. (Ex. H.)

26. To combat the possibility of non-human viewership of the digital advertisements and to verify effective unique placements, Angeion utilizes Integral Ad Science (“IAS”), the leading ad verification company to prevent fraudulent activity¹. IAS has received the Media Rating Council “MRC”² accreditation for Sophisticated Invalid Traffic (SIVT) detection for desktop and mobile web traffic.

27. To track campaign success, we will implement conversion pixels throughout the case filing website to better understand audience behavior and identify those most likely to convert. The programmatic algorithm will change based on success and failure to generate conversions throughout the process. Successful conversion on the Claim Submission button will be the primary goal, driving optimizations.

PUBLICATION NOTICE

28. In addition to the direct notice and online notice campaigns described above, the notice program utilizes traditional print media in a highly targeted publication.

¹ Integral Ad Science (IAS) is a global technology and data company that builds verification, optimization, and analytics solutions to empower the advertising industry to effectively influence consumers everywhere, on every device. They solve the most pressing problems for brands, agencies, publishers, and technology companies by verifying that every impression has the opportunity to be effective, optimizing towards opportunities to consistently improve results, and analyzing digital’s impact on consumer actions. Built on data science and engineering, IAS is headquartered in New York, with global operations in ten countries.

² The Media Rating Council was established in the early 1960’s at the behest of the US Congress. The objective or purpose to be promoted or carried on by Media Rating Council is: To secure for the media industry and related users audience measurement services that are valid, reliable and effective. To evolve and determine minimum disclosure and ethical criteria for media audience measurement services. To provide and administer an audit system designed to inform users as to whether such audience measurements are conducted in conformance with the criteria and procedures developed.

29. To identify the best print vehicle for delivering the message to the target audience, MRI was used to analyze and filter publications to determine the titles with the highest reach against our target audience. *People* was chosen as the best title for this notice program due to its strong reach towards the target audience. One ½ page B&W insertions is recommended and will be distributed on a national level. (Ex. H.)

RESPONSE MECHANISMS

30. The notice program will implement the creation of a case website, www.LaminateSettlement.com, where Class Members can easily view general information about this class action, review relevant Court documents, and view important dates and deadlines pertinent to the Settlement. The website will be designed to be user-friendly and make it easy for class members to find information about the case or file a claim. The website will also have a “Contact Us” page whereby Class Members can send an email with any additional questions to a dedicated email address. Likewise, Class Members will be able to file a claim directly on the website.

31. A toll-free hotline devoted to this case will be implemented to further apprise Class Members of the rights and options in the Settlement. The toll-free hotline will utilize an interactive voice response (“IVR”) system to provide Class Members with responses to frequently asked questions and provide essential information regarding the Settlement. This hotline will be accessible 24 hours a day, 7 days a week. In addition to IVR, live operators will be available to field more advanced class member questions. These operators will be trained as to the specifics of the litigation, so that class members may speak to a knowledgeable individual about the case who can answer questions the class member may have.

REACH AND FREQUENCY

32. The direct notice campaign described above incorporates direct notice via mail or email, and in some cases, both, to approximately 95%-99% of the settlement class. The notice forms include tear off claim forms that be mailed from anywhere in the United States without charge to the Class Members. Class members may also file online. In my opinion, this alone is sufficient to comport with Due Process. However, in this case, the parties have agreed to implement an additional over-inclusive publication notice campaign. The publication notice program incorporates advanced internet notice and publication in a widely read consumer magazine. This declaration provides the reach and frequency evidence which courts systematically rely upon in reviewing class action publication notice programs for adequacy. The reach percentage and the number of exposure opportunities meet or exceed the guidelines as set forth in the Federal Judicial Center's *Judges' Class Action Notice and Claims Process Checklist and Plain Language Guide*.

33. Specifically, the publication notice program alone is designed to deliver a 70.2% reach with an average frequency of 2.98 times each. The informational website and toll-free hotline are not calculable in the reach percentage but will nonetheless aid in informing the Class Members of their rights and options under the settlement.

34. It is my opinion that the Notice Program is fully compliant with Rule 23 of the Federal Rules of Civil Procedure, provides Due Process of Law, and is the best notice that is practicable under the circumstances.

PLAIN LANGUAGE NOTICE DESIGN

35. The Notice forms themselves are designed to be "noticed," reviewed, and—by presenting the information in plain language—understood, by Settlement Class Members. The design of the Notices follows the principles embodied in the Federal Judicial Center's illustrative "model"

notices posted at www.fjc.gov. The Notice forms contain plain language summaries of all the key information about Settlement Class Members' rights and options. Consistent with normal practice, all notice documents will undergo a final edit prior to actual emailing and publication for grammatical errors and accuracy.

36. Moreover, Rule 23(c)(2) of the Federal Rules of Civil Procedure requires class action notices to be written in "plain, easily understood language." Angeion maintains a strong commitment to adhering to the plain language requirement, while drawing on its experience and expertise to draft notices that effectively convey the necessary information to Settlement Class Members.

37. My colleagues and I have been involved in the drafting of the Notice forms for this case. All forms of Notice are noticeable, clear, concise, and in plain, easily understood language. The Notice forms effectively communicate information about the Settlement.

38. All Notices are designed to increase noticeability and comprehension. The Summary Notices, both email and postcard, feature a prominent headline in all caps. This alerts recipients and readers that the Notice is an important document and that the content may affect them, thereby supplying reasons to read the Notice.

39. Class Notice will also include a Long Form Notice. The Long Form Notice provides substantial information to Settlement Class Members. The Long Form Notice begins with a bold headline contained in an offset text box that identifies the specific brand at issue in the litigation. The notice is categorized into logical sections, helping to organize the information, while a question and answer format makes it easy to find answers to frequent questions by breaking the information into simple headings. The proposed Long Form Notice is attached hereto as Exhibit A.

40. The proposed Notice Plan in this Settlement satisfies the Rule 23 requirement for the best

notice that is practicable under the circumstances.

CONCLUSION

41. The notice program outlined above includes direct notice to all reasonably identifiable Settlement Class Members by mail, email, and in many cases, both. Further, above and beyond the direct notice campaign, the parties have implemented a publication notice campaign consisting of state of the art digital banner ads and publication in a widely-read, over-indexing national publication. It will deliver “noticeable” Notices to capture Settlement Class Members’ attention and provide them with information necessary to understand their rights and options.

42. In my opinion, the Notice Plan will provide full and proper notice to Settlement Class Members before the claims, opt-out, and objection deadlines. After the Notice Plan, Angeion will provide a final report verifying its effective implementation.

43. It is my opinion that the Notice Program provides class members Due Process of Law and is the best notice that is practicable under the circumstances and is fully compliant with Rule 23 of the Federal Rules of Civil Procedure.

I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: March 15, 2018

A handwritten signature in black ink, appearing to read "Steven M. Weisbrot", written in a cursive style.

STEVEN WEISBROT

EXHIBIT A

If You purchased Chinese-made laminate flooring (“Class Flooring”) sold by Lumber Liquidators between January 1, 2009 and May 31, 2015, You May Qualify to Receive Benefits from a Class Action Settlement

A Federal Court authorized this notice. This is not a solicitation.

- A proposed Settlement has been reached in class action lawsuits involving Class Flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015. This settlement does not constitute an admission of liability by the Company of any fault or liability. The parties have agreed to settle these matters to avoid the expense and uncertainty of litigation.
- You may be included in one or both of two Settlement Classes if you are a verified purchaser of Class Flooring and submit a Claim Form as explained below.
- The Settlement will provide eligible class members a portion of their purchase price back in cash or a voucher which can be used at Lumber Liquidators. The total value of the Settlement is \$36,000,000.00 consisting of \$22,000,000 in cash and \$14,000,000 in vouchers. In addition to repaying class members, the cash portion will be used to pay attorneys’ fees, costs (including expert fees and costs to administer the settlement), expenses, and service awards to class representatives. The vouchers are transferrable among family members. Please read the entire notice for further information.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM	This is the only way to receive benefits under the Settlement. You may complete and return the claim form attached to the postcard notice you received or you can visit the Settlement website www.LaminateSettlement.com to submit a claim online. Claims must be submitted no later than XXX XX, 2018 if submitted online, and must be postmarked no later than XXX XX, 2018 if submitted by mail.
EXCLUDE YOURSELF	If you opt out, you will not receive any benefits from the Settlement, but you will keep any rights you currently have to separately sue the Defendant for the claims that are the subject of this lawsuit. The deadline to exclude yourself is XXX XX, 2018.
OBJECT TO THE SETTLEMENT	You may write to the Court and all counsel explaining why you object to the Settlement. Any objection must be filed no later than XXX XX, 2018. See questions 16 and 17 below for additional requirements.
GO TO THE HEARING	If you do not exclude yourself, you may ask to speak in Court about the Settlement. The Final Approval Hearing is scheduled for XXX XX, 2018 at XX:00 X.m. at 401 Courthouse Square, Alexandria, VA 22314. You must give written notice of your intent to appear. See question XX below.
DO NOTHING AT ALL	If you do not exclude yourself or submit a timely claim, you will not receive benefits from the Settlement and you will give up any rights you currently have as specified in the Settlement Agreement to separately sue the Defendant for the claims being resolved by the Settlement.

Your rights and options – **and the deadlines to exercise them** – are explained in this Notice.

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BASIC INFORMATION

1. What is this Notice about?

This Notice is to inform you about the Settlement of lawsuits that may affect your rights, before the Court decides whether to approve the Settlement as final.

The lawsuits are called *In Re: Lumber Liquidators Chinese-Manufactured Laminate Flooring Products Marketing, Sales Practices and Products Liability Litigation*, No. 1:15-md-02627 (AJT) (E.D. Va), and *In Re Lumber Liquidators Chinese-Manufactured Flooring Durability Marketing And Sales Practices Litigation*, No. 1:16-md-02743 (AJT) (E.D. Va.). The United States District Court for the Eastern District of Virginia is overseeing both lawsuits. The people who filed the lawsuits are called Plaintiffs, and the company they sued is called the Defendant.

2. What is the lawsuit about?

One lawsuit (MDL 2627) alleges that the Chinese-manufactured laminate flooring sold by Lumber Liquidators did not comply with the labeling on the box which stated that the flooring complied with the California Air Resources Board regulations for formaldehyde levels in laminate flooring. The other lawsuit (MDL 2743) alleges that the same flooring does not meet the industry standards for durability and scratch-resistance, making the flooring less durable than advertised.

Lumber Liquidators denies the allegations and denies fault or liability.

3. What is a class action?

In a class action, one or more people called class representatives sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the class.

WHO IS INCLUDED

4. How do I know if I am included in the Settlement Class?

You may be included in one or both of two Settlement Classes if you are a person in the United States who purchased Chinese-made laminate flooring (“Class Flooring”) from Lumber Liquidators between January 1, 2009 and May 31, 2015.

5. What does it mean if I received an email or postcard about this settlement?

If you received a notice in the mail about this Settlement, then Lumber Liquidators’ records reflect that you purchased Class Flooring during the Class Period. This means you may be eligible to participate in the Settlement.

Please review the notice you received carefully. The front of the postcard or the email contains information identifying which class(es) you are included in. Please see Question 9 below.

If you did not receive a notice by mail or email you may still be a member of the class. Please complete a claim form online at www.LaminateSettlement.com and select “Submit a Claim” or visit the Important Documents section of that website to print a paper claim form. Your claim will be processed according to the applicable Court Orders and Settlement Agreement.

6. Who is not included in the Settlement Class?

The Settlement Classes do not include:

(1) Defendant, (2) all present and former affiliates and/or officers or directors of Defendant, (3) the Judge of this Court, the Judge's family and staff, (4) all individuals who have already entered a Release and Settlement Agreement with Lumber Liquidators related to their purchase of the Chinese-made laminate flooring product during the Class Periods, (5) contractors, persons, or other entities who purchased Chinese-manufactured laminate flooring primarily for resale, (6) individuals bringing Personal Injury Claims as defined in the Settlement Agreement and identified in Exhibit A to the Settlement Agreement, and (7) all persons who timely request to be excluded from the Classes in accordance with the provisions of the Notice.

7. What Products are included?

Chinese-made laminate flooring ("Class Flooring") means laminate flooring labeled "Made in China" and purchased from Lumber Liquidators stores from January 1, 2009 to May 31, 2015. A list of the eligible products may be found at the website, www.LaminateSettlement.com.

THE SETTLEMENT'S BENEFITS

8. What does the Settlement provide?

Settlement Fund.

For CARB2/Durability class members, the Settlement will provide eligible class members a portion of their purchase price (excluding installation and labor costs) back in cash or a store-credit voucher that can be used at Lumber Liquidators. The total value of the Settlement is \$36,000,000.00 consisting of \$22,000,000 in cash and \$14,000,000 in store-credit vouchers. For CARB1 class members, they may get up to \$50, depending upon how many claims are made on a \$1,000,000 fund.

In addition to repaying Class members, the cash portion will be used to pay attorneys' fees, costs, expenses, incentive awards to class representatives who were involved in the litigating the lawsuits, and the costs to administer the settlement.

Class members who select a store-credit voucher may transfer the voucher to a family member or a nationally recognized charity. Vouchers will not otherwise be transferrable, nor may they be sold or redeemed for cash.

Eligible Class members who file an Approved claim may choose the cash award or the store-credit voucher. If you fail to make a selection or select both, you will receive a store-credit voucher.

Cash or store-credit voucher awards will be allocated on a *pro rata* basis: this means that the final amount each participant receives will not be known until all class members have decided if they will participate in the settlement, and after they have selected the cash award or a store-credit voucher award. As explained below the potential amounts depend on whether you are a member of the CARB2/Durability Class, the CARB1 Class, or both.

No Portion of the Settlement Fund Will Return to Defendant.

Under no circumstances shall any portion of the Settlement Fund revert back to Defendant. If there are any checks uncashed, Plaintiffs' counsel may seek a *cy pres* award to benefit the victims of 2017 hurricanes that struck the U.S. or its territories.

More details are in the Settlement Agreement, which is available at www.LaminateSettlement.com.

9. What can I get?

The Settlement provides three (3) possible benefits to class members, depending on their membership in one or both of two settlement classes. If you received a Notice in the mail, that Notice states which of the following benefits you are entitled to. Please see the front of the Notice for additional details regarding your class.

CARB2/Durability Class (purchases of Class Flooring from January 1, 2011 to May 31, 2015): The Settlement will provide these eligible class members a portion of their purchase price (excluding installation and labor costs) back in cash, or a store-credit voucher that can be used at Lumber Liquidators.

CALL TOLL FREE 1-8XX-XXX-XXXX OR VISIT WWW.LAMINATESETTLEMENT.COM

IMPORTANT DOCUMENT – DO NOT DISCARD

Eligible class members who file an Approved claim may only choose the cash award or the voucher; they may not choose both. Both awards will be allocated on a *pro rata* basis: this means the final amount each participant receives will not be known until all class members have decided if they will participate and which option they have selected (cash or voucher).

Based upon past settlement data, class members selecting the cash award may expect to receive about 20% - 56% of the purchase price of their flooring—this does not include the cost of installation. Class members electing to receive a voucher can expect 38% -104% of their purchase price.

By way of example, a CARB2/Durability class member who paid \$1,000 for his or her Class Flooring could estimate to receive a store-credit voucher with an approximate value of \$380 to \$1,040. If the same class member selected the cash option, he or she could estimate an approximate cash award of \$200 to \$560. **These are estimates for illustration purposes only.** The final award amounts will depend on, among other things, the actual purchase price you paid for your Class Flooring, and the participation and award selection of settlement participants.

CARB1 Class (purchases of Class Flooring from January 1, 2009 to December 31, 2010): The Settlement will provide these eligible class members who file a timely and valid claim a payment of up to \$50. There is no store-credit voucher option for CARB1 Class claimants. A total of \$1.0 million has been allocated for the CARB1 class.

If eligible claims exceed \$1.0 million such that funds are insufficient to pay eligible CARB1 Claimants \$50 each, the award will be allocated on a *pro rata* basis: this means the final amount each participant receives will be reduced if too many claimants participate. The final amount awarded will not be known until all CARB1 Class members have decided if they will participate.

Both Classes (purchasers of the Class Flooring during both time periods): Class Members who made purchases of Class Flooring in both the CARB1 (January 1, 2009-December 31, 2010) and CARB2/Durability (January 1, 2011-May 31, 2015) time periods are included in both the CARB1 Class and the CARB2/Durability Class and are eligible to participate in both benefits as stated above.

The differences in the Settlement Classes relates in part to the different rules as to formaldehyde levels under CARB1 (.21 parts per million) and CARB2 (.11 parts per million) and the strength of the Plaintiffs' case. More details are in the Settlement Agreement, which is available at www.LaminateSettlement.com.

HOW TO GET BENEFITS

10. How do I make a claim?

Any Settlement Class Member who desires to make a claim under the terms of the Settlement Agreement may visit the Settlement website at www.LaminateSettlement.com to complete a claim online or may return by mail the claim form included with their initial notice. Postage is already paid. Claims must be received by the Claim Deadline.

11. When may I make a claim?

Claims may be submitted at any time through the Claim Deadline by visiting the Settlement website at www.LaminateSettlement.com or by mail as described above.

“Claim Deadline” means the date by which all Claim Forms must be postmarked or received by the Settlement Administrator to be considered timely. The claim deadline is XX if filed online; or if mailed to the Settlement Administrator, the Claim must be postmarked by XX.

When you submit a Claim, you agree to cooperate to provide such other information as is reasonably needed to evaluate the Claim and efficiently determine whether the Claim qualifies for the settlement benefits. Only a

CALL TOLL FREE 1-8XX-XXX-XXXX OR VISIT WWW.LAMINATESETTLEMENT.COM

IMPORTANT DOCUMENT – DO NOT DISCARD

Settlement Class Member may submit a Claim. More details are available in the Settlement Agreement, which is available at www.LaminateSettlement.com.

REMAIN IN THE SETTLEMENT CLASS

12. What am I giving up if I stay in the Settlement Class?

Unless you exclude yourself (*i.e.*, opt out of the Settlement), you will give up your right to sue the Defendant for the claims in these two MDL cases as set forth in the Settlement Agreement. You also will be bound by any decisions by the Court relating to the lawsuit and Settlement.

In return for providing the Settlement benefits, Defendant will be released from certain claims relating to the facts underlying this lawsuit. The Settlement Agreement describes the Release. Please read it carefully. If you have any questions, you can talk to Class Counsel listed in Question 18 for free. The Settlement Agreement and the Release are available at www.LaminateSettlement.com.

EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS

13. How do I get out of the Settlement Class?

To exclude yourself from the Settlement Class, you must send a letter (a “Request for Exclusion”) by first class mail to the Settlement Administrator. If you exclude yourself, you will not be entitled to share in the benefits of the Settlement. Your Request for Exclusion must include:

- Your name, address, and email address;
- Identify your individual counsel (if any);
- Contain a statement substantially similar to “I want to opt out of the Class(es) certified in the Lumber Liquidators Chinese-laminate flooring litigation.”; and
- Your signature and, if applicable, the signature of the attorney representing you.

Your Request for Exclusion must be submitted via U.S. Mail, Postage paid, and postmarked no later than XXXX XX, 2018, and mailed to:

CLASS ACTION EXCLUSIONS
ATTN: LUMBER LIQUIDATORS SETTLEMENT
P.O. Box 30456
Philadelphia, PA 19103

14. If I don’t exclude myself, can I sue for the same thing later?

No. Unless you exclude yourself, you will remain in the Settlement Classes and give up any right to separately sue Defendant for the claims covered by the Settlement.

15. If I exclude myself, can I still get benefits from the Settlement?

No. If you exclude yourself, you may not make a claim under the Settlement and you will not be eligible to receive compensation from the Settlement.

OBJECT TO THE SETTLEMENT

16. How do I object to the Settlement?

If you are a Class Member and disagree with any aspect of the Settlement which applies to you, you may object to the Settlement. You may express your views to the Court by writing a notice of intent to object to the Court, Class Counsel, and Defendant's counsel at the addresses below. Your written notice of intent to object must be mailed via first class mail and include:

- A caption that includes the case name and the case number as follows: *In Re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1:15-md-02627; or *In Re Lumber Liquidators Chinese- Manufactured Laminate Flooring Durability Marketing and Sales Practices Litigation*, MDL No. 1:16-md-2743; or both;
- Your name, mailing address, and email address;
- A written letter or brief detailing the specific basis for each objection, including any legal and factual support the objector wishes to bring to the Court's attention and any evidence the objector wishes to introduce in support of the objection, addressed to the United States District Court for the Eastern District of Virginia not later than XX, 2018;
- A valid proof of purchase of Chinese-manufactured laminate flooring sold by Lumber Liquidators or a reasonable equivalent;
- The number of class action settlements objected to by the Class member in the last three years;
- A statement as to whether the objecting Class member intends to appear at the Final Approval and Fairness Hearing, either in person or through counsel; and
- Your signature and, if applicable, the signature of the attorney representing you.

If the objection is made through an attorney, the written objection must also include additional information. Please see the Settlement agreement at www.LaminateSettlement.com for additional information.

Any comment or objection to the Settlement must be postmarked or personally delivered no later than XXXXX XX, 2018 to these four addresses:

<u>COURT</u> Clerk of Court United States District Court for the Eastern District of Virginia 401 Courthouse Square, Alexandria, VA 22314.	<u>Defendant Lumber Liquidators, Inc.</u> <u>Lead Counsel:</u> Diane P. Flannery, Esq. McGuireWoods LLP Gateway Plaza 800 East Canal Street Richmond, VA 23219
<u>Formaldehyde</u> <u>Plaintiffs' Co-Lead Counsel:</u> Steven Toll, Esq. Cohen Milstein Sellers & Toll PLLC 1100 New York Ave, NW Suite 500 – West Tower Washington, DC 20005	<u>Durability</u> <u>Plaintiffs' Co-Lead Counsel:</u> Alexander Robertson, IV, Esq. Robertson & Associates, LLP 32121 Lindero Canyon Rd, Suite 200 Westlake Village, CA 91361

17. What is the difference between excluding myself and objecting?

If you exclude yourself from the Settlement Classes, you are telling the Court that you don't want to participate in the Settlement. Therefore, you will not be eligible to receive any benefits from the Settlement and you will not be able to object to the Settlement. Objecting to the Settlement simply means telling the Court that you don't like something about the Settlement. Objecting does not disqualify you from making a claim; nor does it make you ineligible to receive Settlement benefits.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer representing me?

Yes. The Court has appointed the following law firms as Class Counsel to represent you and all other members of the Settlement Classes: Cohen Milstein Sellers & Toll PLLC; Cotchett, Pitre & McCarthy, LLP; Hagens Berman Sobol Shapiro LLP; Robertson & Associates LLP; Whitfield Bryson & Mason LLP; and Ahdoot & Wolfson, PC.

If you have any questions about the Settlement, you can talk to Class Counsel, or you can hire your own lawyer at your own expense.

19. How will the lawyers be paid?

Class Counsel will request attorneys' fees not to exceed one-third of the Settlement Fund, plus costs and expenses. The amount of these fees, costs, and expenses, as well as service awards for Class Representatives, will be decided by the Court and will be paid out of the Settlement Fund. Class Counsel will request service awards for Class Representatives who were deposed and actively participated in the litigation of up to \$5,000 each, for a total of \$60,000.00. Class Counsel will request a maximum of one service award per household. The Court may award less than the requested amounts for attorney's fees, costs, expenses, and service awards.

THE FINAL APPROVAL HEARING

20. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at XX:00 X.m. on XXXXXX XX, 2018, at the United States District Court for the Eastern District of Virginia, Room 702, 401 Courthouse Square, Alexandria, VA 22314. The hearing may be moved to a different date or time without additional notice, so check www.LaminateSettlement.com for current information. At the Final Approval Hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time. After the hearing, the Court will decide whether to grant final approval to the Settlement. We do not know how long these decisions will take.

21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also hire a lawyer to appear on your behalf at your own expense.

22. May I speak at the hearing?

If you send an objection or comment on the Settlement as described in Question 16, you will have the right to speak at the Final Approval Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

GET MORE INFORMATION

23. Where can I get more information?

This Notice summarizes the Settlement. You can get more information about the Settlement at www.LaminateSettlement.com or by calling 1-8XX-XXX-XXXX.

EXHIBIT B

15689

COURT ORDERED NOTICE

Class Action Notice

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2009 and 12/31/2010, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

Lumber Liquidators Chinese
Manufactured Laminate
Flooring Litigation
Settlement Administrator
1801 Market St, Ste 660
Philadelphia, PA 19103

FIRST CLASS
MAIL
US POSTAGE
PAID
Permit#_

|||||

Postal Service: Please do not mark barcode

ABC-1234567-8

Name
Address1
Address2
City, State, Zip Code

LUMBER LIQUIDATORS CLAIM FORM

Claim #: LLA-1234567-8

|||||

<<Name>>
<<CO>>
<<Addr1>> <<Addr2>>
<<City>>, <<St>> <<Zip>> <<Country>>

Please read the attached notice carefully, and then if you wish to file a claim, declare the following in order to receive your cash benefit.

I declare under penalty of perjury that (1) I purchased Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and December 31, 2010, and (2) the information on this Claim Form is true and correct.

Signature

Date

Am I a Class Member? According to the records of Lumber Liquidators, you are a class member in the **CARB1** settlement class. This means you purchased Class Flooring between January 1, 2009 and December 31, 2010.

What Does the Settlement Provide? The settlement will provide eligible **CARB1** class members who file an Approved Claim a cash payment of up to \$50.00, with a total award amount of \$1,000,000 available. If eligible claims exceed \$1.0 million, such that funds are insufficient to pay eligible **CARB1** Claimants \$50 each, the award will be allocated on a pro rata basis. This means the final amount each participant receives will not be known until all **CARB1** members have decided if they will participate.

How Do I Get a Payment? You must submit an Approved Claim Form, like the one included with this Notice. To file a claim, complete the attached Claim Form, detach it, and mail it to the Settlement

15690

Administrator. If mailed within the United States, no postage is necessary. Or, you may go to www.LaminateSettlement.com to submit your claim online using the information printed on the claim form. This postcard contains your Claim Number, which can be used to easily file your claim online. Your claim must be **received** by the Settlement Administrator no later than **[DATE]** to be considered for a benefit.

What Are My Other Options? You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by **[DATE]**. If you exclude yourself, you cannot receive a benefit, but keep any rights you may have to sue Lumber Liquidators over the legal issues in this Litigation. Lumber Liquidators denies liability. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the Settlement. Your written objection must be filed with the Court no later than **[DATE]**. Instructions on how to object to or exclude yourself from the Settlement are at www.LaminateSettlement.com.

Who Represents Me? The Court has appointed the law firms of Cohen Milstein Sellers & Toll PLLC; Cotchett, Pitre & McCarthy, LLP; and Hagens Berman Sobol Shapiro LLP as Class Counsel. They can petition to be paid legal fees up to \$12,000,000, plus costs and expenses, from the settlement fund for this and a related settlement class. You may hire your own lawyer at your expense if you so choose.

When Will the Court Consider the Settlement? The Court will hold a final approval hearing on **[DATE]** at 401 Courthouse Square, Alexandria, VA 22314, Room 702. The Court will hear any objections concerning the fairness of the Settlement, and decide on attorneys' fees, costs (including administrative costs), expenses, and Class Representative awards.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.LaminateSettlement.com, or contact the Settlement Administrator at 1-XXX-XXX-XXXX.

PLEASE RETAIN THIS POSTCARD AS IT CONTAINS YOUR CLAIM NUMBER.



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



POSTAGE WILL BE PAID BY ADDRESSEE
LUMBER LIQUIDATORS LAMINATE
FLOORING LITIGATION
SETTLEMENT ADMINISTRATOR
STE 660B
1801 MARKET ST
PHILADELPHIA, PA 19103-9666

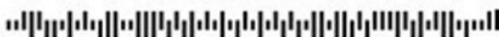


EXHIBIT C

15692

COURT ORDERED NOTICE

Class Action Notice

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2009 and 5/31/2015, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

Lumber Liquidators Chinese
Manufactured Laminate
Flooring Litigation
Settlement Administrator
1801 Market St, Ste 660
Philadelphia, PA 19103

FIRST CLASS
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Postal Service: Please do not mark barcode

ABC-1234567-8

Name
Address1
Address2
City, State, Zip Code

LUMBER LIQUIDATORS CLAIM FORM

Claim #: LLA-1234567-8

|||||

<<Name>>
<<CO>>
<<Addr1>> <<Addr2>>
<<City>>, <<St>> <<Zip>> <<Country>>

Please read the notice carefully. You may be entitled to claim: (a) a Store-credit Voucher or a cash award and (b) a second cash award. Details are provided on the attached notice—please refer to the “What Does the Settlement Provide” section.

☐

Voucher for Store Credit

OR

☐

Cash Reimbursement

PLUS:

☐

CARB1 Benefit

I declare under penalty of perjury that (1) I purchased Chinese-made laminate flooring from Lumber Liquidators between January 1, 2009 and December 31, 2010 and between January 1, 2011 and May 31, 2015 and (2) the information on this Claim Form is true and correct.

Signature

Date

Am I a Class Member? According to the records of Lumber Liquidators, you are a class member in both the **CARB1 and CARB2/DURABILITY** settlement classes. This means you purchased Class Flooring between January 1, 2009 and December 31, 2010 and again between January 1, 2011 and May 31, 2015.

What Does the Settlement Provide? The settlement will provide eligible CARB2/Durability class members a portion of their purchase price back in either (a) cash or (b) a voucher that can be used at Lumber Liquidators. The vouchers are transferrable among family members as described at www.LaminateSettlement.com. Eligible class members who file an Approved Claim may choose the cash award or the voucher, but not both. *If you fail to make a selection or select both, you will receive a voucher.* Additionally, CARB1 class members are eligible to receive \$50, with a total award amount of \$1,000,000 available. The total value of the settlement is \$36,000,000 consisting of \$22,000,000 in cash and \$14,000,000 in vouchers. In addition to repaying class members, the cash portion will be used to pay attorneys’ fees, costs, expenses, and incentive awards.

The awards will be allocated on a pro rata basis. This means that the final amount each participant receives is unknown until all Settlement Class Members have decided if they will participate and select cash or a voucher as their benefit. Based upon past settlement data, CARB2/Durability Class Members selecting the cash award could receive about 20%-56% of the purchase price of their flooring—this benefit does not include the cost of installation. Class members selecting a voucher can expect 38%-104% of their purchase price.

By way of example, a class member who paid \$1,000 for his Class Flooring could expect to receive a voucher with an approximate value of \$380 to \$1,040. If the same class member selected the cash option, he could expect an approximate cash award of \$200 to \$560. **These are estimates for illustration purposes only.** The final award amounts will depend on, among other things, the actual purchase price you paid for your Class Flooring, and the participation and award selection of settlement participants.

How Do I Get a Payment? You must submit an Approved Claim Form, like the one included with this Notice. To file a claim, complete the attached Claim Form, detach it, and mail it to the Settlement Administrator. If mailed within the United States, no postage is necessary. Or, you may go to www.LaminateSettlement.com to submit your claim online using the information printed on the claim form. This postcard contains your Claim Number, which can be used to easily file your claim online. Your claim must be **received** by the Settlement Administrator no later than [DATE] to be considered for a benefit.

What Are My Other Options? You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by [DATE]. If you exclude yourself, you cannot receive a benefit, but keep any rights you may have to sue Lumber Liquidators over the legal issues in this Litigation. Lumber Liquidators denies liability. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the Settlement. Your written objection must be filed with the Court no later than [DATE]. Instructions on how to object to or exclude yourself from the Settlement are at www.LaminateSettlement.com.

Who Represents Me? The Court has appointed the law firms of Cohen Milstein Sellers & Toll PLLC; Cotchett, Pitre & McCarthy, LLP; Hagens Berman Sobol Shapiro LLP; Robertson & Associates LLP; Whitfield Bryson & Mason LLP; and Ahdoot & Wolfson, PC as Class Counsel. They can petition to be paid legal fees up to \$12,000,000, plus costs and expenses, from the settlement fund. You may hire your own lawyer at your expense if you so choose.

When Will the Court Consider the Settlement? The Court will hold a final approval hearing on [DATE] at 401 Courthouse Square, Alexandria, VA 22314, Room 702. The Court will hear any objections concerning the fairness of the Settlement, and decide on attorneys' fees, costs (including administrative costs), expenses, and Class Representative awards.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.LaminateSettlement.com, or contact the Settlement Administrator at 1-XXX-XXX-XXXX.

PLEASE RETAIN THIS POSTCARD AS IT CONTAINS YOUR CLAIM NUMBER.



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



POSTAGE WILL BE PAID BY ADDRESSEE
LUMBER LIQUIDATORS LAMINATE
FLOORING LITIGATION
SETTLEMENT ADMINISTRATOR
STE 660B
1801 MARKET ST
PHILADELPHIA, PA 19103-9666

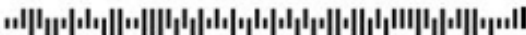


EXHIBIT D

15695

COURT ORDERED NOTICE

Class Action Notice

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2011 and 5/31/2015, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

Lumber Liquidators Chinese
Manufactured Laminate
Flooring Litigation
Settlement Administrator
1801 Market St, Ste 660
Philadelphia, PA 19103

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US POSTAGE
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Permit#_

|||||

Postal Service: Please do not mark barcode

ABC-1234567-8

Name
Address1
Address2
City, State, Zip Code

LUMBER LIQUIDATORS CLAIM FORM

Claim #: LLA-1234567-8

|||||

<<Name>>
<<CO>>
<<Addr1>> <<Addr2>>
<<City>>, <<St>> <<Zip>> <<Country>>

Please read the notice carefully. You may be entitled to claim a Store-credit Voucher or a cash award. Details are provided on the attached notice—please refer to the “What Does the Settlement Provide” section.

☐

Voucher for Store Credit

OR

☐

Cash Reimbursement

I declare under penalty of perjury that (1) I purchased Chinese-made laminate flooring from Lumber Liquidators between January 1, 2011 and May 31, 2015 and (2) the information on this Claim Form is true and correct.

Signature

Date

Am I a Class Member? According to the records of Lumber Liquidators, you are a class member in the **CARB2/Durability** settlement class. This means you purchased Class Flooring between January 1, 2011 and May 31, 2015.

What Does the Settlement Provide? The settlement will provide eligible CARB2/Durability class members a portion of their purchase price back in either (a) cash or (b) a voucher that can be used at Lumber Liquidators. The vouchers are transferrable among family members as described at www.LaminateSettlement.com. Eligible class members who file an Approved Claim may choose the cash award or the voucher, but not both. *If you fail to make a selection or select both, you will receive a voucher.* The total value of the settlement is \$36,000,000, consisting of \$22,000,000 in cash and \$14,000,000 in vouchers. In addition to repaying class members, the cash portion will be used to pay attorneys’ fees, costs, expenses, and incentive awards.

The awards will be allocated on a pro rata basis. This means that the final amount each participant receives is unknown until all Settlement Class Members have decided if they will participate, and select cash or a voucher as their benefit. Based upon past settlement data, CARB2/Durability Class Members selecting the cash award could receive about 20%-56% of the purchase price of their flooring—this benefit does not include the cost of installation. Class members

selecting a voucher can expect 38%-104% of their purchase price.

By way of example, a class member who paid \$1,000 for his Class Flooring could expect to receive a voucher with an approximate value of \$380 to \$1,040. If the same class member selected the cash option, he could expect an approximate cash award of \$200 to \$560. **These are estimates for illustration purposes only.** The final award amounts will depend on, among other things, the actual purchase price you paid for your Class Flooring, and the participation and award selection of settlement participants.

How Do I Get a Payment? You must submit an Approved Claim Form, like the one included with this Notice. To file a claim, complete the attached Claim Form, detach it, and mail it to the Settlement Administrator. If mailed within the United States, no postage is necessary. Or, you may go to www.LaminateSettlement.com to submit your claim online using the information printed on the claim form. This postcard contains your Claim Number, which can be used to easily file your claim online. Your claim must be **received** by the Settlement Administrator no later than **[DATE]** to be considered for abenefit.

What Are My Other Options? You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by **[DATE]**. If you exclude yourself, you cannot receive a benefit, but keep any rights you may have to sue Lumber Liquidators over the legal issues in this Litigation. Lumber Liquidators denies liability. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the Settlement. Your written objection must be filed with the Court no later than **[DATE]**. Instructions on how to object to or exclude yourself from the Settlement are at www.LaminateSettlement.com.

Who Represents Me? The Court has appointed the law firms of Cohen Milstein Sellers & Toll PLLC; Cotchett, Pitre & McCarthy, LLP; Hagens Berman Sobol Shapiro LLP; Robertson & Associates LLP; Whitfield Bryson & Mason LLP; and Ahdoot & Wolfson, PC as Class Counsel. They can petition to be paid legal fees of up to \$12,000,000 plus costs and expenses from the settlement fund for this and a related settlement class. You may hire your own lawyer at your expense if you so choose.

When Will the Court Consider the Settlement? The Court will hold a final approval hearing on **[DATE]** at 401 Courthouse Square, Alexandria, VA 22314, Room 702. The Court will hear any objections concerning the fairness of the Settlement, and decide on attorneys' fees, costs (including administrative costs), expenses, and Class Representative awards.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.LaminateSettlement.com, or contact the Settlement Administrator at 1-XXX-XXX-XXXX.

PLEASE RETAIN THIS POSTCARD AS IT CONTAINS YOUR CLAIM NUMBER.



NO POSTAGE
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IN THE
UNITED STATES



POSTAGE WILL BE PAID BY ADDRESSEE
LUMBER LIQUIDATORS LAMINATE
FLOORING LITIGATION
SETTLEMENT ADMINISTRATOR
STE 660B
1801 MARKET ST
PHILADELPHIA, PA 19103-9666



EXHIBIT E

Email Subject Line:

Official Legal Notice: Lumber Liquidator Laminate Flooring Class Action Settlement

COURT ORDERED NOTICE

CLAIM #:
CONFIRMATION CODE:

[CLICK HERE TO FILE A CLAIM](#)

Dear [Name],

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2009 and 12/31/2010, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

Am I a Class Member? According to the records of Lumber Liquidators, you are a class member in the **CARB1** settlement class. This means you purchased Class Flooring between January 1, 2009 and December 31, 2010.

What Does the Settlement Provide? The settlement will provide eligible **CARB1** class members who file an Approved Claim a cash payment of up to \$50.00, with a total award amount of \$1,000,000 available. If eligible claims exceed \$1.0 million, such that funds are insufficient to pay eligible **CARB1** Claimants \$50 each, the award will be allocated on a pro rata basis. This means the final amount each participant receives will not be known until all **CARB1** members have decided if they will participate.

How Do I Get a Payment? You must submit an Approved Claim Form. To file a claim, click [here](#). Or, you may go to www.LaminateSettlement.com to download and print a [claim form](#). This email contains your Claim Number and Confirmation Code, which can be used to easily file your claim online. Your claim must be **received** by the Settlement Administrator no later than [DATE] to be considered for a benefit.

What Are My Other Options? You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by [DATE]. If you exclude yourself, you cannot receive a benefit, but keep any rights you may have to sue Lumber Liquidators over the legal issues in this Litigation. Lumber Liquidators denies liability. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the Settlement. Your written objection must be filed with the Court no later than [DATE]. Instructions on how to object to or exclude yourself from the Settlement are at www.LaminateSettlement.com.

Who Represents Me? The Court has appointed the law firms of Cohen Milstein Sellers & Toll PLLC; Cotchett, Pitre & McCarthy, LLP; and Hagens Berman Sobol Shapiro LLP as Class Counsel. They can petition to be paid legal fees of up to \$12,000,000 plus costs and expenses from the settlement fund for this and a related settlement class. You may hire your own lawyer at your expense if you so choose.

When Will the Court Consider the Settlement? The Court will hold a final approval hearing on [DATE] at 401 Courthouse Square, Alexandria, VA 22314, Room 702. The Court will hear any objections concerning the fairness of the Settlement, and decide on attorneys' fees, costs (including administrative costs), expenses, and Class Representative service awards.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.LaminateSettlement.com, or contact the Settlement Administrator at 1-XXX-XXX-XXXX.

**PLEASE RETAIN THIS EMAIL AS IT CONTAINS YOUR CLAIM
NUMBER.**

EXHIBIT F

Email Subject Line:

Official Legal Notice: Lumber Liquidator Laminate Flooring Class Action Settlement

COURT ORDERED NOTICE

CLAIM #:
CONFIRMATION CODE:

[CLICK HERE TO FILE A CLAIM](#)

Dear [Name],

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2009 and 5/31/2015, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

Am I a Class Member? According to the records of Lumber Liquidators, you are a class member in both the **CARB1 and CARB2/Durability** settlement classes. This means you purchased Class Flooring between January 1, 2009 and December 31, 2010 and again between January 1, 2011 and May 31, 2015.

What Does the Settlement Provide? The settlement will provide eligible CARB2/Durability class members a portion of their purchase price back in either (a) cash or (b) a voucher that can be used at Lumber Liquidators. The vouchers are transferrable among family members as described at www.LaminateSettlement.com. Eligible class members who file an Approved Claim may choose the cash award or the voucher, but not both. *If you fail to make a selection or select both, you will receive a voucher.* Additionally, CARB1 class members are eligible to receive \$50, with a total award amount of \$1,000,000 available for CARB1 claims. The total value of the settlement is \$36,000,000, consisting of \$22,000,000 in cash and \$14,000,000 in vouchers. In addition to repaying class members, the cash portion will be used to pay attorneys’ fees, costs, expenses, and incentive awards.

The awards will be allocated on a pro rata basis. This means that the final amount each participant receives is unknown until all Settlement Class Members have decided if they

will participate and select cash or a voucher as their benefit. Based upon past settlement data, CARB2/Durability Class Members selecting the cash award could receive about 20%-56% of the purchase price of their flooring—this benefit does not include the cost of installation. Class members selecting a voucher can expect 38%-104% of their purchase price.

By way of example, a class member who paid \$1,000 for his Class Flooring could expect to receive a voucher with an approximate value of \$380 to \$1,040. If the same class member selected the cash option, he could expect an approximate cash award of \$200 to \$560. **These are estimates for illustration purposes only.** The final award amounts will depend on, among other things, the actual purchase price you paid for your Class Flooring, and the participation and award selection of settlement participants.

How Do I Get a Payment? You must submit an Approved Claim Form. To file a claim, click [here](#). Or, you may go to www.LaminateSettlement.com to download and print a [claim form](#). This email contains your Claim Number and Confirmation Code, which can be used to easily file your claim online. Your claim must be **received** by the Settlement Administrator no later than [DATE] to be considered for a benefit.

What Are My Other Options? You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by [DATE]. If you exclude yourself, you cannot receive a benefit, but keep any rights you may have to sue Lumber Liquidators over the legal issues in this Litigation. Lumber Liquidators denies liability. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the Settlement. Your written objection must be filed with the Court no later than [DATE]. Instructions on how to object to or exclude yourself from the Settlement are at www.LaminateSettlement.com.

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When Will the Court Consider the Settlement? The Court will hold a final approval hearing on [DATE] at 401 Courthouse Square, Alexandria, VA 22314, Room 702. The Court will hear any objections concerning the fairness of the Settlement, and decide on attorneys' fees, costs (including administration costs), expenses, and Class Representative service awards.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.LaminateSettlement.com, or contact the Settlement Administrator at 1-XXX-XXX-XXXX.

**PLEASE RETAIN THIS EMAIL AS IT CONTAINS YOUR CLAIM
NUMBER.**

EXHIBIT G

Email Subject Line:

Official Legal Notice: Lumber Liquidator Laminate Flooring Class Action Settlement

COURT ORDERED NOTICE

CLAIM #:
CONFIRMATION CODE:

[CLICK HERE TO FILE A CLAIM](#)

Dear [Name],

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2011 and 5/31/2015, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

Am I a Class Member? According to the records of Lumber Liquidators, you are a class member in the **CARB2/Durability** settlement class. This means you purchased Class Flooring between January 1, 2011 and May 31, 2015.

What Does the Settlement Provide? The settlement will provide eligible CARB2/Durability class members a portion of their purchase price back in either (a) cash or (b) a voucher that can be used at Lumber Liquidators. The vouchers are transferrable among family members as described at www.LaminateSettlement.com. Eligible class members who file an Approved Claim may choose the cash award or the voucher, but not both. *If you fail to make a selection or select both, you will receive a voucher.* The total value of the settlement is \$36,000,000 consisting of \$22,000,000 in cash and \$14,000,000 in vouchers. In addition to repaying class members, the cash portion will be used to pay attorneys’ fees, costs (including administrative costs), expenses, and incentive awards.

The awards will be allocated on a pro rata basis. This means that the final amount each participant receives is unknown until all Settlement Class Members have decided if they will participate, and select cash or a voucher as their benefit. Based

upon past settlement data, CARB2/Durability Class Members selecting the cash award could receive about 20%-56% of the purchase price of their flooring—this benefit does not include the cost of installation. Class members selecting a voucher can expect 38%-104% of their purchase price.

By way of example, a class member who paid \$1,000 for his Class Flooring could expect to receive a voucher with an approximate value of \$380 to \$1,040. If the same class member selected the cash option, he could expect an approximate cash award of \$200 to \$560. **These are estimates for illustration purposes only.** The final award amounts will depend on, among other things, the actual purchase price you paid for your Class Flooring, and the participation and award selection of settlement participants.

How Do I Get a Payment? You must submit an Approved Claim Form. To file a claim, click [here](#). Or, you may go to www.LaminateSettlement.com to download and print a [claim form](#). This email contains your Claim Number and Confirmation Code, which can be used to easily file your claim online. Your claim must be **received** by the Settlement Administrator no later than [DATE] to be considered for a benefit.

What Are My Other Options? You may exclude yourself from the Settlement Class by mailing a written notice to the Settlement Administrator postmarked by [DATE]. If you exclude yourself, you cannot receive a benefit, but keep any rights you may have to sue Lumber Liquidators over the legal issues in this Litigation. Lumber Liquidators denies liability. If you do not exclude yourself, you and/or your lawyer have the right to appear before the Court and/or object to the Settlement. Your written objection must be filed with the Court no later than [DATE]. Instructions on how to object to or exclude yourself from the Settlement are at www.LaminateSettlement.com.

Who Represents Me? The Court has appointed the law firms of Cohen Milstein Sellers & Toll PLLC; Cotchett, Pitre & McCarthy, LLP; Hagens Berman Sobol Shapiro LLP; Robertson & Associates LLP; Whitfield Bryson & Mason LLP, and Ahdoot & Wolfson, PC as Class Counsel. They can petition to be paid legal fees of up to \$12,000,000, plus costs and expenses, from the settlement fund for this and a related settlement class. You may hire your own lawyer at your expense if you so choose.

When Will the Court Consider the Settlement? The Court will hold a final approval hearing on [DATE] at 401 Courthouse Square, Alexandria, VA 22314, Room 702. The Court will hear any objections concerning the fairness of the

Settlement, and decide on attorneys' fees, costs (including administrative costs), expenses, and Class Representative awards for this and a related settlement class.

How Do I Get More Information? For more information, including the full Notice and Settlement Agreement, go to www.LaminateSettlement.com, or contact the Settlement Administrator at 1-XXX-XXX-XXXX.

**PLEASE RETAIN THIS EMAIL AS IT CONTAINS YOUR CLAIM
NUMBER.**

EXHIBIT H

IF YOU PURCHASED LAMINATE FLOORING FROM LUMBER LIQUIDATORS

Case 1:15-md-02627-AUT-ER Document 1-39 Filed 03/19/19 Page 141 of 129 PageID#

15709

FROM JANUARY 1, 2009- MAY 31, 2015, YOU MAY BENEFIT FROM A

CLASS ACTION SETTLEMENT.

CLICK HERE

**FOR MORE
INFORMATION.**

EXHIBIT I

COURT ORDERED NOTICE

If you purchased Chinese-made laminate flooring from Lumber Liquidators (“Class Flooring”) between 1/1/2009 and 5/31/2015, you may qualify to receive benefits from a class action settlement. Visit the Settlement website at www.LaminateSettlement.com to view the Long Form Notice and Important Court Documents for a detailed explanation of the Settlement.

If you are a member of a Settlement Class, your rights will be affected by this Action.

This Notice is being published pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Eastern District of Virginia to inform you that a proposed Settlement has been reached in class action lawsuits involving Class Flooring sold by Lumber Liquidators between January 1, 2009 and May 31, 2015. You may be included in the Settlement Classes if you are a verified purchaser of Class Flooring and submit a Claim Form as explained below.

Who is Included?

You may be included in one or both of the Settlement Classes if you are a person in the United States who purchased Chinese-made laminate flooring (“Class Flooring”) from Lumber Liquidators between January 1, 2009 and May 31, 2015.

What is the Lawsuit About?

This Settlement resolves two lawsuits. One lawsuit (MDL 2627) alleges that the Chinese-manufactured laminate flooring sold by Lumber Liquidators did not comply with the labeling on the box which stated that the flooring complied with the California Air Resources Board regulations for formaldehyde levels in laminate flooring. The other lawsuit (MDL 2743) alleges that the same flooring does not meet the industry standards for durability and scratch-resistance, making the flooring less durable than advertised.

Lumber Liquidators denies the allegations and denies fault or liability.

Your Options.

Make a Claim Any Settlement Class Member who desires to make a claim under the terms of the Settlement Agreement may visit the Settlement website at www.LaminateSettlement.com to complete a claim online. Claims must be received by the Claim Deadline. “Claim Deadline” means the date by which all Claim Forms must be postmarked or received by the Settlement

Administrator to be considered timely. The claim deadline is XX if filed online, or if mailed to the Settlement Administrator, the claim must be postmarked by XX.

Exclude yourself from the Class: Unless you exclude yourself (i.e., opt out of the Settlement), you will give up your right to sue the Defendant for the claims in these two MDL cases as set forth in the Settlement Agreement. You also will be bound by any decisions by the Court relating to the lawsuit and Settlement. If you are a member of one or both Classes and wish to be excluded, you must request exclusion in accordance with the procedures set forth in the Long Form Notice, which can be viewed at www.LaminateSettlement.com.

Object to the Settlement: If you are a Class Member and disagree with any aspect of the Settlement which applies to you, you may object to the Settlement. You may express your views to the Court by writing a notice of intent to object to the Court, Class Counsel, and Defendant’s counsel at the addresses below. Your written notice of intent to object must be mailed via first class mail and include certain information enumerated in the long form notice which can be viewed at www.LaminateSettlement.com.

Additional Information

This Notice provides only a summary of the lawsuit and the claims asserted by Class Representatives. For more detailed information regarding the Action, you may contact Class Counsel or visit www.LaminateSettlement.com.

You may also contact the Administrator by email at LaminateSettlement@AdministratorClassAction.com or by mail at Lamine Settlement Litigation, 1801 Market St., Ste 660, Philadelphia, PA 19103.

www.LaminateSettlement.com

EXHIBIT 2B

COHENMILSTEIN

For over 45 years, Cohen Milstein Sellers & Toll PLLC has fought corporate abuse, pursuing litigation on behalf of affected individuals, whistleblowers, public entities, small businesses, institutional investors, and employees in many of the major class action cases litigated in the United States for violations of the antitrust, securities, consumer protection, civil rights/discrimination, ERISA, employment, and human rights laws. Cohen Milstein specializes in holding large corporations accountable for their actions even though they often have significantly more resources than those damaged by their misconduct.

One of the premier firms in the country handling major complex plaintiff-side litigation, Cohen Milstein has over 90 attorneys in offices in Washington, D.C.; New York, NY; Philadelphia, PA; Chicago, IL; Denver, CO; Raleigh, NC; and Palm Beach Gardens, FL. Cohen Milstein is at the forefront of numerous innovative legal actions that are expanding the quality and availability of legal recourse for aggrieved individuals and businesses both domestic and international. Over its history, Cohen Milstein has obtained many landmark judgments and settlements for individuals and businesses in the United States and abroad. The firm's most significant past and present cases include:

- In re: Urethane Antitrust Litigation (Polyether Polyol Cases) (D. Kan.). Cohen Milstein represents a class of direct purchasers of several types of chemicals who were overcharged as a result of a nationwide price-fixing and market allocation conspiracy. Cohen Milstein was able to negotiate settlements with certain defendants totaling approximately \$139 million and proceeded to trial against the remaining defendant. Following the trial, the jury returned a \$400 million verdict in favor of the class, which was affirmed by the Tenth Circuit. In accordance with federal antitrust laws, that verdict was subject to trebling and Dow was ordered to pay to more than \$1 billion. Dow sought review by the United States Supreme Court, but settled the case in February 2016 for \$835 million.
- Countrywide MBS Litigation (C.D. Cal.). In April 2013, plaintiffs in the landmark MBS class action litigation against Countrywide Financial Corporation and others agreed to a \$500 million settlement. It is the nation's largest MBS-federal securities class action settlement. The settlement is also one of the largest (top 20) class action securities settlements of all time.
- RALI MBS Litigation (S.D.N.Y.). On July 31, 2015, Judge Katherine Failla gave final approval to a \$235 million settlement with underwriters Citigroup Global Markets Inc., Goldman Sachs & Co., and UBS Securities LLC. She also approved a plan for distribution to investors of those funds as well as the previously approved \$100 million settlement with RALI, its affiliates, and the individual Defendants that was reached in 2013. The case took seven years of intense litigation to resolve.
- Harborview MBS Litigation (S.D.N.Y.). In February 2014, Cohen Milstein reached a settlement with the Royal Bank of Scotland (RBS) in the Harborview MBS Litigation, resolving claims that RBS duped investors into buying securities backed by shoddy home

loans. The \$275 million settlement is the fifth largest class action settlement in a federal MBS case.

- In re: Electronic Books Antitrust Litigation (S.D.N.Y.). In August 2014, a New York federal judge approved a \$400 million antitrust settlement in the hotly-contested ebooks price-fixing suit against Apple Inc. Combined with \$166 million in previous settlements with five defendant publishing companies, consumers could receive more than \$560 million. In March 2016, the Supreme Court declined to hear Apple's appeal, putting the settlement into effect.
- Khoday v. Symantec Corp. (D. Minn.) Cohen Milstein served as sole lead counsel in a case brought on behalf of purchasers of a product that plaintiffs alleged violated consumer protection laws and the common law because defendants failed to disclose that there were free alternative methods of obtaining the product. Counsel negotiated a \$60 million settlement for consumers deceived by defendants' conduct, giving class members back more than 100 cents on the dollar of their out of pocket losses.
- In re General Motors Dex-Cool Prod. Liab. Litig. (S.D. Ill.). Cohen Milstein worked principally with Girard Gibbs in a case representing consumers with engine damage caused by defective factory-installed coolant. Counsel negotiated a settlement providing dollar-for-dollar reimbursement for each consumer up to \$800.
- In re: The Exxon Valdez Litigation (D. Ak.). The firm was selected from dozens of law firms by federal and state judges in Alaska to serve as co-lead counsel for plaintiffs in the largest environmental case in United States history, resulting in a jury verdict of more than \$5 billion (reversed and remanded for revised punitive damages award; further proceedings pending).
- Roberts v. Texaco, Inc. (S.D.N.Y.). Cohen Milstein represented a class of African-American employees in this landmark litigation that resulted in the then-largest race discrimination settlement in history (\$176 million in cash, salary increases, and equitable relief). The court hailed the work of class counsel for, *inter alia*, "framing an imaginative settlement, that may well have important ameliorative impact . . . in the corporate context as a whole . . ."
- In re Caterpillar Engine Prod. Liab. Litig. (D.N.J.). Cohen Milstein served as co-lead counsel in a class action on behalf of 22 trucking and transportation operations, many family-owned, alleging that defective engines sold by Caterpillar left passengers stranded and unduly delayed the transportation of goods. Cohen Milstein was instrumental to negotiating the \$60 million settlement on behalf of class members whose engines' exhaust emission system defects resulted in power losses and shutdowns that prevent or impeded class members' vehicles from transporting goods or passengers.

The Primary Attorneys On This Matter

Steven J. Toll

Steven J. Toll joined the Firm in 1979 and has been lead or principal counsel in numerous highly publicized complex fraud cases. He has been Managing Partner of the Firm

since 1997 and is co-chair of the Securities Fraud/Investor Protection practice group. Mr. Toll's litigation successes secured him a place among Law360's Ten Most Admired Securities Attorneys by "earning a reputation for being a straight shooter while pulling off monumental settlements." *Lawdragon* has repeatedly named him as one of the 500 Leading Lawyers in America.

Mr. Toll has been named Lead Counsel in many high profile complex class actions. He is currently Co-Lead Counsel in the Lumber Liquidators Consumer Fraud case pending in the Eastern District of Virginia. He is also heading up the firm's efforts in the securities fraud class action against BP relating to the 2010 Oil Spill in the Gulf of Mexico, where Cohen Milstein serves as Co-Lead Counsel.

In November 2015, he was named MVP by Law360 after achieving significant mortgage-backed securities ("MBS") settlements and an appellate win which "cemented his status as a titan of the securities bar." Mr. Toll personally headed up several of these cases, including Countrywide, RALI, and Harborview. In approving the RALI settlement, District Judge Katherine P. Failla stated:

I think it is the most striking factor here, that in 2008, no one else seemed to want to take this particular tack with litigation and in 2011, they seemed to be proven correct (the class had been denied), but here we are with a substantial settlement. I don't want to demean this by saying that fortune favors the brave, but that is what happened here. Plaintiffs' counsel took on an enormous amount of risk and stuck with it for nearly seven years.

New Jersey Carpenters Health Fund v. RALI Series 2006-Q01, 08-civ-8781 (S.D.N.Y. Jul. 1, 2015).

Mr. Toll also was Co-Lead Counsel in one of the most highly publicized fraud cases of this era, the securities fraud class action involving Parmalat, the Italian dairy manufacturer; the case is known as Europe's "Enron," because of the similarities of the fraudulent schemes and the non-existence of billions of dollars of assets that had been recorded on Parmalat's financial statements. That case was settled for \$90 million. Some of Mr. Toll's other notable cases include those against Lucent Technologies, which was settled in 2001 for approximately \$575 million; Converium, where he negotiated a global settlement in the U.S. courts and the courts in Amsterdam of \$135 million; and MF Global, where he helped negotiate a settlement of \$90 million.

In July 2005, Mr. Toll was lead trial counsel in one of the few securities class actions to go to trial involving Globalstar, a satellite manufacturer. Mr. Toll successfully argued the motions before and during trial and ultimately achieved a settlement shortly before the case was scheduled to go to the jury. In approving the settlement, U.S. District Judge Kevin Castel remarked that Mr. Toll and his colleagues had "done a terrific job in presenting the case for the plaintiffs."

Mr. Toll is an honors graduate of the Wharton School of the University of Pennsylvania (B.S., Accounting, *cum laude*, 1972). He graduated from Georgetown University Law Center (J.D., 1975), where he was Special Project Editor of the Tax Lawyer.

Douglas J. McNamara

Douglas J. McNamara is Of Counsel at Cohen Milstein, and a member of the firm's Consumer Protection practice group. In that role, Mr. McNamara specializes in litigating complex, multi-state class action lawsuits against manufacturers and consumer service providers such as banks, insurers, credit card companies and others. He has helped litigate precedent-setting cases, including In re Caterpillar Engine Prod. Liab. Litig. (D.N.J.), regarding the limitations of preemption of the Clean Air Act.

Mr. McNamara has worked on numerous cases involving dangerous pharmaceuticals and medical devices, light cigarettes, defective consumer products, and environmental torts. He litigated and resolved the class action lawsuit against Philips Electronics North America Corp., General Motors regarding Dex-Cool, Symantec and Digital River, Rooms to Go, Apple, Inc., and DISH TV.

Prior to joining Cohen Milstein in 2001, Mr. McNamara was a litigation associate at Arnold & Porter, specializing in pharmaceutical and product liability cases. He started his career at New York City's Legal Aid Society, defending indigent criminal defendants at trial and on appeal.

He has been the lead author on three law review articles: "Buckley, Imbler and Stare Decisis: The Present Predicament of Prosecutorial Immunity and An End to Its Absolute Means," 59 Albany Law Review, 1135 (1996); "Sexual Discrimination and Sexual Misconduct: Applying New York's Gender-Specific Sexual Misconduct Law to Minors," 14 Touro Law Review, 477 (Winter 1998), and most recently, Douglas McNamara, et al, "Reexamining the Seventh Amendment Argument Against Issue Certification," 34 Pace Law Review, 1041 (2014). He has also taught courses on environmental and toxic torts as an adjunct at George Washington University School of Law.

Mr. McNamara is a highly regarded speaker who has presented at several forums on such topics as federal preemption, class certification and civil litigation, and is the author of scholarly articles focusing on emerging legal issues.

Mr. McNamara graduated summa cum laude from SUNY Albany with a major in Political Science, and earned his J.D. from New York University School of Law.

Sally M. Handmaker

Sally M. Handmaker is an associate and a member of the firm's Consumer Protection practice group, litigating actions to enforce consumer rights under federal and state laws. Ms. Handmaker graduated from the University of Virginia School of Law in 2011 and joined Cohen

Milstein in 2014 after serving as a litigation associate at a top-tier defense firm, working on complex commercial and general litigation matters in federal and state courts.

Ms. Handmaker has been the lead associate in several highly-successful consumer class actions in which she was involved in all aspects of litigation including: In re Anthem, Inc. Data Breach Litig., Khoday v. Symantec Corp., and In re Caterpillar Engine Prod. Liab. Litig. She was awarded the *pro bono* “Golden Gavel” award for work with the Lawyers’ Committee for Civil Rights Under Law’s Voting Rights Project and is an active member of Women in e-Discovery, a nonprofit organization focused on providing women with legal technology education, networking, and leadership opportunities.

EXHIBIT 2C



HAGENS BERMAN



EXPERIENCE.
INNOVATION.
RESULTS.





Hagens Berman is a national leader in class-action litigation driven by a team of legal powerhouses. With a tenacious spirit, we are motivated to make a positive difference in people's lives.

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INTRODUCTION

The Firm

Hagens Berman Sobol Shapiro LLP was founded in 1993 with one purpose: to help victims with claims of fraud and negligence that adversely impact a broad group. The firm initially focused on class action and other types of complex, multi-party litigation, but we have always represented plaintiffs/victims. As the firm grew, it expanded its scope while staying true to its mission of taking on important cases that implicate the public interest. The firm represents plaintiffs including investors, consumers, inventors, workers, the environment, governments, whistleblowers and others.

We are one of the nation's leading class-action law firms and have earned an international reputation for excellence and innovation in ground-breaking litigation against large corporations.

OUR FOCUS. Our focus is to represent plaintiffs/victims in product liability, tort, antitrust, consumer fraud, securities and investment fraud, employment, whistleblower, intellectual property, environmental, and employee pension protection cases. Our firm is particularly skilled at managing multi-state and nationwide class actions through an organized, coordinated approach that implements an efficient and aggressive prosecutorial strategy to place maximum pressure on defendants.

WE WIN. We believe excellence stems from a commitment to try each case, vigorously represent the best interests of our clients, and obtain the maximum recovery. Our opponents know we are determined and tenacious and they respect our skills and recognize our track record of achieving top results.

WHAT MAKES US DIFFERENT. We are driven to return to the class every possible portion of its damages—our track record proves it. While many class action or individual plaintiff cases result in large legal fees and no meaningful result for the client or class, Hagens Berman finds ways to return real value to the victims of corporate fraud and/or malfeasance.

A NATIONWIDE REACH. The scope of our practice is truly nationwide. We have flourished through our network of offices in nine cities across the United States, including Seattle, Boston, Chicago, Colorado Springs, Los Angeles, New York, Phoenix, San Francisco, San Diego and Washington, D.C. Our reach is not limited to the cities where we maintain offices. We have cases pending in courts across the country, with substantial activity in California, New York, Washington, Arizona and Illinois.

INTRODUCTION

Locations

SEATTLE

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“...the track record of Hagens Berman[’s] **Steve Berman is... impressive**, having racked... a \$1.6 billion settlement in the Toyota Unintended Acceleration Litigation and a substantial number of really outstanding big-ticket results.”

— Milton I. Shadur, Senior U.S. District Judge, naming Hagens Berman Interim Class Counsel in Stericycle Pricing MDL

“Class counsel has **consistently demonstrated extraordinary skill and effort.**”

— U.S. District Judge James Selna, Central District of California, *In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation*

“Berman is considered **one of the nation’s top class-action lawyers.**”

— Associated Press

Elite Trial Lawyers

The National Law Journal

The Plaintiffs’ Hot List: The Year’s Hottest Firms

The National Law Journal

Most Feared Plaintiffs Firms

Law360

“**Landmark consumer cases are business as usual** for Steve Berman.”

— *The National Law Journal*, naming Steve Berman one of the 100 most influential attorneys in the nation for the third time in a row

“[A] **clear choice** emerges. That choice is the Hagens Berman firm.”

— U.S. District Court for the Northern District of California, *In re Optical Disk Drive Products Antitrust Litigation* (appointing the firm lead counsel)

“All right, I think I can conclude on the basis with my five years with you all, watching this litigation progress and seeing it wind to a conclusion, that **the results are exceptional...** You did an exceptionally good job at organizing and managing the case...”

— U.S. District Court for the Northern District of California, *In re Dynamic Random Access Memory Antitrust Litigation* (Hagens Berman was co-lead counsel and helped achieve the \$325 million class settlement)

VISA-MASTERCARD ANTITRUST LITIGATION

The firm served as co-lead counsel in what was then the largest antitrust settlement in history – valued at **\$27 billion**.

E-BOOKS ANTITRUST LITIGATION

Hagens Berman secured a combined **\$560 million** settlement on behalf of consumers against Apple and five of the nation's largest publishing companies.

STATE OF WASHINGTON, ET AL. V. PHILIP MORRIS, ET AL.

Hagens Berman represented 13 states in the largest recovery in litigation history – **\$206B**.

TOYOTA UNINTENDED ACCELERATION LITIGATION

Hagens Berman obtained the then largest automotive settlement in history in this class action that recovered **\$1.6 billion** for vehicle owners.

DRAM ANTITRUST LITIGATION

The firm was co-lead counsel, and the case settled for **\$345 million** in favor of purchasers of dynamic random access memory chips (DRAM).

CHARLES SCHWAB SECURITIES LITIGATION

The firm was lead counsel in this action alleging fraud in the management of the Schwab YieldPlus mutual fund; a **\$235 million** class settlement was approved by the court.

MCKESSON DRUG LITIGATION

Hagens Berman was lead counsel in these racketeering cases against McKesson for drug pricing fraud that settled for more than **\$444 million** on the eve of trials.

AVERAGE WHOLESALE PRICE DRUG LITIGATION

Hagens Berman was co-lead counsel in this ground-breaking drug pricing case against the world's largest pharmaceutical companies, resulting in a victory at trial. The court approved a total of **\$338 million** in settlements.

ENRON ERISA LITIGATION

Hagens Berman was co-lead counsel in this ERISA litigation, which recovered in excess of **\$250 million**, the largest ERISA settlement in history.

Practice Areas

PRACTICE AREAS

Antitrust

Hagens Berman works to preserve healthy marketplace competition and fair trade by protecting consumers and businesses that purchase goods and services from price fixing, market allocation agreements, monopolistic schemes and other trade restraints. The firm's lawyers have earned an enviable reputation as experts in this often confusing and combative area of commercial litigation. Our attorneys have a deep understanding of the legal and economic issues within the marketplace, allowing us to employ groundbreaking market theories that shed light on restrictive anti-competitive practices.

Hagens Berman represents millions of consumers in several high-profile class-action lawsuits, and takes on major antitrust litigation to improve market conditions for consumers, businesses and investors. We have represented plaintiffs in markets as diverse as debit and credit card services, personal computer components, electric and gas power, airlines, and internet services, and we have prevailed against some of the world's largest corporations.

The firm has also generated substantial recoveries on behalf of health plans and consumers in antitrust involving pharmaceutical companies abusing patent rights to block generic drugs from coming to market. Hagens Berman has served as lead or co-lead counsel in landmark litigation challenging anti-competitive practices, in the Paxil Direct Purchaser Litigation (\$100 million), Relafen Antitrust Litigation (\$75 million), Tricor Indirect Purchaser Antitrust Litigation (\$65.7 million), and Augmentin Antitrust Litigation (\$29 million). Representative antitrust successes on behalf of our clients include:

> Visa/MasterCard

Helped lead this record-breaking antitrust case against credit card giants Visa and MasterCard that challenged charges imposed in connection with debit cards.

RESULT: \$3.05 billion settlement and injunctive relief valued at more than \$20 billion.

> NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players.

RESULT: \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

> Apple E-books

With state attorneys general, the firm secured a \$166 million settlement with publishing companies that conspired with Apple to fix e-book prices. The firm then look on Apple for its part in the price-fixing conspiracy. In the final stage in the lawsuit, the Supreme Court denied appeal from Apple, bringing the consumer payback amount to more than twice the amount of losses suffered by the class of e-book purchasers. This represents one of the most successful recovery of damages in any antitrust lawsuit in the country.

RESULT: \$560 million total settlements.

PRACTICE AREAS

Antitrust

> Animation Workers Antitrust

Hagens Berman represents a nationwide class of animators and other artistic workers in an antitrust class-action case filed against defendants Pixar, Lucasfilm and its division Industrial Light & Magic, DreamWorks Animation, The Walt Disney Company, Sony Pictures Animation, Sony Pictures Imageworks, Blue Sky Studios, ImageMovers LLC, ImageMovers Digital LLC and others.

RESULT: Total settlements have reached \$168 million, resulting in a payment of more than \$13,000 per class member.

> TFT LCDs

Hagens Berman Sobol Shapiro filed a class-action lawsuit against several major manufacturers of TFT LCD products, claiming the companies engaged in a conspiracy to fix, raise, maintain and stabilize the price of televisions, desktop and notebook computer monitors, mobile phones, personal digital assistants (PDAs) and other devices. After years of representing consumers against multiple defendants in multi-district litigation, the case against Toshiba went to trial. Toshiba was found guilty of price-fixing in 2012, and settled.

RESULT: \$470 million in total settlements.

> DRAM

The suit claimed DRAM (Dynamic Random Access Memory) manufacturers secretly agreed to reduce the supply of DRAM, a necessary component in a wide variety of electronics which artificially raised prices. The class included equipment manufacturers, franchise distributors and purchasers.

RESULT: \$375 million settlement.

> Optical Disk Drives

Hagens Berman fought on behalf of consumers in a lawsuit filed against Philips, Pioneer and others for artificially inflating the price of ODDs for consumers.

RESULT: \$180 million in total settlements reclaimed for consumers.

> Lithium Ion Batteries

Hagens Berman filed a class-action lawsuit against some of the largest electronics manufacturers including Sony, Samsung and Panasonic for illegally fixing the price of lithium ion batteries, pushing costs higher for consumers. Defendants collectively controlled between 60 to 90 percent of the market for lithium-ion batteries between 2000 and 2011 and used that power to fix battery prices.

RESULT: \$65 million in total settlements against multiple defendants.

> AC Nielsen

Represented Information Resources, Inc. ("IRI"), in a suit claiming that AC Nielsen's anti-competitive practices caused IRI to suffer significant losses.

RESULT: \$55 million settlement.

> Dairy Products

The firm filed a class-action suit against several large players in the dairy industry, including the National Milk Producers Federation, Dairy Farmers of America, Land O'Lakes, Inc., Agri-Mark, Inc. and Cooperatives Working Together (CWT) that together produce nearly 70 percent of the milk consumed in the United States. The suit alleging that the groups conspired to fix the price of milk throughout the United States through an organized scheme to limit production, involving the needless and premature slaughtering of 500,000 cows.

RESULT: \$52 million settlement on behalf of consumers in 15 states and the District of Columbia who purchased dairy products.

> Toys "R" Us Baby Products

The firm brought this complaint on behalf of consumers claiming Toys "R" Us and several baby product manufacturers violated provisions of the Sherman Antitrust Act by conspiring to inflate prices of high-end baby products, including car seats, strollers, high chairs, crib bedding, breast pumps and infant carriers. The suit asked the court to end what it claims are anti-competitive activities and seeks damages caused by the company's actions.

RESULT: \$35.5 million settlement.

PRACTICE AREAS

Antitrust

> EA Madden

Class action claimed that video game giant Electronic Arts used exclusive licensing agreements with various football organizations to nearly double the price of several of its games.

RESULT: \$27 million settlement and imposed limits on EA's ability to pursue exclusive licensing agreements.

> Resistors Antitrust Litigation

Hagens Berman is co-lead counsel, representing direct purchasers of linear resistors (a device in electronics used to limit electric current) against an alleged cartel of manufacturers who conspired to limit linear resistor price competition for nearly a decade. The case is in its early stages and discovery is ongoing.

> Nespresso

Hagens Berman has assumed responsibility for a large antitrust case against Nespresso, a leading single-serve espresso and coffee maker, for its anticompetitive efforts to exclude environmentally friendly, biodegradable coffee capsules from the market.

In May 2010, our client Ethical Coffee Company ("ECC") sought to introduce an environmentally sound and more economical coffee capsule to be used in Nespresso's widely used coffee makers. It manufactured a single-use coffee capsule that did not contain harmful aluminum found in Nespresso's capsules. Nespresso knew that ECC posed a formidable challenge to its business model, which relied on captive consumers buying coffee capsules only from Nespresso. With a captive market, Nespresso could continue to charge consumers an inflated price, and continue to use the aluminum capsules that harm the environment. The U.S. Court has already ruled that these claims can proceed to discovery. Hagens Berman anticipates damages associated with Nespresso's actions to be in the hundreds of millions of dollars.

PRACTICE AREAS

Automotive - Non-Emissions Cases

In litigating cases we strive to make an impact for a large volume of consumers, especially those who fall victim to the gross negligence and oversight of some of the nation's largest entities: automakers. Hagens Berman's automotive litigation team has been named a 2016 Practice Group of the Year by Law360, highlighting its "eye toward landmark matters and general excellence," in this area of law.

The federal court overseeing the massive multi-district litigation against Toyota appointed the firm to co-lead one of the largest consolidations of class-action cases in U.S. history. The litigation combined more than 300 state and federal suits concerning acceleration defects tainting Toyota vehicles. Hagens Berman and its two co-lead firms were selected from more than 70 law firms applying for the role. Since then, the firm's automotive practice area has grown by leaps and bounds, pioneering new investigations into defects, false marketing and safety hazards affecting millions of drivers across the nation.

The firm was recently named to the National Law Journal's list of Elite Trial Lawyers for its work fighting corporate wrongdoing in the automotive industry. The firm's auto team members who worked on Toyota were also named finalists for Public Justice's Trial Lawyer of the Year award.

› General Motors Ignition Switch Litigation

Co-lead counsel in high-profile case on behalf of millions of owners of recalled GM vehicles affected by a safety defect linked to more than 120 fatalities. The suit alleges GM did not take appropriate measures, despite having prior knowledge of the defect. The case is pending, and most recently, the Supreme Court refused to hear GM's appeal regarding the pending suits when it claimed the cases were barred by its 2009 bankruptcy.

› Toyota Sudden, Unintended Acceleration Litigation

Co-lead counsel for the economic loss class in this lawsuit filed on behalf of Toyota owners alleging a defect causes vehicles to undergo sudden, unintended acceleration. In addition to safety risks, consumers suffered economic loss from decreased value of Toyota vehicles following media coverage of the alleged defect.

RESULT: Settlement package valued at up to \$1.6 billion, which was at the time the largest automotive settlement in history.

› MyFord Touch

Hagens Berman represents owners of Ford vehicles equipped with MyFord Touch, an in-car communication and entertainment package, who claim that the system is flawed, putting drivers at risk of an accident while causing economic hardship for owners. The complaint cites internal Ford documents that purportedly show that 500 of every 1,000 vehicles have issues involving MyFord Touch due to software bugs, and failures of the software process and architecture. Owners report that Ford has been unable to fix the problem, even after repeated visits. A federal judge overseeing the case recently certified nine subclasses of owners of affected vehicles in various states.

› Nissan Quest Accelerator Litigation

Represented Nissan Quest minivan owners who alleged that their vehicles developed deposits in a part of the engine, causing drivers to apply increased pressure to push the accelerator down.

RESULT: Settlement providing reimbursement for cleanings or replacements and applicable warranty coverage.

› Hyundai Kia MPG

Hagens Berman sued Hyundai and Kia on behalf of owners after the car manufacturers overstated the MPG fuel economy ratings on 900,000 of its cars. The suit seeks to give owners the ability to recover a lump-sum award for the lifetime extra fuel costs, rather than applying every year for that year's losses.

RESULT: \$255 million settlement. Lump-sum payment plan worth \$400 million on a cash basis, and worth even more if owners opt for store credit (150 percent of cash award) or new car discount (200 percent of cash award) options.

PRACTICE AREAS

Automotive - Non-Emissions Cases

› **Honda and Acura HandsFreeLink Defect**

The firm represents owners of Honda and Acura vehicles equipped with the HandsFreeLink Bluetooth phone-pairing system, alleging that it contains a battery-draining defect that has plagued vehicle owners for more than a decade.

› **BMW i3 REx**

Hagens Berman is representing BMW owners in a national class-action lawsuit, following reports that BMW's i3 REx model electric cars contain a defect that causes them to suddenly and without warning lose speed and power mid-drive, putting drivers and passengers at risk of crash and injury.

› **Fiat Chrysler Gear Shifter Rollaway Defect**

Hagens Berman has filed a national class-action lawsuit representing owners of Jeep Grand Cherokee, Chrysler 300 and Dodge Charger vehicles. The lawsuit states that Fiat Chrysler fraudulently concealed and failed to remedy a design defect in 811,000 vehicles that can cause cars to roll away after they are parked, causing injuries, accidents and other serious unintended consequences.

› **Ford Shelby GT350 Mustang Overheating**

Hagens Berman represents owners of certain 2016 Shelby GT350 Mustang models in a case alleging that Ford has sold these vehicles as track cars built to reach and sustain high speeds, but failed to disclose that the absence of a transmission and differential coolers can greatly diminish the vehicle's reported track capabilities. Shelby owners are reporting that this defect causes the vehicle to overheat and go into limp mode, while in use, even when the car is not being tracked

› **Tesla AP2 Defect**

The firm represents Tesla owners in a lawsuit against the automaker for knowingly selling nearly 50,000 cars with nonfunctional Enhanced Autopilot AP2.0 software that still has not met Tesla's promises, including inoperative Standard Safety Features on affected models sold in Q4 2016 and Q1 2017.

PRACTICE AREAS

Automotive - Emissions Litigation

Having played a lead role in the record-breaking Volkswagen diesel emissions case, Hagens Berman knew the story wasn't over. Since the Dieselgate scandal began, the firm has uniquely dedicated resources to uncovering cheating devices used by other automakers. The firm has become a trailblazer in this highly specialized realm, outpacing federal agencies in unmasking fraud in emissions reporting.

When news broke in 2015 of Volkswagen's massive diesel emissions-cheating scandal, Hagens Berman was the first firm in the nation to file suit against the automaker for its egregious fraud, going on to represent thousands of owners in litigation and take a leading role on the Plaintiffs' Steering Committee that would finalize a \$14.7 billion, record-breaking settlement for owners. Since this case emerged, Hagens Berman has been on the forefront of emissions litigation, relying on our legal team's steadfast and intensive investigative skills to unearth many other emissions-cheating schemes perpetrated by General Motors, Fiat Chrysler, Mercedes and other automakers, staying one step ahead of government regulators in our pursuit of car manufacturers that have violated emissions standards and regulations, as well as consumer confidence.

Hagens Berman's managing partner, Steve Berman, has dedicated the firm's resources to upholding the rights of consumers and the environment, becoming a one-man EPA. The firm is uniquely dedicated to this casue, and is the only firm that has purchased an emission testing machine to determine if other diesel car manufacturers install similar cheating devices, bringing new cases based on the firm's own research, time and testing.

> Volkswagen Diesel Emissions Litigation

Hagens Berman was the first firm in the nation to file a lawsuit against Volkswagen for its emissions fraud, seeking swift remedies for consumers affected by Volkswagen's fraud and violation of state regulations. The firm was named to the Plaintiffs' Steering Committee leading the national fight against VW, Porsche and Audi on behalf of owners and lessors of affected vehicles, and also served as part of the Settlement Negotiating team.

RESULT: The largest automotive settlement in history, \$14.7 billion.

> Volkswagen Dealers Litigation

Hagens Berman served as lead counsel in a first-of-its-kind lawsuit brought by a franchise dealer. Three family-owned Volkswagen dealers filed a class action against VW stating that it intentionally defrauded dealers by installing so-called "defeat devices" in its diesel cars, and separately carried out a systematic, illegal pricing and allocation scheme that favored some dealers over others and illegally channeled financing business to VW affiliate, Volkswagen Credit, Inc. The settlement garnered nearly unanimous approval of dealers, with 99 percent participation in the settlement.

RESULT: \$1.67 billion in benefits to Volkswagen dealers.

> Mercedes BlueTEC Emissions Litigation

Judge Jose L. Linares appointed the firm as interim class counsel in this class-action case against Mercedes concerning emissions of its BlueTEC diesel vehicles. Hagens Berman currently represents thousands of vehicle owners who were told by Mercedes that their diesel cars were "the world's cleanest and most advanced diesel," when in fact testing at highway speeds, at low temperatures, and at variable speeds, indicate a systemic failure to meet emissions standards. Low temperature testing at highway speeds for example, produced emissions that were 8.1 to 19.7 times the highway emissions standard. The lawsuit adds that testing at low temperatures at variable speeds produced emissions as high as 30.8 times the standard.

PRACTICE AREAS

Automotive - Emissions Litigation

› Chevy Cruze Diesel Emissions Litigation

Hagens Berman filed a class-action lawsuit against Chevrolet (a division of General Motors) for installing emissions-cheating software in Cruze Clean Turbo Diesel cars, forcing consumers to pay high premiums for vehicles that pollute at illegal levels. While Chevy marketed these cars as a clean option, the firm's testing has revealed emissions released at up to 13 times the federal standard. In a recent ruling, U.S. District Judge Thomas L. Ludington upheld claims brought by owners.

› Audi Emissions Litigation

Hagens Berman unearthed additional emissions-cheating by Audi, affecting its gasoline 3.0-liter vehicles. The firm's investigation shows that the newly discovered defeat device is installed in gasoline engines and changes how the transmission operates when testing is detected to lower CO2 emissions, but otherwise allows excessive CO2 emissions in normal, on-road driving.

› Fiat Chrysler EcoDiesel Emissions Litigation

The firm is leading charges against Fiat Chrysler that it sold hundreds of thousands of EcoDiesel-branded vehicles that release illegally high levels of NOx emissions, despite explicitly selling these "Eco" diesels to consumers who wanted a more environmentally friendly vehicle. Hagens Berman was the first firm in the nation to uncover this scheme and file against Fiat Chrysler on behalf of owners of Dodge RAM 1500 and Jeep Grand Cherokee EcoDiesel vehicles. Following the firm's groundbreaking suit, the EPA took notice, filing formal accusations against Fiat Chrysler.

› Dodge RAM 2500/3500 Diesel Emissions Litigation

According to the firm's investigation, Dodge has sold hundreds of thousands of Dodge RAM 2500 and 3500 trucks equipped with Cummins diesel engines that release illegally high levels of NOx emissions at up to 14 times the legal limit. This defect causes certain parts to wear out more quickly, potentially costing owners between \$3,000 and 5,000 to fix. The firm is leading a national class action against Fiat Chrysler for knowingly enducing consumers to pay premium prices for vehicles that fail to comply with federal regulations, and ultimately lead to higher costs of repairs for purchasers.

› General Motors Duramax Emissions Litigation

Hagens Berman recently pioneered another instance of diesel emissions fraud. The firm's independent testing revealed that GM had installed multiple emissions-masking defeat devices in its Duramax trucks, including Chevy Silverado and GMC Sierra models, in a cover-up akin to Volkswagen's Dieselgate concealment. In real world conditions the trucks emit 2 to 5 times the legal limit of deadly NOx pollutants, and the emissions cheating devices are installed in an estimated 705,000 affected vehicles.

PRACTICE AREAS

Civil and Human Rights

Hagens Berman has represented individuals and organizations in difficult civil rights challenges that have arisen in the past two decades. In doing so, we have managed cases presenting complex legal and factual issues that are often related to highly charged political and historical events. Our clients have included such diverse communities as World War II prisoners of war, conscripted civilians and entire villages.

In this cutting-edge practice area, the firm vigilantly keeps abreast of new state and national legislation and case-law developments. We achieve positive precedents by zealously prosecuting in our clients' interests. Some examples of our work in this area include:

› World Trade Organization Protests

During the 1999 World Trade Organization (WTO) protests in Seattle, tens of thousands of Seattle citizens became targets after Seattle officials banned all forms of peaceful protest. Seattle police attacked anyone found in the designated "no protest" zones with rubber bullets and tear gas. Hundreds of peaceful protesters were arrested and incarcerated without probable cause for up to four days. The firm won a jury trial on liability and ultimately secured a settlement from Seattle officials after filing a class action alleging violations of the First and Fourth Amendments.

› Hungarian Gold Train

Following the firm's representation of former forced and enslaved laborers for German companies in the Nazi Slave Labor Litigation, Hagens Berman led a team of lawyers against the U.S. on behalf of Hungarian Holocaust survivors in the Hungarian Gold Train case. The suit claimed that, during the waning days of World War II, the Hungarian Nazi government loaded plaintiffs' valuable personal property onto a train, which the U.S. Army later seized, never returning the property to its owners and heirs.

› Dole Bananas

Hagens Berman filed suit against the Dole Food Company, alleging that it misled consumers about its environmental record. The complaint alleged that Dole purchased bananas from a grower in Guatemala that caused severe environmental damage and health risks to local residents. Dole ultimately agreed to take action to improve environmental conditions, collaborating with a non-profit group on a water filtration project for local communities.

PRACTICE AREAS

Consumer Protection - General Class Litigation

Hagens Berman is a leader in protecting consumers, representing millions in large-scale cases that challenge unfair, deceptive and fraudulent practices.

We realize that consumers suffer the brunt of corporate wrongdoing and have little power to hold companies responsible or to change those tactics. We believe that when backed by a tenacious spirit and determination, class action cases have the ability to serve as a powerful line of defense in consumer protection.

Hagens Berman pursues class litigation on behalf of clients to confront fraudulent practices that consumers alone cannot effectively dispute. We make consumers' concerns a priority, collecting consumer complaints against suspected companies and exploring all avenues for prosecution.

Hagens Berman's legacy of protecting consumer rights reflects the wide spectrum of scams that occur in the marketplace. The cases that we have led have challenged a variety of practices such as:

- False, deceptive advertising of consumer products and services
- False billing and over-charging by credit card companies, banks, telecommunications providers, power companies, hospitals, insurance plans, shipping companies, airlines and Internet companies
- Deceptive practices in selling insurance and financial products and services such as life insurance and annuities
- Predatory and other unfair lending practices, and fraudulent activities related to home purchases

A few case examples are:

➤ **Expedia Hotel Taxes and Service Fees Litigation**

Hagens Berman led a nationwide class-action suit arising from bundled "taxes and service fees" that Expedia collects when its consumers book hotel reservations. Plaintiffs alleged that by collecting exorbitant fees as a flat percentage of the room rates, Expedia violated both the Washington Consumer Protection Act

and its contractual commitment to charge as service fees only "costs incurred in servicing" a given reservation.

RESULT: Summary judgment in the amount of \$184 million. The case settled for cash and consumer credits totaling \$123.4 million.

➤ **Stericycle**

The firm served as court-appointed lead counsel in a class-action lawsuit against Stericycle alleging that the company violated contracts and defrauded them by hundreds of millions of dollars through an automatic price-increasing scheme. In February of 2017, a federal judge certified a nationwide consumer class. The class had more than 246,000 class members, with damages estimated preliminarily at \$608 million.

RESULT: \$295 million settlement

➤ **Tenet Healthcare**

In a pioneering suit filed by Hagens Berman, plaintiffs alleged that Tenet Healthcare charged excessive prices to uninsured patients at 114 hospitals owned and operated by Tenet subsidiaries in 16 different states.

RESULT: Tenet settled and agreed to refund to class members amounts paid in excess of certain thresholds over a four-and-a-half year period.

PRACTICE AREAS

Consumer Protection - General Class Litigation

> Wells Fargo Force-Placed Insurance

Hagens Berman brought a case against Wells Fargo alleging it used “force-placed” insurance clauses in mortgage agreements, a practice that enables the bank to charge homeowners insurance premiums up to 10 times higher than normal rates.

RESULT: Hagens Berman reached a settlement in this case, under which all class members will be sent checks for more than double the amount of commissions that Wells Fargo wrongfully extracted from the force placement of insurance on class members’ properties.

> Consumer Insurance Litigation

Hagens Berman has pioneered theories to ensure that in first- and third-party contexts consumers and health plans always receive the treatment and benefits to which they are entitled. Many of our cases have succeeded in expanding coverage owed and providing more benefits; recovering underpayments of benefits; and returning uninsured/underinsured premiums from the misleading tactics of the insurer.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

Hagens Berman aggressively pursues pharmaceutical industry litigation, fighting against waste, fraud and abuse in healthcare. For decades, pharmaceutical manufacturers have been among the most profitable companies in America. But while pharmaceutical companies become richer, consumers, health plans and insurers pay higher costs for prescription and over-the-counter drugs and supplements. We shine the light of public scrutiny on this industry's practices and represent individuals, direct and indirect purchasers, and the nation's most forward-thinking public-interest groups.

The firm's pharmaceutical and dietary supplement litigation practice is second to none in the nation in terms of expertise, commitment and landmark results. Hagens Berman's attorneys have argued suits against dozens of major drug companies and the firm's aggressive prosecution of pharmaceutical industry litigation has recovered more than \$1 billion in gross settlement funds.

RECENT ANTITRUST RESOLUTIONS

In the last few years, Hagens Berman – as lead or co-lead class counsel – has garnered significant settlements in several antitrust cases involving prescription drugs. In each case, the plaintiffs alleged that a manufacturer of a brand-name drug violated federal or state antitrust laws by delaying generic competitors from coming to market, forcing purchasers to buy the more expensive brand name version instead of the generic equivalent. Examples of our recent successes include:

> Flonase Antitrust Litigation

Hagens Berman represented purchasers in this case alleging pharmaceutical giant GlaxoSmithKline filed petitions to prevent the emergence of generic competitors to its drug Flonase, all to overcharge consumers and purchasers of the drug, which would have been priced lower had a generic competitor been allowed to come to market.

RESULT: \$150 million class settlement.

> Prograf Antitrust Litigation

Hagens Berman represented purchasers who alleged Astellas Pharma US, Inc. unlawfully maintained its monopoly and prevented generic competition for Prograf, an immunosuppressant used to help prevent organ rejection in transplant patients, harming purchasers by forcing them to pay inflated brand name prices for longer than they should have absent the anticompetitive conduct.

RESULT: The parties' motion for final approval of the \$98 million class settlement is under advisement with the court.

> Relafen Antitrust Litigation

Hagens Berman filed a class-action lawsuit against GlaxoSmithKline, SmithKline Beecham Corporation, Beecham Group PLC and SmithKline Beecham PLC, on behalf of consumers and third-party payors who purchased the drug Relafen or its generic alternatives. The suit alleged that the companies who manufacture and sell Relafen unlawfully obtained a patent which allowed them to enforce a monopoly over Relafen and prevented competition by generic prescription drugs, causing consumers to pay inflated prices for the drug.

RESULT: Under the terms of the settlement, the defendants will pay damages of \$75 million to those included in the class. Of the total settlement amount, \$25 million will be allocated to consumers and \$50 million will be used to pay the claims of insurers and other third-party payors.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Skelaxin Antitrust Litigation

The firm represented purchasers in this case alleging King Pharmaceuticals LLC and Mutual Pharmaceutical Company alleging conspired to suppress generic competition and preserve King's monopoly in the market for the brand name muscle relaxant Skelaxin.

RESULT: \$73 million class settlement.

> Tricor Antitrust

In June 2005, Hagens Berman filed an antitrust lawsuit on behalf of a class of consumers and third party payors against pharmaceutical manufacturers Abbott Laboratories and Fournier Industries concerning the brand name cholesterol drug Tricor. HBSS was appointed co-lead class counsel by the Court.

RESULT: \$65.7 million recovery for consumers and third party payers who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor.

FRAUDULENT DRUG PRICING RESOLUTIONS

Hagens Berman has led many complex cases that take on fraud and inflated drug prices throughout the U.S. This includes sweeping manipulation of the average wholesale price benchmark used to set prices for prescription drugs nationwide, fraudulent marketing of prescription drugs and the rampant use of co-pay subsidy cards that drive up healthcare costs. These efforts have led to several significant settlements:

> McKesson and First DataBank Drug Litigation

The firm discovered a far-reaching fraud by McKesson and became lead counsel in this RICO case against McKesson and First DataBank, alleging the companies fraudulently inflated prices of more than 400 prescription drugs.

RESULT: \$350 million settlement and a four percent rollback on the prices of 95 percent of the nation's retail branded drugs, the net impact of which could be in the billions of dollars. The states and federal government then used Hagens Berman's work to bring additional suits. Hagens Berman represented several states and obtained settlements three to seven times more than that of the Attorneys General. Almost \$1 billion was recovered from the McKesson fraud.

> Average Wholesale Price Drug Litigation

Hagens Berman served as co-lead counsel and lead trial counsel in this sprawling litigation against most of the nation's largest pharma companies, which alleges defendants artificially inflated Average Wholesale Price.

RESULT: Approximately \$338 million in class settlements. Hagens Berman's work in this area led to many state governments filing suit and hundreds of millions in additional recovery.

FRAUDULENT MARKETING RESOLUTIONS

Hagens Berman also litigates against drug companies that fraudulently promote drugs for uses not approved by the Food and Drug Administration (FDA), commonly known as "off-label" uses. We also litigate cases against dietary supplement manufacturers for making false claims about their products. Recent successes include:

> Neurontin Third Party Payor Litigation

Hagens Berman served as co-lead trial counsel in this case alleging that Pfizer fraudulently and unlawfully promoted the drug Neurontin for uses unapproved by the FDA.

RESULT: A jury returned a \$47 million verdict in favor of a single third-party payor plaintiff, automatically trebled to \$142 million, and the court recently approved a \$325 million class settlement.

> Lupron

Hagens Berman prosecuted a lawsuit against TAP Pharmaceuticals Products, Inc. on behalf of a class of consumers and third-party payors who purchased the drug Lupron. The suit charged that TAP Pharmaceutical Products, Inc., Abbott Laboratories and Takeda Pharmaceutical Company Limited conspired to fraudulently market, sell and distribute Lupron, causing consumers to pay inflated prices for the drug.

RESULT: Judge Richard Stearns issued a preliminary approval of the proposed settlement between TAP Pharmaceuticals and the class. Under the terms of the settlement, \$150 million will be paid by TAP on behalf of all defendants.

PRACTICE AREAS

Consumer Protection - Drug and Supplement Litigation

> Celebrex/Bextra

Hagens Berman filed a class-action lawsuit against Pfizer on behalf of individual consumers and third-party payors who paid for the drug Bextra. The firm was praised by Judge Breyer for its “unstinting” efforts on behalf of the class, adding, “The attorneys on both sides were sophisticated, skilled, professional counsel whose object was to zealously pursue their clients’ interest, but not at the cost of abandoning the appropriate litigation goals, which were to see, whether or not, based upon the merits of the cases, a settlement could be achieved.”

RESULT: \$89 million settlement.

> Vioxx Third Party Payor Marketing and Sales Practices Litigation

The firm served as lead counsel for third party payors in the Vioxx MDL, alleging that Merck & Co. misled physicians, consumers and health benefit providers when it touted Vioxx as a superior product to other non-steroidal anti-inflammatory drugs. According to the lawsuit,

The drug had no benefits over less expensive medications, but carried increased risk of causing cardiovascular events.

RESULT: \$80 million settlement.

> Serono Drug Litigation

Hagens Berman served as lead counsel for a class of consumers and third party payors in a suit alleging that global biotechnology company Serono, Inc. schemed to substantially increase sales of the AIDS drug Serostim by duping patients diagnosed with HIV into believing they suffered from AIDS-wasting and needed the drug to treat that condition.

RESULT: \$24 million settlement.

> Bayer Combination Aspirin/Supplement Litigation

Hagens Berman served as lead counsel on behalf of consumers in a suit alleging that Bayer Healthcare LLC deceptively marketed Bayer® Women’s Low-Dose Aspirin + Calcium, an 81 mg aspirin pill combined with calcium, and Bayer® Aspirin With Heart Advantage, an 81 mg aspirin pill combined with phytosterols. Plaintiffs alleged that Bayer overcharged consumers for these products or that these products should not have been sold, because these products were not FDA-approved, could not provide all advertised health benefits, and were inappropriate for long-term use.

RESULT: \$15 million settlement.

OTHER LANDMARK CASES

> New England Compounding Center Meningitis Outbreak

In 2012, the Center for Disease Control confirmed that New England Compounding Center sold at least 17,000 potentially tainted steroid shots to 75 clinics in 23 states across the country, resulting in more than 64 deaths and 751 cases of fungal meningitis, stroke or paraspinal/peripheral joint infection. HBSS attorneys Thomas M. Sobol and Kristen A. Johnson serve as Court-appointed Lead Counsel for the Plaintiffs’ Steering Committee on behalf of plaintiff-victims in MDL 2419 consolidated before The Honorable Ray W. Zobel in the United States District Court for the District of Massachusetts.

RESULT: \$100 million settlement.

PRACTICE AREAS

Employment Litigation

Hagens Berman takes special interest in protecting workers from exploitation or abuse. We take on race and gender discrimination, immigrant worker issues, wage and hour issues, on-the-job injury settlements and other crucial workplace issues.

Often, employees accept labor abuses or a curbing of their rights because they don't know the law, respect their superiors or fear for their jobs. We act on behalf of employees who may lack the individual power to bring about meaningful change in the workplace. We take a comprehensive approach to rooting out systemic employee abuses through in-depth investigation, knowledgeable experts and fervent exploration of prosecution strategies. Hagens Berman is a firm well-versed in taking on complicated employee policies and bringing about significant results. Representative cases include:

> CB Richard Ellis Sexual Harassment Litigation

Filed a class action against CB Richard Ellis, Inc., on behalf of 16,000 current and former female employees who alleged that the company fostered a climate of severe sexual harassment and discriminated against female employees by subjecting them to a hostile, intimidating and offensive work environment, also resulting in emotional distress and other physical and economic injuries to the class.

RESULT: An innovative and unprecedented settlement requiring changes to human resources policies and procedures, as well as the potential for individual awards of up to \$150,000 per class member. The company agreed to increase supervisor accountability, address sexually inappropriate conduct in the workplace, enhance record-keeping practices and conduct annual reviews of settlement compliance by a court appointed monitor.

> Costco Wholesale Corporation Wage & Hour Litigation

Filed a class action against Costco Wholesale Corporation on behalf of 2,000 current and former ancillary department employees, alleging that the company misclassified them as "exempt" executives, denying these employees overtime compensation, meal breaks and other employment benefits.

RESULT: \$15 million cash settlement on behalf of the class.

> Washington State Ferry Workers Wage Litigation

Represented "on-call" seamen who alleged that they were not paid for being "on call" in violation of federal and state law.

RESULT: Better working conditions for the employees and rearrangement in work assignments and the "on-call" system.

> SunDance Rehabilitation Corporation

Filed a class action against SunDance challenging illegal wage manipulation, inconsistent contracts and other compensation tricks used to force caregivers to work unpaid overtime.

RESULT: \$3 million settlement of stock to be distributed out of the company's bankruptcy estate.

> Schneider National Carriers - Regional Drivers

The firm represents a certified class of regional drivers in a suit filed against Schneider National Carriers, claiming that the company failed to pay its workers for all of their on duty time devoted to a variety of work tasks, including vehicle inspections, fueling, and waiting on customers and assignments. The suit also claims that the company does not provide proper meal and rest breaks and the company is liable for substantial penalties under the California Labor Code.

RESULT: A \$28 million settlement on behalf of drivers.

> Schneider National Carriers - Mechanics

Hagens Berman filed a class-action lawsuit alleging that Schneider National Carriers failed to provide mechanics with proper overtime compensation, meal and rest break premiums, and accurate wage statements as required by California law.

RESULT: In March of 2013, the case was settled on terms mutually acceptable to the parties.

PRACTICE AREAS

Employment Litigation

› **Swift Transportation Co. of Arizona LLC**

The firm represents a certified class of Washington-based truck drivers against Swift Transportation. The suit alleges that Swift failed to pay the drivers overtime and other earned wages in violation of Washington state law.

The case is scheduled for trial in the U.S. District Court for the Western District of Washington in Tacoma in September 2017.

PRACTICE AREAS

Environmental Litigation

Since Hagens Berman's founding, it has sought to work toward one simple goal: work for the greater good. Hagens Berman has established a nationally recognized environmental litigation practice, having handled several landmark cases in the Northwest, the nation and internationally.

Hagens Berman believes that protecting and restoring our environment from damage caused by irresponsible and illegal corporate action is some of the most rewarding work a law firm can do. Our firm has established an internationally recognized environmental litigation practice.

SCIENCE AND THE LAW

Hagens Berman's success in environmental litigation stems from a deep understanding of the medical and environmental science that measures potential hazards. That expertise is translated into the courtroom as our attorneys explain those hazards to a judge or jury in easily understood terms.

ENVIRONMENTAL EXPERTS

The firm has fostered deep relationships with top-notch environmental experts that result in resonating arguments and court victories, as well as thoroughly researched and vetted investigations.

REAL IMPACTS

Environmental law is a priority at our firm and we have taken an active role in expanding this practice area. In 2003, Steve Berman and his wife Kathy worked with the University of Washington to create the Kathy and Steve Berman Environmental Law Clinic, giving law students the training and opportunities needed to become hands-on advocates for the environment.

Hagens Berman's significant environmental cases include:

> Exxon Valdez Oil Spill Litigation

Hagens Berman represented various classes of claimants, including fisherman and businesses located in Prince William Sound and other impacted areas who were damaged by one of the worst oil spills in United States history.

RESULT: A \$5 billion judgment was awarded by a federal jury, and a \$98 million settlement was achieved with Alyeska, the oil company consortium that owned the output of the pipeline.

> San Francisco and Oakland Climate Change Litigation

Hagens Berman represents the cities of San Francisco and Oakland, Calif. in two lawsuits filed against BP, Chevron Corp., Exxon Mobil Corp., Royal Dutch Shell PLC and ConocoPhillips alleging that the Big Oil giants are responsible for the cities' costs of protecting themselves from global warming-induced sea level rise, including expenses to construct seawalls to protect the two cities' more than 5 million residents. The newly filed case seek an order requiring defendants to abate the global warming-induced sea level rise by funding an abatement program to build sea walls and other infrastructure. Attorneys for the cities say this abatement fund will be in the billions.

> Chinook Ferry Litigation

The firm represented a class of property owners who challenged Washington State Ferries' high-speed operation of a new generation of fast ferries in an environmentally sensitive area of Puget Sound. Two of the ferries at issue caused environmental havoc and property damage, compelling property owners to act. A SEPA study conducted in response to the suit confirmed the adverse environmental impacts of the fast ferry service

RESULT: A \$4.4 million settlement resulted that is among the most favorable in the annals of class litigation in Washington state.

> Grand Canyon Litigation

The firm represented the Sierra Club in a challenge to a Forest Service decision to allow commercial development on the southern edge of the Grand Canyon National Park.

RESULT: The trial court enjoined the project.

PRACTICE AREAS

Environmental Litigation

› Kerr-McGee Radiation Case

The firm brought a class action on behalf of residents of West Chicago, Illinois who were exposed to radioactive uranium tailings from a rare earth facility operated by Kerr-McGee.

RESULT: A medical monitoring settlement valued in excess of \$5 million

› Skagit Valley Flood Litigation

Hagens Berman represented farmers, homeowners and businesses who claimed damages as a result of the 1990 flooding of this community. The case was in litigation for ten years and involved a jury trial of more than five months.

RESULT: Following the entry of 53 verdicts against Skagit County, the trial court entered judgments exceeding \$6.3 million. Ultimately, the State Supreme Court reversed this judgment. Despite this reversal, the firm is proud of this representation and believes that the Supreme Court erred.

› Idaho Grass Burning Case

In 2002, Hagens Berman brought a class-action lawsuit on behalf of Idaho residents who claimed grass-burning farmers released more than 785 tons of pollutants into the air, including concentrations of polycyclic aromatic hydrocarbons (PAHs), proven carcinogens. Burning the fields annually caused serious health problems, especially to those with respiratory ailments such as cystic fibrosis and asthma. The suit also asserted that Idaho's grass burning policies are far below the standards of other states such as neighboring Washington, where farmers use other techniques to remove grass residue from the fields.

RESULT: The lawsuit settled in 2006 under confidential terms.

› Dole Bananas Case

The firm took on Dole Food Company Inc. in a class-action lawsuit claiming the world's largest fruit and vegetable company lied to consumers about its environmental record and banana-growing practices. The suit alleged that Dole misrepresented its commitment to the environment in selling bananas from a Guatemalan banana plantation that did not comply with proper environmental practices.

RESULT: The suit culminated in 2013. Dole and non-profit organization Water and Sanitation Health, Inc. collaborated on a water filter project to assist local communities in Guatemala.

› Diesel Emissions Litigation

Second to none in uncovering emissions-cheating, the firm has dedicated its time and resources to breaking up the dirty diesel ring. After filing the first lawsuit in the country against Volkswagen, Audi and Porsche for its massive Dieselgate scandal in 2015, the firm went on to unmask emissions-cheating devices installed in vehicles made by Fiat Chrysler, Mercedes and General Motors and continues to investigate diesel cars for excessive, illegal and environmentally harmful levels of emissions.

RESULT: The firm's independently researched active cases have led to investigations by the EPA, DOJ and European authorities.

› Kivalina Global Warming Litigation

A tiny impoverished Alaskan village of Inupiat Eskimos took action against some of the world's largest greenhouse gas offenders, claiming that contributions to global warming are leading to the destruction of their village and causing erosion to the land that will eventually put the entire community under water. Hagens Berman, along with five law firms and two non-profit legal organizations, filed a suit against nine oil companies and 14 electric power companies that emit large quantities of greenhouse gases into the atmosphere. The lawsuit alleged their actions resulted in the destruction of protective ice, exposing the village to severe storms that destroy the ground the village stands on. Relocating the village of Kivalina could cost between \$95 and \$400 million, an expense the community cannot afford.

› Cane Run Power Plant Coal Ash Case

In 2013, Hagens Berman filed a class-action lawsuit against Louisville Gas and Electric Company alleging it illegally dumped waste from a coal-fired power plant onto neighboring property and homes where thousands of Kentucky residents live. According to the complaint, Louisville Gas and Electric Company's Cane Run Power Plant is fueled by the burning of coal, which also produces coal combustion byproducts—primarily fly ash and bottom ash—that contain significant quantities of toxic materials, including arsenic, chromium and lead. The dust spewed by Cane Run contains known carcinogens, posing significant potential health hazards.

PRACTICE AREAS

Governmental Representation

Hagens Berman has been selected by public officials to represent government agencies and bring civil law enforcement and damage recoupment actions designed to protect citizens and the treasury. We understand the needs of elected officials and the obligation to impartially and zealously represent the interests of the public, are often chosen after competitive bidding and have been hired by officials from across the political spectrum.

Hagens Berman has assisted governments in recovering billions of dollars in damages and penalties from corporate wrongdoers and, in the process, helped reform how some industries do business. In serving government, we are often able to leverage the firm's expertise and success in related private class-action litigation. Successes on behalf of government clients include:

> Big Tobacco

We represented 13 states in landmark Medicaid-recoupment litigation against the country's major tobacco companies. Only two states took cases to trial – Washington and Minnesota. The firm served as trial counsel for the state of Washington, becoming only one of two private firms in the entire country to take a state case to trial.

Hagens Berman was instrumental in developing what came to be accepted as the predominant legal tactic to use against the tobacco industry: emphasizing traditional law enforcement claims such as state consumer protection, antitrust and racketeering laws. This approach proved to be nearly universally successful at the pleading stage, leaving the industry vulnerable to a profits-disgorgement remedy, penalties and double damages. The firm also focused state legal claims on the industry's deplorable practice of luring children to tobacco use.

RESULT: \$206 billion for state programs, the largest settlement in the history of civil litigation in the U.S.

> McKesson Average Wholesale Price Litigation

This litigation is yet another example of fraudulent drug price inflation impacting not just consumers and private health plans, but public health programs such as Medicaid and local government-sponsored plans as well.

RESULT: Hagens Berman has started the AWP class action, which resulted in many states filing cases. The firm represented several of those states in successful litigation.

> McKesson Government Litigation

On the heels of Hagens Berman's class action against McKesson, the firm led lawsuits by states (Connecticut, Utah, Virginia, Montana, Arizona).

RESULT: These states obtained recoveries three to seven times larger than states settling in the multi-state Attorneys General settlement. In addition, the firm obtained \$12.5 million for the City of San Francisco and \$82 million for a nationwide class of public payors.

> Zyprexa Marketing & Sales Practices Litigation - Connecticut

Hagens Berman served as outside counsel to then-Attorney General Richard Blumenthal in litigation alleging that Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa. The litigation also alleged that Lilly made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the State and its taxpayers.

RESULT: \$25 million settlement.

> General Motors Ignition Switch Litigation

Hagens Berman is pleased to be assisting the Arizona Attorney General in its law enforcement action versus GM, as well as the district attorney of Orange County, California who filed a consumer protection lawsuit against GM, claiming the automaker deliberately endangered motorists and the public by intentionally concealing widespread, serious safety defects.

PRACTICE AREAS

Governmental Representation

› State Opioid Litigation

Hagens Berman was hired to assist multiple municipalities in lawsuits brought against large pharmaceutical manufacturers including Purdue Pharma, Cephalon, Janssen Pharmaceuticals, Endo Health Solutions and Actavis charging that these companies and others deceived physicians and consumers about the dangers of prescription painkillers.

The firm was first hired by California governmental entities for the counties of Orange and Santa Clara. The state of Mississippi also retained the firm's counsel in its state suit brought against the manufacturer of opioids. The suit alleges that the pharma companies engaged in tactics to prolong use of opioids despite knowing that opioids were too addictive and debilitating for long-term use for chronic non-cancer pain.

In a third filing, Hagens Berman was retained as trial counsel for the state of Ohio. Filed on May 31, 2017, the firm is assisting the Ohio Attorney General's office in its case against five opioid makers. Ohio Attorney General Mike DeWine stated that "drug companies engaged in fraudulent marketing regarding the risks and benefits of prescription opioids which fueled Ohio's opioid epidemic," and that "these pharmaceutical companies purposely misled doctors about the dangers connected with pain meds that they produced, and that they did so for the purpose of increasing sales."

› Municipal Lending

Hagens Berman represents the cities of Los Angeles and Miami in a series of lawsuits filed against the nation's largest banks, including CitiGroup, JP Morgan, Wells Fargo and Bank of America alleging that they engage in systematic discrimination against minority borrowers, resulting in reduced property tax receipts and other damages to the cities. The suits seek damages for the City, claiming that the banks' alleged discriminatory behavior resulted in foreclosures, causing a reduction of property tax revenues and increased municipal service costs.

PRACTICE AREAS

Intellectual Property

The Hagens Berman intellectual property team has deep experience in all aspects of intellectual property litigation. We specialize in complex and significant damages cases against some of the world's largest corporations.

The firm is primarily engaged in patent infringement litigation at this time. We seek to represent intellectual property owners, including inventors, universities, non-practicing entities, and other groups whose patent portfolios represents a significant creative and capital investment.

Our current and recent engagements include the following:

> **Bombardier Inc.**

The firm represented Arctic Cat Inc. in patent infringement litigation against Bombardier Recreational Products and BRP U.S. Inc. The complaint alleges that Bombardier's Sea-Doo personal watercraft infringe Arctic Cat's patents covering temporary steerable thrust technology used when the rider turns in off-throttle situations.

RESULT: Florida U.S. District Judge Beth Bloom issued a final judgment of \$46.7 million against defendants, trebling initial damages of \$15.5 million awarded in a unanimous jury verdict.

> **Angry Birds**

Hagens Berman represented a Seattle artist who filed a lawsuit against Hartz Mountain Corporation – one of the nation's largest producers of pet-related products – claiming the company illegally sold the artist's trademarked Angry Birds pet toy line to video game giant Rovio Entertainment Ltd, robbing her of millions of dollars of royalty fees.

RESULT: The case settled under confidential terms, which the firm found to be extremely satisfactory for the plaintiff.

> **Samsung, LG, Apple**

The firm represents FlatWorld Interactives LLC in patent litigation against Samsung, LG and Apple. The complaints allege that the defendants' mobile handsets, tablets, media players and other devices infringe a FlatWorld patent covering the use of certain gestures to control touchscreen displays.

RESULT: The case settled.

> **Oracle**

The firm represents Thought Inc. against Oracle Corporation in a suit alleging infringement of seven patents covering various aspects of middleware systems providing application to database mapping, reading and persistence.

> **Salesforce**

The firm represents Applications in Internet Time LLC in patent litigation against Salesforce Inc. The suit alleges that our client's patents cover the core architecture of Salesforce's platform for developing, customizing, and updating cloud-based software applications.

> **Nintendo**

The firm represented Japan-based Shinsedai Company in patent infringement litigation against Nintendo. The suit alleged that our client's patents were infringed by various sports games for the Nintendo Wii.

Unlike other intellectual property firms, Hagens Berman only represents plaintiffs. This reduces the risk of potential conflicts of interest which often create delays in deciding whether or not to take a case at larger firms.

PRACTICE AREAS

Intellectual Property

› Electronic Arts

Hagens Berman represents the original software developer of the Electronic Arts (EA) NFL Madden Football video game series in a suit alleging that he is owed royalties on EA Madden NFL titles as well as other derivative products. We prevailed in two trials against EA, and the verdicts were designated as the Top Verdict of the Year (2013) by The Daily Journal. The judgment is on appeal and if upheld will return for a final damages phase.

Hagens Berman is also skilled in other aspects of intellectual property law, including trademark, trade dress, trade secret and copyright litigation.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Investing is a speculative business involving assessment of a variety of risks that can only be properly weighed with full disclosure of accurate information. No investor should suffer undue risk or incur losses due to misrepresentations related to their investment decisions.

Our attorneys work for institutional and individual investors defrauded by unscrupulous corporate insiders and mutual funds. The firm vigorously pursues fraud recovery litigation, forcing corporations and mutual funds to answer to deceived investors.

Hagens Berman is one of the country's leading securities litigation firms advising clients in both individual and class-action cases. The firm has experience, dedication and a team with the horsepower required to drive complex cases to exemplary outcomes. Our attorneys are authorities in an array of issues unique to federal and state securities statutes and related laws. We use a variety of highly experienced experts as an integral part of our prosecution team. Successes on behalf of our investor clients include:

> Charles Schwab Securities Litigation

Lead counsel, alleging fraud in the management of the Schwab YieldPlus mutual fund.

RESULT: \$235 million class settlement for investors.

> Oppenheimer

Additional counsel for lead plaintiffs in class action alleging Oppenheimer misled investors regarding its Champion and Core Bond Funds.

RESULT: \$100 million for the classes.

> Tremont

Co-lead counsel in a case alleging Tremont Group Holdings breached its fiduciary duties by turning over \$3.1 billion to Bernard Madoff. On Sept. 14, 2015, after nearly two years of negotiations and mediation, the court granted final approval of the plan of allocation and distribution of the funds which markets estimate could yield investors as much as \$1.45 billion.

RESULT: \$100 million settlement between investors, Tremont and its affiliates.

> Boeing

Uncovered critical production problems with the 777 airliner documented internally by Boeing, but swept under the rug until a pending merger with McDonnell Douglas was completed.

RESULT: Record-breaking settlement of more than \$92.5 million.

> J.P. Morgan – Madoff

Case alleges that banking and investment giant J.P. Morgan was complicit in aiding Bernard Madoff's Ponzi scheme. Investors claim that J.P. Morgan operated as Bernard L. Madoff Investment Securities LLC's primary banker for more than 20 years.

RESULT: \$218 million settlement amount for the class and a total of \$2.2 billion paid from JPMorgan that will benefit victims of Madoff's Ponzi scheme.

> Morrison Knudsen

Filed a shareholder class action, alleging that MK's senior officers concealed hundreds of millions in losses.

RESULT: More than \$63 million for investors.

> Raytheon/Washington Group

Charged Raytheon with deliberately misrepresenting the true financial condition of Raytheon Engineers & Constructors division in order to sell this division to the Washington Group at an artificially inflated price.

RESULT: \$39 million settlement.

> U.S. West

Represented shareholders of U.S. West New Vector in a challenge to the proposed buyout of minority shareholders by U.S. West.

RESULT: The proposed buyout was stayed, and a settlement was achieved, resulting in a \$63 million increase in the price of the buyout.

PRACTICE AREAS

Investor Fraud - Individual and Class Action Litigation

Our current casework includes:

> **Theranos Investor Litigation**

Hagens Berman represents Theranos investors in a lawsuit that states that Theranos and its officers set in motion a publicity campaign to raise billions of dollars for Theranos and themselves, and to induce investors to invest in Theranos, all the while knowing that its “revolutionary” blood test technology was essentially a hoax. The suit filed against the company, its CEO Elizabeth Holmes and Ramesh Balwani, alleges that Theranos’ statements to investors were built on false statements. At the crux of the court’s recent decision to uphold the investor case against Theranos was a finding that while plaintiffs did not directly purchase their securities from defendants, claims made by Theranos, Holmes and Balwani constituted fraud.

> **Aequitas Investor Litigation**

The firm represents a group of investors alleging that national law firm Sidley Austin LLP, Oregon law firm Tonkon Torp LLP and accounting firms Deloitte & Touche LLP and EisnerAmper LLP violated Oregon securities laws by participating or materially aiding in misrepresentations made by Aequitas Management LLC and contributing to a \$350 million Ponzi scheme. Investors state, amongst other allegations, that in 2011 Aequitas began purchasing loan receivables from Corinthian College Inc. and had bought the rights to collect \$444 million in loans. Investment managers hid the details of the transactions from investors, and deceived them when Corinthian’s business was hit with regulatory challenges in 2014. When Corinth collapsed in May 2015, the investment group and its managers continued to sell securities and used the money to pay off other investors and fund a lavish lifestyle, until Aequitas ultimately imploded in 2017, the investors claim.

> **China MediaExpress**

Hagens Berman represents investors in a case against China MediaExpress, which purported to be the owner of a network of advertising terminals on buses throughout China. The case alleges that the company and its auditor (Deloitte Touche Tohmatsu) participated in accounting fraud that ultimately led to the demise of the company. In early 2014, the court entered

a default judgment in the amount of \$535 million and certified a proposed class against China Media Express Holdings Inc. The case will proceed separately against Deloitte Touche Tohmatsu.

On May 6, 2015 Hagens Berman obtained a \$12 million settlement from Deloitte Touche Tohmatsu, one of the largest settlements against an auditor in a Chinese “reverse merger” case which is now awaiting final approval from the court.

> **Altisource Asset Management Corporation**

The firm was appointed lead counsel in this institutional investor lawsuit brought on behalf of purchasers of Altisource Asset Management Corporation (AAMC). The complaint alleges that AAMC misrepresented or outright concealed its relationship with these companies and the extent to which the interconnected entities engaged in conflicted transactions with themselves. Estimates of class-wide damages are in the hundreds of millions of dollars. The firm recently filed the consolidated complaint and motions to dismiss are pending before the U.S. District Court for the District of the Virgin Islands.

WHISTLEBLOWERS

In an effort to curb Wall Street excesses, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act, which built vigorous whistleblower protections into the legislation known as the “Wall Street Tip-Off Law.” The law empowers the U.S. Securities and Exchange Commission to award between 10 and 30 percent of any monetary sanctions recovered in excess of \$1 million to whistleblowers who provide information leading to a successful SEC enforcement. It also provides similar rewards for whistleblowers reporting fraud in the commodities markets.

Hagens Berman represents whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act. Unlike traditional whistleblower firms who have pivoted into this area, Hagens Berman has a strong background and history of success in securities, antitrust and other areas of fraud enforcement, making us an ideal partner for these cases. Our matters before the SEC/CFTC include a range of claims, including market manipulation and fraudulent financial statements.

PRACTICE AREAS

Investor Fraud - Institutional Investor Portfolio Monitoring and Recovery Services

Hagens Berman is a leading provider of specialized securities litigation services to public, private and Taft-Hartley pension funds. We offer proprietary and unparalleled asset protection and recovery services to both foreign and domestic institutions. Our institutional services provide participants with the ability to identify, investigate and react to potential wrongdoing by companies in which the institution invests.

PORTFOLIO MONITORING. Timely information and analysis are the critical ingredients of a successful fraud recovery program. Institutions must receive quick, reliable determinations concerning the source and extent of their losses, the likelihood of recoupment and the best manner for pursuing it. Our Portfolio Monitoring Service provides these services at no cost to participating institutions. The Hagens Berman Portfolio Monitoring Service has three primary components:

TRACKING. Alerts clients of any significant portfolio losses due to suspected fraud.

ANALYSIS. Provide clients with necessary legal and factual analyses regarding possible recovery options, removing from the institution any burden connected with scrutinizing myriad instances of potential wrongdoing and attempt to decipher whether direct, recoverable injuries have resulted.

REPORTING. Attorneys and forensic accounting fraud experts deliver a concise monthly report that furnishes comprehensive answers to these inquiries. On a case-by-case basis, the report specifies each of the securities in which the client lost a significant amount of money, and matches those securities with an analysis of potential fraud likelihood, litigation options and an expert recommendation on how best to proceed for maximum recovery.

Our Portfolio Monitoring Service performs its functions with almost no inconvenience to participating institutions. A client's custodian bank provides us with records detailing the client's transactions from the prior several years and on a regular basis thereafter. Importantly, none of the institution's own personnel is required to share in this task, as we acquire the information directly from the custodian bank.

We provide our Portfolio Monitoring service with no strings attached and allow our clients to act without cost or commitment. In instances where a litigation opportunity arises, we believe our skills make us the ideal choice for such a role, although the client is free to choose others.

When a portfolio loses money because of corporate deception, our litigation services seek to recover a substantial percentage of those losses, thereby increasing a fund's performance metric. As fiduciaries, money managers may not have the ability or desire to risk funds on uncertain litigation using typical hourly-rate law firms. Hagens Berman seeks to minimize the burden on the money manager by pursuing cases on a contingent-fee basis.

PRACTICE AREAS

Personal Injury and Abuse

For nearly two decades, Hagens Berman's blend of professional expertise and commitment to our clients has made our firm one of the most well-respected and successful mass tort and personal injury law firms in the nation. We deliver exceptional results for our clients by obtaining impressive verdicts and settlements in personal injury litigation.

Our attorneys have experience in wrongful death, brain injury and other catastrophic injury cases, as well as deep experience in social work negligence, medical malpractice, nursing home negligence and sexual abuse cases.

Hagens Berman also has unparalleled experience in very specific areas of abuse law, recovering damages on behalf of some of the most vulnerable people in our society.

Sexual Abuse Litigation Hagens Berman has represented a wide spectrum of individuals who have been victims of sexual abuse, including children and developmentally disabled adults. We treat each case individually, with compassion and attention to detail and have the expertise, resources and track record to stand up to the toughest opponents. In the area of sexual abuse, our attorneys have obtained record-breaking verdicts, including the largest personal injury verdict ever upheld by an appellate court in the state of Washington.

Nursing Home Negligence Nursing home negligence is a growing problem throughout the nation. As our population ages, reports of elder abuse and nursing home negligence continue to rise. Today, elder abuse is one of the most rapidly escalating social problems in our society. Hagens Berman is uniquely qualified to represent victims of elder abuse and nursing home negligence. Our attorneys have secured outstanding settlements in this area of the law and have committed to holding nursing homes accountable for wrongdoing.

Social Work Negligence Social workers play a critical role in the daily lives of our nation's most vulnerable citizens. Social workers, assigned to protect children, the developmentally disabled and elderly adults, are responsible for critical aspects of the lives of

tens of thousands of citizens who are unable to protect themselves. Many social workers do a fine job. Tragically, many do not. The results are often catastrophic when a social worker fails to monitor and protect his or her vulnerable client. All too often, the failure to protect a child or disabled citizen leads to injury or sexual victimization by predators. With more than \$40 million in recoveries on behalf of vulnerable citizens who were neglected by social workers, Hagens Berman is the most experienced, successful and knowledgeable group of attorneys in this dynamic area of the law.

Workplace Injury While many workplace injury claims are precluded by workers compensation laws, many instances of workplace injury are caused by the negligence and dangerous oversight of third parties. In these instances, victims may have valid claims. Hagens Berman's personal injury legal team has successfully brought many workplace injury claims, holding third parties liable for our clients' serious bodily injuries.

Medical Malpractice Litigating a medical malpractice case takes acute specialization and knowledge of medical treatments and medicine. Notwithstanding these facts, Hagens Berman pursues meritorious medical malpractice claims in instances where clients have suffered life-altering personal injuries. Our firm's personal injury attorneys handle medical malpractice cases with the dedication and detail necessary to make victims whole. Hagens Berman is very selective in accepting medical malpractice cases and has been successful in recovering significant compensation for victims of medical error and negligence.

PRACTICE AREAS

Sports Litigation

Hagens Berman has one of the nation's most highly regarded sports law practices. Our attorneys are the vanguard of new and innovative legal approaches to protect the rights of professional and amateur athletes in cases against large, well-financed interests, including the National Collegiate Athletic Association (NCAA), the National Football League (NFL) and the Fédération Internationale de Football Association (FIFA).

› NCAA: Concussions

Cases of particular nationwide interest for fans, athletes and the general public involve numerous cases filed by Hagens Berman against the NCAA. Recently, the firm has taken on the NCAA for its failure to prevent concussions and protect student-athletes who suffered concussions. Steve Berman serves as lead counsel in multi-district litigation as the firm finalizes a settlement that will bring sweeping changes to the NCAA's approach to concussion treatment and prevention; provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; and establish a \$5 million fund for concussion research.

The core settlement benefits include a 50-year medical monitoring program overseen by a medical science committee appointed by the court that will screen and track concussions, funded by a \$70 million medical monitoring fund, paid by the NCAA and its insurers. Examinations include neurological and neurocognitive assessments to evaluate potential injuries.

The settlement also mandates significant changes to and enforcement of the NCAA's concussion management policies and return-to-play guidelines. All players will now receive a seasonal, baseline test to better assess concussions sustained during the season. All athletes who have sustained a concussion will now need to be cleared before returning to play. A medical professional trained in the diagnosis of concussions will be present at all games involving contact-sports. The settlement also creates reporting mandates for concussions and their treatment.

› Player Likeness Rights

Hagens Berman attorneys representing student-athletes who claimed that the NCAA illegally used student-athletes' names, images and likenesses in Electronic Arts' popular NCAA Football, Basketball and March Madness video game series reached a combined \$60 million settlement with the NCAA and EA, marking the first time the NCAA has agreed to a settlement that pays student-athletes for acts related to their participation in athletics. Settlement checks were sent to about 15,000 players, with average amounts of \$1,100 and some up to \$7,600.

The firm began this case with the knowledge that the NCAA and member schools were resolute in keeping as much control over student-athletes as possible, and fought hard to ensure that plaintiffs would not be exploited for profit, especially by the organization that vowed to prevent the athlete from exploitation.

The firm also represented NFL legend Jim Brown in litigation against EA for improperly using his likeness in its NFL video games, culminating in a \$600,000 voluntary judgment offered by the video game manufacturer.

› FIFA/U.S. Soccer: Concussions

Several current and former soccer players filed a class action against U.S. soccer's governing bodies, which led to life-changing safety measures brought to millions of U.S. youth soccer players. Players represented by Hagens Berman alleged these groups failed to adopt effective policies to evaluate and manage concussions, leaving millions of players vulnerable to long-lasting brain injury.

PRACTICE AREAS

Sports Litigation

The settlement against six of the largest youth soccer organizations completely eliminates heading for youth soccer's youngest players, greatly diminishing risks of concussions and traumatic head injuries. Prior to the settlement, no rule limited headers in children's soccer.

It also sets new benchmarks for concussion measurement and safety protocols, and highlights the importance of on-staff medical personnel at youth tournaments. Under the settlement, youth players who have sustained a concussion during practice or a game will need to follow certain return-to-play protocols before they are allowed to play again. Steve Berman, a youth soccer coach, has seen first-hand the settlement's impacts and life-changing effects every time young athletes take to the field,

› NCAA: Transfer Antitrust

Hagens Berman has also recently taken on the NCAA on behalf of several highly recruited college athletes whose scholarships were revoked after a coaching change, or after the student-athletes sought to transfer to another NCAA-member school. The suit claims that the organization's limits and Draconian transfer regulations violate federal antitrust laws.

It the firm's most recent suit against the sports-governing entity, a Division I student-athlete at Northwestern University was faced with repeated harassment from the university to transfer, in order to underhandedly free up his athletic scholarship. According to the complaint, the university resorted to falsified records of misconduct, verbal harassment and more.

The firm's case hinges on a destructive double-standard. While Non-student-athletes are free to transfer and are eligible for a new scholarship without waiting a year, and coaches often transfer to the tune of a hefty pay raise, student-athletes are penalized and forced to sit out a year before they can play elsewhere, making them much less sought after by other college athletic programs. Hagens Berman continues to fight for student-athletes' rights to be treated fairly and terminate the NCAA's anticompetitive practices and overbearing regulations that limit players' options and freedoms.

› NCAA: Scholarships/Grants-In-Aid (GIAs)

In a first-of-its-kind antitrust action and potentially far-reaching case, Hagens Berman filed a class-action affecting approximately 40,000 Division I collegiate athletes who played men's or women's basketball, or FBS football, brought against the NCAA and its most powerful members, including the Pac-12, Big Ten, Big-12, SEC and ACC, claiming these entities violated federal antitrust laws by drastically reducing the number of scholarships and financial aid student-athletes receive to an amount below the actual cost of attendance and far below what the free market would bare.

The firm continues to fight on behalf of student-athletes to level the playing field and bring fairness to college sports and players. The case resulted in a \$208.9 million settlement, bringing an estimated average amount of \$6,500 to each eligible class member who played his or her sport for four years.

› Pop Warner

Hagens Berman represents youth athletes who have suffered traumatic brain injuries due to gross negligence, and filed a lawsuit on behalf of former Pop Warner football player Donovan Hill and his mother Crystal Dixon. The suit claims that the league insisted Hill use improper and dangerous tackling techniques which left the then 13-year-old paralyzed from the neck down.

Hagens Berman sought to hold Pop Warner, its affiliates, Hill's coaches and members of the Lakewood Pop Warner board of directors accountable for the coaches' repeated and incorrect instruction that Hill and his teammates tackle opposing players by leading with the head.

In January of 2016, the firm reached a settlement on behalf of Donovan and his mother, the details of which were not released. Sadly, months later, 17-year-old Donovan passed away. The firm believes that his case will continue to have a lasting impact on young athletes for generations and will help ensure safety in youth sports.

› MLB Foul Ball Injuries

Hagens Berman filed a class-action lawsuit on behalf of baseball fans, seeking to extend safety netting to all major and minor

PRACTICE AREAS

Sports Litigation

league ballparks from foul pole to foul pole. The suit alleges that tens of millions attend an MLB game annually, and every year fans of all ages, but often children, suffer horrific and preventable injuries, such as blindness, skull fractures, severe concussions and brain hemorrhages when struck by a fast-moving ball or flying shrapnel from a shattered bat.

In December of 2015, MLB's commissioner Rob Manfred issued a recommendation to all 30 MLB teams to implement extended safety measures, including additional safety netting at ballparks. While the firm commends the league for finally addressing the serious safety issue at stake, the firm continues to urge MLB and its commissioner to make these more than recommendations to help end senseless and avoidable injuries to baseball's biggest fans.

> Other Cases

In addition to its class actions, Hagens Berman has filed several individual cases to uphold the rights of athletes and ensure a fair and safe environment. The firm has filed multiple individual cases to address concussions and other traumatic head injuries among student-athletes at NCAA schools and in youth sports. Hagens Berman continues to represent the interests of athletes and find innovative and effective applications of the law to uphold players' rights.

The firm has also brought many concussions cases on behalf of individual athletes, challenging large universities and institutions for the rights those who have suffered irreversible damage due to gross negligence and lack of even the most basic concussion-management guidelines.

PRACTICE AREAS

Terrorism

With a long track record of upholding the rights of the voiceless, Hagens Berman fights for justice on behalf of victims of international terrorism. Our anti-terrorism legal team builds on our robust history to forge innovative cases, bringing action against those that support terrorism.

Hagens Berman has always believed in fighting for the rights of those with no voice – those who are victims to tragic circumstances beyond their control. With our guiding principles driving our efforts, the firm has expanded its practice areas to include anti-terrorism litigation.

It's no secret that some businesses and individuals have pled guilty to violating United States laws that prohibit financial transactions with terrorist organizations and foreign states that support terrorism. We believe that the law is one of the most powerful tools to combat terrorism, and our renowned team of litigators brings a fresh perspective to the fight for victims' rights in this complex arena.

Through a deep understanding of both U.S. and international anti-terrorism laws, Hagens Berman builds on its foundation to investigate acts of terrorism and forge ironclad cases against anyone responsible, to help ensure that those at the mercy of the world's most egregious perpetrators of violence are represented with the upmost integrity and determination.

The firm's new practice area carries out our mission of building a safer world through novel applications of the law and steadfast dedication.

> Chiquita Bananas

Hagens Berman represents American citizens who were victims of terrorism in Colombia. The victims were harmed by Colombian terrorists that Chiquita Brands International Inc. paid so that it could grow bananas in Colombia in regions that were controlled by the terrorists. Chiquita is one of the world's largest producers and marketers of fruits and vegetables and admitted it paid Colombian terrorist organizations as part of a guilty plea to settle criminal charges brought by the U.S. Department of Justice

Chiquita was placed on corporate probation and paid a \$25 million dollar fine because of its conduct in Colombia.

Plaintiffs have sued Chiquita under the U.S. Anti-Terrorism Act, which allows American victims of international terrorism to sue anyone responsible and to recover treble damages and attorney's fees. The claims are pending in the U.S. District Court for the Southern District of Florida as part of the consolidated multidistrict litigation to resolve claims related to Chiquita's payments to Colombian terrorist organizations.

PRACTICE AREAS

Whistleblower Litigation

Hagens Berman represents whistleblowers under various programs at both the state and federal levels. All of these whistleblower programs reward private citizens who blow the whistle on fraud. In many cases, whistleblowers report fraud committed against the government and may sue those individuals or companies responsible, helping the government recover losses.

Our depth and reach as a leading national plaintiffs' firm with significant success in varied litigation against industry leaders in finance, health care, consumer products, and other fields causes many whistleblowers to seek us to represent them in claims alleging fraud against the government.

Our firm also has several former prosecutors and other government attorneys in its ranks and has a long history of working with governments, including close working relationships with attorneys at the U.S. Department of Justice. The whistleblower programs under which Hagens Berman pursues cases include:

FALSE CLAIMS ACT

Under the federal False Claims Act, and more than 30 similar state laws, a whistleblower reports fraud committed against the government, and under the law's *Qui Tam* provision, may file suit on its behalf to recover lost funds. False claims acts are one of the most effective tools in fighting Medicare and Medicaid fraud, defense contractor fraud, financial fraud, under-payment of royalties, fraud in general services contracts and other types of fraud perpetrated against governments.

The whistleblower initially files the case under seal, giving it only to the government and not to the defendant, which permits the government to investigate. After the investigation, the government may take over the whistleblower's suit, or it may decline. If the government declines, the whistleblower can proceed alone on his or her behalf. In successful suits, the whistleblower normally receives between 15 and 30 percent of the government's recovery as a reward.

Since 1986, federal and state false claims act recoveries have totaled more than \$22 billion. Some examples of our cases brought under the False Claims Act include:

> In U.S. ex rel. Lagow v. Bank of America

Represented former District Manager at Landsafe, Countrywide Financial's mortgage appraisal arm, who alleged systematic abuse of appraisal guidelines as a means of inflating mortgage values.

RESULT: The case was successful, ultimately triggering a settlement of \$1 billion, and our client received a substantial reward.

> In U.S. ex rel. Mackler v. Bank of America

Represented a whistleblower who alleged that Bank of America failed to satisfy material conditions of its government contract to provide homeowners mortgage relief under the HAMP program.

RESULT: The case succeeded and was settled as part of the 2012 global mortgage settlement, resulting in an award to our client.

> In U.S. ex rel. Horwitz v. Amgen

Represented Dr. Marshall S. Horwitz, who played a key role in uncovering an illegal scheme to manipulate the scientific record regarding two of Amgen's blockbuster drugs.

RESULT: \$762 million in criminal and civil penalties levied by the U.S. Department of Justice and an award to our client.

> In U.S. ex rel. Thomas v. Sound Inpatient Physicians Inc. and Robert A. Bessler

Represented a former regional vice president of operations for Sound Physicians, who blew the whistle on Sound's alleged misconduct.

RESULT: Tacoma-based Sound Physicians agreed to pay the United States government \$14.5 million.

> In U.S. ex rel. Plaintiffs v. Center for Diagnostic Imaging Inc.

In May 2010, Hagens Berman joined as lead trial counsel a qui tam lawsuit on behalf of two whistleblowers against Center for

PRACTICE AREAS

Whistleblower Litigation

Diagnostic Imaging, Inc. (CDI), alleging that CDI violated anti-kickback laws and defrauded federally funded health programs by presenting false claims for payment.

RESULT: In 2011, the government intervened in the claims, which the company settled for approximately \$1.3 million. The government declined to intervene, however, in the no-written-orders and kickback claims, leaving those claims for the whistleblowers and their counsel to pursue on their own. The non-intervened claims settled for an additional \$1.5 million payment to the government.

> Medtronic

On Feb. 19, 2008 the court unsealed a qui tam lawsuit brought by Hagens Berman against Medtronic, one of the world's largest medical technology companies, for fraudulent medical device applications to the FDA and off-label promotion of its biliary devices.

RESULT: The case settled in 2012 for an amount that remained under seal.

SECURITIES AND EXCHANGE COMMISSION / COMMODITY FUTURES TRADING COMMISSION

Since implementation of the SEC/CFTC Dodd Frank whistleblower programs in 2011, Hagens Berman has naturally transitioned into representation of whistleblowers with claims involving violations of the Securities Exchange Act and the Commodities Exchange Act.

Unlike the False Claims Act, whistleblowers with these new programs do not initially file a sealed lawsuit. Instead, they provide information directly to the SEC or the CFTC regarding violations of the federal securities or commodities laws. If the whistleblower's information leads to an enforcement action, they may be entitled to between 10 and 30 percent of the recovery.

The firm currently represents HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case that prompted the U.S. Securities and Exchange Commission to bring record-breaking fines against two exchanges formerly owned by Direct Edge Holdings (and since acquired by Bats Global

Markets, the second-largest financial exchange in the country). The exchanges agreed to pay \$14 million to settle charges that the exchanges failed to accurately and completely disclose how order types functioned on its exchanges and for selectively providing such information only to certain high-frequency trading firms.

Hagens Berman also represents an anonymous whistleblower who brought his concerns and original analysis related to the May 2, 2010 Flash Crash to the CFTC after hundreds of hours spent analyzing data and other information.

Both the U.S. Commodity Futures Trading Commission (CFTC) and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC (Sarao Futures) and Navinder Singh Sarao (Sarao) based on the whistleblower's information.

Hagens Berman has worked alongside government officials and regulators, establishing the credibility necessary to bring a case to the SEC or CFTC. When Hagens Berman brings a claim, we work hard to earn their respect and regulators pay attention.

A few of the firm's most recent whistleblower cases in this area include:

> EDGA Exchange Inc. and EDGX Exchange Inc.

Represented HFT whistleblower and market expert, Haim Bodek, in an SEC fraud whistleblower case against two exchanges formerly owned by Direct Edge Holdings and since acquired by Bats Global Markets, the second-largest financial exchange in the country for spoofing.

RESULT: The case prompted the U.S. Securities and Exchange Commission to bring record-breaking fine of \$14 million against defendants, the largest ever brought against a financial exchange.

PRACTICE AREAS

Whistleblower Litigation

> Nav Sarao Futures Limited PLC

Hagens Berman represents an anonymous whistleblower who brought his concerns and original analysis to the CFTC after hundreds of hours spent analyzing data and other information. The claim brought about legal action against a market manipulator who profited more than \$40 million from market fraud and contributed to the May 6, 2010 Flash Crash.

RESULT: Both the CFTC and the Department of Justice, in separate criminal and civil enforcement actions, brought charges of market manipulation and spoofing against Nav Sarao Futures Limited PLC and Navinder Singh Sarao based on the whistleblower's information. The case is still pending under seal.

INTERNAL REVENUE SERVICE

Hagens Berman also represents whistleblowers under the IRS whistleblower program enacted with the Tax Relief and Health Care Act of 2006.

The IRS program offers rewards to those who come forward with information about persons, corporations or any other entity that cheats on its taxes. In the event of a successful recovery of government funds, a whistleblower can be rewarded with up to 30 percent of the overall amount collected in taxes, penalties and legal fees.

Hagens Berman helps IRS whistleblowers present specific, credible tax fraud information to the IRS. Unlike some traditional False Claims Act firms, Hagens Berman has experience representing governments facing lost tax revenue due to fraud, making us well-positioned to prosecute these cases.

Appellate Victories

APPELLATE VICTORIES

Strengthening Consumer Law

At Hagens Berman, we distinguish ourselves not merely by the results we obtain, but by how we obtain them. Few class-action firms have our firm's combination of resources and acumen to see a case through as long as needed to obtain a favorable outcome. Our attorneys were instrumental in obtaining these federal appellate decisions that have shaped consumer law and bolstered the rights of millions nationwide:

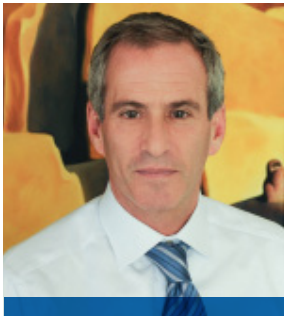
- › **In Matter of Motors Liquidation Co.**, 829 F.3d 135 (2d Cir. 2016) (General Motors bankruptcy reorganization did not bar claims stemming from defective ignition switches)
- › **George v. Urban Settlement Servs.**, 833 F.3d 1242 (10th Cir. 2016) (complaint adequately alleged Bank of America's mortgage modification program violated RICO)
- › **In re Loestrin 24 Fe Antitrust Litig.**, 814 F.3d 538 (1st Cir. 2016) ("reverse payments" for antitrust purposes under **Actavis** are not limited to cash payments)
- › **Osborn v. Visa Inc.**, 797 F.3d 1057 (D.C. Cir. 2015) (complaint adequately alleged Visa and MasterCard unlawfully agreed to restrain trade in setting ATM access fees)
- › **Little v. Louisville Gas & Elec. Co.**, 805 F.3d 695 (6th Cir. 2015) (Clean Air Act did not preempt state nuisance claims against coal plant for polluting surrounding community)
- › **City of Miami v. Citigroup Inc.**, 801 F.3d 1268 (11th Cir. 2015) (reversing dismissal of complaint alleging Citigroup violated Fair Housing Act by pattern of discriminatory lending)
- › **Rajagopalan v. NoteWorld, LLC**, 718 F.3d 844 (9th Cir. 2013) (non-party could not invoke arbitration clause against plaintiff suing debt services provider)
- › **In re Neurontin Mktg. & Sales Practices Litig.**, 712 F.3d 21 (1st Cir. 2013) (affirming \$142 million verdict for injury suffered from RICO scheme by Neurontin manufacturer Pfizer)
- › **In re NCAA Student-Athlete Name & Likeness Licensing Litig.**, 724 F.3d 1268 (9th Cir. 2013) (First Amendment did not shield video game developer's use of college athletes' likenesses)
- › **Garcia v. Wachovia Corp.**, 699 F.3d 1273 (11th Cir. 2012) (Wells Fargo could not rely on **Concepcion** to evade waiver of any right to compel arbitration)
- › **Agnew v. Nat'l Collegiate Athletic Ass'n**, 683 F.3d 328 (7th Cir. 2012) (NCAA bylaws limiting scholarships per team and prohibiting multiyear scholarships are subject to antitrust scrutiny and do not receive procompetitive justification at pleading stage)
- › **In re Lupron Mktg. & Sales Practices Litig.**, 677 F.3d 21, 24 (1st Cir. 2012) (approving cy pres provision in \$150 million settlement)
- › **In re Pharm. Indus. Average Wholesale Price Litig.**, 582 F.3d 156 (1st Cir. 2009) (AstraZeneca illegally published inflated average wholesale drug prices, thereby giving windfall to physicians and injuring patients who paid inflated prices)

We set ourselves apart not only by getting results but by litigating every case through to finish – to trial and appeal, if necessary. This tenacious drive has led our firm to generate groundbreaking precedents in consumer law.

Hagens Berman has also been active in state courts nationwide. Notable examples of our victories include:

- › **Garza v. Gama**, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reinstating certified class in wage-and-hour action prosecuted by Hagens Berman since 2005)
- › **In re Farm Raised Salmon Cases**, 42 Cal. 4th 1077 (Cal. 2008) (Federal Food, Drug and Cosmetic Act did not preempt state claims for deceptive marketing of food products)
- › **Pickett v. Holland Am. Line-Westours, Inc.**, 35 P.3d 351 (Wash. 2001) (reversing state court of appeals and upholding class action settlement with cruise line)

Legal Team



MANAGING PARTNER

Steve W. Berman

Served as lead counsel for the largest settlement in world history against Big Tobacco, and at the time the largest automotive, antitrust, ERISA and securities settlements in U.S. history.

CONTACT

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YEARS OF EXPERIENCE

> 37

PRACTICE AREAS

- > Antitrust/Trade Law
- > Consumer Protection
- > Governmental Representation
- > Securities/Investment Fraud
- > Whistleblower/**Qui Tam**
- > Patent Litigation

BAR ADMISSIONS

- > Washington
- > Illinois

EDUCATION

- > University of Chicago Law School, J.D., 1980
- > University of Michigan, B.A., 1976

Steve Berman represents consumers, investors and employees in large, complex litigation held in state and federal courts. Steve's trial experience has earned him significant recognition and led The National Law Journal to name him one of the 100 most powerful lawyers in the nation, and to repeatedly name his firm, Hagens Berman, one of the top 10 plaintiffs' firms in the country. Steve has been named a 2016 MVP of the Year by Law360 for his class-action litigation, and was also recognized for the third year in a row as an Elite Trial Lawyer by the National Law Journal.

Steve co-founded Hagens Berman in 1993 after his prior firm refused to represent several young children who consumed fast food contaminated with E. coli—Steve knew he had to help. In that case, Steve proved that the poisoning was the result of Jack in the Box's cost cutting measures along with gross negligence. He was further inspired to build a firm that vociferously fought for the rights of those unable to fight for themselves. Berman's innovative approach, tenacious conviction and impeccable track record have earned him an excellent reputation and numerous historic legal victories. He is considered one of the nation's most successful class-action attorneys, and has been praised for securing record-breaking settlements and tangible benefits for class members. Steve is particularly known for his tenacity in pioneering consumer settlements that return a high percentage of recovery to class members.

CURRENT ROLE

- > Managing Partner, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

> Automotive Litigation

- Appointed co-lead counsel in the massive MDL alleging that Toyota vehicles contained a defect causing sudden, unintended acceleration – In re: Toyota Motor Corp. Unintended Acceleration MDL. Berman was selected by Judge Selna without having applied for the leadership position for his expertise in complex, sprawling class-action litigation. The case culminated in what was then the largest automotive settlement in history that Judge Selna called, "extraordinary because every single dollar in the cash fund will go to claimants." In addition, the settlement resulted in a brake override being installed on millions of vehicles. Since then, the incidents of unintended acceleration have virtually disappeared. (\$1.6 billion settlement)
- Co-lead counsel in the high-profile ignition-switch litigation against GM, representing millions of vehicle owners who have suffered loss of vehicle value due to GM's concealment of safety defects.
- Member of the Plaintiffs' Steering Committee in the VW consumer litigation and part of the Settlement Negotiating team. In June 2016, VW agreed to \$14.7 billion settlement for more than 475,000 2.0-liter diesel vehicles including \$10 billion that will be used to compensate owners. In February 2017, the Court granted preliminary approval of a \$1 billion settlement for the more than 80,000 3.0-liter diesel

MANAGING PARTNER

Steve W. Berman

vehicles. VW has agreed to buy back 20,000 of those cars. VW hopes to offer a fix for the remaining 60,000, although the fix is still pending the approval of the EPA and CARB. (\$14.7 billion & \$1 billion settlements)

- Lead counsel for VW franchise dealers suit, in which a settlement of \$1.6 billion has received final approval, and represents a substantial recovery for the class. (\$1.6 billion settlement)
- Steve has pioneered pursuing car manufacturers who have been violating emissions standards, including: Mercedes BlueTec vehicles, GM Chevy Cruze, Dodge Ram 2500, Dodge Ram 1500 and Jeep Cherokee. Steve and the firm's work in emissions-cheating investigations is ahead of the EPA and government regulators.
- Led the firm's aggressive fight against Hyundai and Kia on behalf of defrauded consumers who alleged the automakers had misrepresented fuel economies in vehicles, securing what was believed to then be the second-largest automotive settlement in history. (\$255 million settlement)

› Sports Litigation

- Pioneered a sweeping concussion settlement with U.S. Soccer, bringing safety measures to millions of youth soccer players, and ending heading for U.S. Soccer's youngest and most affected players, diminishing the risk of traumatic brain injuries.
- Represented current and former student-athletes against the NCAA and Electronic Arts concerning illegal use of college football and basketball players' names and likenesses in video games without permission or consent from the players. (\$60 million settlement)
- Led the firm's pioneering NCAA concussions suit that culminated in a proposed settlement that will provide a 50-year medical-monitoring program for student-athletes to screen for and track head injuries; make sweeping changes to the NCAA's approach to concussion treatment and prevention; and establish a \$5 million fund for concussion research, preliminarily approved by the court.
- Served as co-lead counsel in the *Alston* case that successfully challenged the NCAA's limitations on the benefits student-athletes can receive as part of a scholarship, culminating in a \$208 million settlement. The recovery amounts to 100 percent of single damages in an exceptional result in an antitrust case. The injunctive portion of the case seeking to ban the NCAA's restrictions on cost of athletic payments continues. It could change the landscape for how NCAA football and basketball players are compensated.

› Wall Street

- Class-action securities case against Charles Schwab (\$235 million settlement)
- Represented Bernard L. Madoff investors in a suit filed against JPMorgan Chase Bank, one of the largest banks in the world (approved \$218 million settlement)
- Represented a class of tens of thousands of shareholders against Boeing, culminating in a proposed settlement that was the second-largest awarded in the Northwest. (\$92.5 million settlement)

› Antitrust

- Fought against Apple and five of the nation's top publishers for colluding to raise the price of e-books, resulting in recovery equal to twice consumers' actual damages. (\$560 million settlement)
- Represents a class of indirect purchasers against manufacturers of optical disc drives (ODDs) that allegedly colluded to stabilize the prices of ODDs worldwide. In February 2016, Judge Seeborg granted class certification.
- Served as co-lead counsel in what was then the largest antitrust settlement in history: a class-action lawsuit alleging that Visa and MasterCard, together with Bank of America, JP Morgan Chase and Wells

MANAGING PARTNER

Steve W. Berman

Fargo, violated federal antitrust laws by establishing uniform agreements with U.S. banks, preventing ATM operators from setting ATM access fees below the level of the fees charged on Visa's and MasterCard's networks. The case resulted in a \$27 billion settlement.

RECOGNITION

- › Serves as a selected 2018 State Executive Committee member for The National Trial Lawyers
- › Selected as Top Attorney of the Year for 2018 by the International Association of Top Professionals
- › Awarded 2016 & 2017 Class Action MVP of the Year Award by Law360
- › Steve Berman named 2017 Plaintiffs' Trailblazer by The National Law Journal
- › Named Class Actions (Plaintiff) Law Firm of the Year in California, Global Law Experts, 2017
- › Selected to Washington Super Lawyers 2003 - 2017
- › Steve Berman named a member of the 2014-2015 Lawdragon 500 Leading Lawyers in America
- › Voted one of the 100 most influential attorneys in America by The National Law Journal three times
- › Voted most powerful lawyer in the state of Washington by The National Law Journal
- › Hagens Berman named one of the top 10 plaintiffs' firms in the country, The National Law Journal
- › Selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year

NOTABLE CASES

- › **State Tobacco Litigation - \$206 billion settlement**
Lead counsel for 13 states in cases that led to the largest settlement in world history.
- › **Visa/MasterCard Antitrust Litigation - \$27 billion settlement**
The firm served as co-lead counsel in what was then the largest antitrust settlement in history.
- › **WPPSS Securities Litigation - \$700 million settlement**
Member of trial team that led to the then largest securities case settlement.
- › **McKesson Drug Class Litigation - \$350 million settlement**
Lead counsel in an action that led to a rollback of benchmark prices of hundreds of brand name drugs, and a \$350 million settlement for third-party payers and insurers.
- › **Average Wholesale Price Litigation - \$338 million settlement**
Steve served as lead trial counsel, securing trial verdicts against three drug companies that paved the way for a settlement of \$338 million.
- › **DRAM Memory Antitrust - \$345 million settlement**
Forged a class-action suit against leading DRAM (Dynamic Random Access Memory) manufacturers, claiming the companies secretly agreed to reduce the supply of DRAM in order to artificially raise prices.
- › **Stericycle Overpricing Litigation - \$295 million settlement**
Steve headed the firm's position as lead counsel in this class-action lawsuit on behalf of Stericycle customers for an overpricing scheme.
- › **Enron Pension Protection Litigation - \$250 million settlement**
Lead counsel for Enron employees whose retirement accounts were wiped out by Enron's fraud. Settlement was the largest ERISA settlement in U.S. history.

MANAGING PARTNER

Steve W. Berman

- › **NCAA Concussions - \$75 million settlement, and 50-year medical monitoring fund**
Steve served as lead counsel in a class action seeking to protect NCAA student-athletes in all sports.
- › **Charles Schwab Securities Litigation - \$235 million settlement**
Lead counsel in securities case resulting in settlement and 45 percent and 82 percent recoveries for the class, high percentages for securities cases.
- › **NCAA Grant-In-Aid Litigation - \$208 million settlement**
Steve was lead counsel in a case challenging the NCAA's collusion in refusing to allow student athletes to receive scholarships amounting to the full cost of attending school.
- › **Boeing Securities Litigation - \$92 million settlement**
Berman served as lead counsel in a settlement of a securities action concerning Boeing's merger with McDonnell Douglas.
- › **Bextra/Celebrex Marketing and Products Liability Litigation - \$89 million settlement**
Served as court-appointed member of the Plaintiffs Steering Committee and represented nationwide consumers and third party payers who paid for Celebrex and Bextra. The firm was praised by the court for its "unstinting" efforts on behalf of the class.
- › **McKesson Governmental Entity Class Litigation - \$82 million settlement**
Steve was lead counsel for a nationwide class of local governments that resulted in an \$82 million settlement for drug price-fixing claims.
- › **VW Emissions Litigation**
Steve is currently serving as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › **VW Franchise Dealers Litigation - \$1.6 billion settlement**
Steve is currently serving as a member of the Plaintiffs Steering Committee representing owners of Volkswagen CleanDiesel vehicles that were installed with emissions-cheating software.
- › **Mercedes Emissions Litigation**
Judge Jose L. Linares appointed the firm as interim class counsel in the case against Mercedes concerning emissions of its BlueTEC diesel vehicles.
- › **Lumber Liquidators Flooring**
Steve was court-appointed co-lead counsel in litigation against Lumber Liquidators representing consumers who unknowingly purchased flooring tainted with toxic levels of cancer-causing formaldehyde.
- › **Optical-Disc Price Fixing Litigation**
Lead counsel in action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.
- › **Ohio Opioid Litigation**
Steve has been retained by the state of Ohio to serve as trial counsel in a recently filed state suit against five manufacturers of opioids.

MANAGING PARTNER

Steve W. Berman

› **Orange County and Santa Clara County, CA and State of Mississippi Opioid Litigation**

Opioid abuse is one of our nation's leading health disasters. Steve is leading the first litigation seeking to recover public costs resulting from the opioid manufacturer's deceptive marketing.

› **Exxon Mobile Oil Spill**

Represented clients against Exxon Mobil affected by the 10 million gallons of oil spilled off the coast of Alaska by the Exxon Valdez (multi-million dollar award)

› **General Motors Ignition Switch Defect Litigation**

Steve serves as lead counsel seeking to obtain compensation from the millions of GM car owners whose cars have diminished in value.

PRESENTATIONS

› Steve is a frequent public speaker and has been a guest lecturer at Stanford University, University of Washington, University of Michigan and Seattle University Law School.

PERSONAL INSIGHT

Steve was a high school and college soccer player and coach. Now that his daughter's soccer skills exceed his, he is relegated to being a certified soccer referee and spends weekends being yelled at by parents and coaches. Steve is also an avid cyclist and is heavily involved in working with young riders on the international Hagens Berman Axeon cycling team and the Hagens Berman | Supermint Pro Cycling women's team.



PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

*Voted Massachusetts Ten Leading Litigators
—The National Law Journal*

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(617) 482-3003 fax
tom@hbsslaw.com

YEARS OF EXPERIENCE

> 34

PRACTICE AREAS

- > Pharmaceutical Fraud
- > Consumer Protection
- > Antitrust Litigation

BAR ADMISSIONS

- > Massachusetts
- > Rhode Island
- > First Circuit Court of Appeals
- > Second Circuit Court of Appeals
- > Supreme Court of the United States

EDUCATION

- > Boston University School of Law, J.D., cum laude, 1983
- > Clark University, B.A., summa cum laude, Phi Beta Kappa, 1980

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Boston office
- > Leader in drug pricing litigation efforts against numerous pharmaceutical and medical device companies
- > Lead negotiator in court-approved settlements totaling more than \$2 billion
- > Currently court-appointed lead counsel for **In re Skelaxin Antitrust Litigation**, **In re Nexium Antitrust Litigation**, **In re Lipitor Antitrust Litigation**, **In re Effexor Antitrust Litigation**, and **In re Wellbutrin XL Antitrust Litigation**
- > Appointed lead counsel in MDL No. 2149: **In re New England Compounding Pharmacy Litigation Multidistrict Litigation**, representing more than 700 victims who contracted fungal meningitis or other serious health problems as a result of receiving contaminated products produced by NECC, resulting in a \$200 million settlement
- > Lead counsel to the **Prescription Access Litigation (PAL)** project, the largest coalition of health care advocacy groups that fight illegal, loophole-based overpricing by pharmaceutical companies

RECENT SUCCESS

- > **Neurontin class action marketing settlement** (\$325 million)
- > **NECC meningitis outbreak settlement** (\$200 million)
- > **Flonase direct purchaser litigation settlement** (\$150 million)
- > **Wellbutrin XL direct purchaser litigation** (\$37.5 million)
- > **First Databank litigation** (4% price reduction of most retail drugs)
- > **McKesson litigation** (\$350 million)
- > **Zyprexa litigation on behalf of the State of Connecticut** (\$25 million)
- > **Vioxx third party payor litigation** (\$80 million)
- > **Paxil direct purchaser litigation** (\$150 million)
- > **Co-lead trial counsel in the Neurontin MDL** (\$142 million RICO jury verdict)

RECOGNITION

- > Massachusetts Ten Leading Litigators, **The National Law Journal**

EXPERIENCE

- > Seventeen years in large Boston firm handling large complex civil litigation
- > Special Assistant Attorney General for the Commonwealth of Massachusetts and the states of New Hampshire and Rhode Island
- > Private counsel for Massachusetts and New Hampshire in ground breaking litigation against tobacco industry (Significant injunctive relief and recovery of more than \$10 billion)
- > Judicial clerk for Chief Justice Allan M. Hale, Massachusetts Appeals Court, 1983-1984
- > Board Chairman, New England Shelter for Homeless Veterans, 1995-2002

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

NOTABLE CASES

➤ **\$142 Million Civil RICO Jury Verdict in Massachusetts Over Neurontin**

On Mar. 25, 2010, following a four-and-a-half week trial and two days of deliberations, a jury in the U.S. District Court for Massachusetts returned a \$142 million RICO verdict against Pfizer, Warner Lambert and Parke Davis in a suit related to Pfizer's fraudulent and unlawful promotion of the drug Neurontin. The jury also found, in an advisory capacity, that defendants violated the California Unfair Competition Law. HBSS served as co-lead trial counsel for plaintiffs Kaiser Foundation Health Plans and Kaiser Foundation Hospitals. HBSS attorneys played a pivotal role in preparing the case for trial. Thomas Sobol, managing partner of the HBSS Boston office, examined seven economic and scientific experts and presented the evidence of Defendants' decade-long campaign of fraudulent and deceptive actions in his closing argument that resulted in the RICO verdict. Post-trial briefing is underway and a final judgment has not yet been entered.

Kaiser Foundation Health Plan, et al v. Pfizer, Inc., et al, D.Mass., Civil Action No. 04-cv-10739 (PBS).

➤ **\$150 Million Settlement for Consumers and TPPs for Purchases of Lupron**

In late 2004, HBSS announced a proposed resolution on behalf of consumers and third-party payors of Lupron in the amount of \$150 million. The litigation alleged widespread fraudulent marketing and sales practices against TAP Pharmaceuticals, a joint venture between Abbott Laboratories and Takeda Pharmaceuticals, Inc., and followed TAP's agreement to pay \$875 million in combined criminal and civil penalties regarding marketing and sales practices for the prostate cancer drug Lupron. HBSS served as court-appointed Co-Lead and Liaison Counsel.

In re Lupron Marketing and Sales Practices Litigation, D.Mass., MDL No. 1430.

➤ **\$150 Million Resolution on Behalf of Direct Purchasers of Paxil**

HBSS announced a \$150 million resolution of claims in 2004 in litigation on behalf of direct purchasers of the "blockbuster" selective serotonin reuptake inhibitor Paxil, manufactured by GlaxoSmithKline Corporation. The suit alleged that GSK engaged in sham litigation with respect to certain patents, all in an effort to delay competition from the entry of a generic form of the drug. HBSS served as court-appointed Co-Lead Counsel.

In re Paxil Direct Purchaser Litigation, E.D.Pa., Civil Action No. 03-4578.

➤ **The Major First Databank Price Rollback**

The First Circuit Court of Appeals recently affirmed the approval of a settlement reached between plaintiff health benefit plans and consumers in a class action against defendants First DataBank, Inc. and Medi-Span, two leading drug pricing publishers. The settlement resulted in a rollback of benchmark prices of some of the most common prescription medications and which could save consumers and other purchasers hundreds of millions of dollars. The settlement stems from a 2005 class-action lawsuit brought on behalf of health benefit plans and consumers against First DataBank (FDB) and McKesson Corporation, a large pharmaceutical wholesaler. Plaintiffs claimed that beginning in 2001, FDB and McKesson secretly agreed to raise the markup between the Wholesale Acquisition Cost and the Average Wholesale Price from 20 to 25 percent for more than 400 drugs, resulting in higher profits for retail pharmacies at the expense of consumers and payors.

PARTNER, EXECUTIVE COMMITTEE MEMBER

Thomas M. Sobol

On June 6, 2007, Judge Patti B. Saris of the District of Massachusetts preliminarily approved a settlement between the parties whereby FDB agreed to roll back pricing by five basis points, from 1.25 to 1.20, on the drugs included in the lawsuit as well as hundreds of other drugs, which should create cost-savings on a much broader range of prescription medications. An alphabet soup of associations representing pharmacies and pharmacy benefit managers fought the proposed rollback before federal trial and appellate courts, claiming either that small pharmacies would be put out of business through implementation of the rollback or that the savings to health plans and consumers would not be enough to justify the settlement. The courts rejected these claims and in a ruling on Sept. 4, 2009, the First Circuit Court of Appeals affirmed the approval of the settlement.

New England Carpenters Health Benefits Fund et al v. First DataBank, Inc. and McKesson Corp., D.Mass., Civil Action No. 05-cv-11148-PBS; District Council 37 Health and Security Plan et al v. Medi-Span, D.Mass., Civil Action No. 07-cv-10988-PBS.

➤ **\$75 Million Resolution Against GSK and Its Predecessors for Relafen**

HBSS was court-appointed liaison counsel, and the firm has helped spearhead this litigation against GlaxoSmithKline Corporation and its predecessors, alleging that GSK fraudulently obtained a patent to prevent a generic version of Relafen, a frequently prescribed brand name pharmaceutical, from coming to market. Litigated for 12 to 18 months, HBSS announced a proposed \$75 million resolution of end-payor claims in 2004.

In re Relafen Antitrust Litigation, D.Mass., Master File No. 01-12239-WGY.

➤ **\$25 Million for the State of Connecticut for Zyprexa Fraud**

On Oct. 5, 2009, Judge Jack B. Weinstein, U.S. District Court Judge in the Eastern District of New York, entered an Order for Entry of Final Judgment in State of Connecticut v. Eli Lilly and Co., approving the \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation. HBSS served as outside counsel to Attorney General Richard Blumenthal in the litigation that alleged Lilly engaged in unlawful off-label promotion of the atypical antipsychotic Zyprexa and made significant misrepresentations about Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs borne by the state and its taxpayers.

State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.

➤ **\$65.7 Million Recovery in Antitrust Action Concerning Tricor**

On Oct. 29, 2009, Chief Judge Sue Robinson of the District of Delaware approved a \$65.7 million recovery for consumers and third party payors who sued Abbott Laboratories and Fournier Industries in an antitrust action concerning the cholesterol drug Tricor. Plaintiffs alleged Abbott and Fournier manipulated the statutory framework regulating the market for pharmaceuticals by instituting baseless patent litigation against generic manufacturers, and manipulative switching of dosage strengths and forms, which resulted in delayed entry of generics and thus lower prices into the market. HBSS served as Co-Lead Class Counsel in the case.

In re Tricor Indirect Purchaser Antitrust Litigation, D.Del., Civil Action No. 05-cv-360.



PARTNER, EXECUTIVE COMMITTEE MEMBER

Anthony D. Shapiro

Mr. Shapiro has handled hundreds of personal injury matters securing results in excess of \$1 million for his clients numerous times.

CONTACT

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YEARS OF EXPERIENCE

> 35

PRACTICE AREAS

- > Antitrust Litigation
- > Personal Injury Litigation

BAR ADMISSIONS

- > Washington State Bar

EDUCATION

- > Georgetown University Law Center, J.D., 1982
- > Colgate University, B.A., History, 1979

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Personal Injury Group including wrongful death, brain injury and catastrophic personal injury matters resulting from construction site, workplace, automobile accidents, product liability and nursing home negligence
- > Prominent role in many of the firm's notable antitrust class actions

RECENT SUCCESS

- > Lead counsel in **In re DRAM Antitrust Litigation** (more than \$400 million)
- > Plaintiffs' executive committee in a number of prominent antitrust class actions including **In re LCD Antitrust Litigation** (\$500 million)

RECOGNITION

- > Earned AV rating by Martindale-Hubbell, the highest rating a lawyer can obtain, indicating a very high to preeminent legal ability and exceptional ethical standards as established by confidential opinions from members of the Bar
- > Washington Super Lawyer, 2000-2014

EXPERIENCE

- > King County, Washington Prosecuting Attorney's Office, where he represented the state in more than 50 serious felony jury trials, including some of the state's most high-profile cases
- > Founding Partner, Rohan Goldfarb & Shapiro
- > Schweppe Krug & Tausend

LEGAL ACTIVITIES

- > Instructor, National Institute of Trial Advocacy
- > Adjunct Professor, University of Washington Law School

NOTABLE CASES

- > **Mantria Class Action**
- > **Air Cargo Antitrust Litigation**
- > **Baby Food Antitrust Litigation**
- > **Brand Name Prescription Drug Antitrust Litigation**
- > **Bromine Antitrust Litigation**
- > **Carbon Dioxide Antitrust Litigation**
- > **Carpet Antitrust Litigation**
- > **Commercial Tissue Products Antitrust Litigation**

PARTNER, EXECUTIVE COMMITTEE MEMBER

Anthony D. Shapiro

- › Compressors Antitrust Litigation
- › Concrete Antitrust Litigation
- › Containerboard Antitrust Litigation
- › CRT Antitrust Litigation
- › DRAM Antitrust Litigation
- › Exxon Valdez Oil Spill Litigation
- › Fasteners Antitrust Litigation
- › Flat Glass Antitrust Litigation
- › Forced Place Insurance – Wind Antitrust Litigation
- › High Fructose Corn Syrup Antitrust Litigation
- › Infant Formula Antitrust Litigation
- › Lease Oil Antitrust Litigation
- › Linerboard Antitrust Litigation
- › LCD Antitrust Litigation
- › Magazine Paper Antitrust Litigation
- › Medical X-Ray Film Antitrust Litigation
- › OSB Antitrust Litigation
- › Polyurethane Antitrust Litigation
- › Scouring Pads Antitrust Litigation
- › SRAM Antitrust Litigation
- › Steel Antitrust Litigation
- › Toilet Nut Product Defect Litigation



PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

Rob added to HB's office a built-in mock courtroom, complete with jury box, audio-visual equipment to record witnesses and lawyers, and separate deliberation rooms for two juries. [Download photo »](#)

CONTACT

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Personal Injury Litigation
- > Insurance Bad Faith
- > Breach of Contract Claims

BAR ADMISSIONS

- > Arizona
- > Colorado
- > U.S. Supreme Court
- > United States Court of Appeals for the Federal Circuit
- > U.S. Court of Appeals, Fifth Circuit
- > U.S. Court of Appeals, Seventh Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Tenth Circuit
- > Various federal district courts

EDUCATION

- > University of Denver, M.B.A., J.D., 1986
- > Arizona State University, B.S., 1983
- > Harvard University, John F. Kennedy School of Government, State & Local Government Program, 1992

Mr. Carey handles class-action lawsuits against many different types of organizations and companies. Recently, he has litigated the Propane Exchange Tank Litigation, Hyundai/Kia MPG Litigation, and the Swift Truckers Litigation. He has served as lead counsel in cases such as the LifeLock Sales and Marketing Litigation, Hyundai Motor America's cases on sub-frame corrosion and airbag systems, and the State of Arizona's claim against McKesson Corporation for overcharging on prescription drugs.

Mr. Carey experience extends to bad-faith insurance, personal injury, medical malpractice, with several jury trials involving verdicts with as much as \$75 million at stake. He has argued high-profile cases in federal and state courts across the country. In the '90s, he served as trial counsel on claims by counties for damages stemming from tobacco-related illnesses (and acted as special counsel for Hagens Berman in seeking to recover damages in the landmark tobacco litigation), and since then has led dozens of consumer and insurance class actions in various states.

From 1990 to 1996, as Chief Deputy Attorney General, Mr. Carey oversaw all major legal, policy, legislative, and political issues for the Arizona attorney general's office. There, Mr. Carey developed and spearheaded passage of Arizona's law requiring the DNA testing of all sex offenders and the law requiring that criminals pay the cost of victims' rights. He was a principal drafter of the first major overhaul of Arizona's criminal code, and drafted key parts of the federal Prisoner Litigation Reform Act of 1995 for Senators Dole and Kyl. He served as a campaign staffer, intern, and staff member for U.S. Senator John McCain, during and after Senator McCain's first run for public office. In the past, he served as a judge pro tempore in Maricopa County Superior Court, presiding over contract and tort jury trials. Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system, Mr. Carey enjoys teaching law and public policy courses, most recently at the ASU's Sandra Day O'Connor College of Law.

Mr. Carey earned his bachelor's degree at Arizona State University, and received his MBA and law degree from the University of Denver. He also attended Harvard University's John F. Kennedy School of Government, where he studied in the state and local government program.

CURRENT ROLE

- > Partner & Executive Committee Member, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Phoenix and Colorado Springs offices
- > Practice focuses on class-action lawsuits, including auto defect, insurance, right of publicity and fraud cases
- > Frequently asked to handle jury trials for high-value cases

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

RECENT SUCCESS

- › Over the summer of 2012, Rob was lead counsel in Robin Antonick's case against Electronic Arts, where a jury heard evidence that Electronic Arts failed to pay Antonick for over 20 years for his work in coding and developing the legendary Madden NFL Football video game. This trial, held in the Northern District of California, resulted in two verdicts for Antonick and was dubbed a "Top Trial Verdict of 2013" by The Daily Journal, a leading legal publication.
- › Prevailed at the Arizona Court of Appeals for the second time, keeping intact class certification for tens of thousands of truck drivers suing to recover underpayments caused by misuse of Rand McNally's HHG software by Swift Transportation.
- › Helped originate the Toyota Sudden Unintended Acceleration case, filing the initial Hagens Berman's complaints for a case that eventually settled for \$1.6 billion
- › Prevailed in a jury trial in a copyright case about the iconic Madden NFL video game, with two jury verdicts against Electronic Arts. The effort was selected by The Daily Journal, a leading legal publication, as a Top Trial Verdict of 2013
- › Led Hagens Berman's efforts on the \$400 million settlement with Hyundai and Kia corporations over misrepresentations about MPG ratings
- › Helped secure a first-ever (\$60M) settlement for collegiate student-athletes (Keller, consolidated with O'Bannon) from Electronic Arts (EA) and the NCAA for the misappropriation of the student-athletes' likenesses and images for the EA college football video game series. This groundbreaking suit went up to the U.S. Supreme Court before a settlement was reached, providing student-athletes, even current ones, with cash recoveries for the use of their likenesses without permission.
- › Represented Donovan Hill against Pop Warner after he was paralyzed at 13. With Rachel Fitzpatrick, Rob secured a settlement that "forever changed youth football" (OC Weekly) and was "unprecedented" and owed a debt of gratitude by those who care about the safety of kids playing football (Washington Post). Donovan died tragically during a 2016 surgery.
- › Numerous jury verdicts in trials, including complex matters, phasing of threshold issues, liability and damages, trials with more than \$75M at stake and recoveries of treble and punitive damages
- › While serving as Arizona Chief Deputy Attorney General:
 - Helped secure a \$4 billion divestiture and a landmark \$165 million antitrust settlement
 - Helped revise Arizona's criminal code and authored the section of the federal Prisoner Litigation Reform Act of 1995 that virtually eliminated frivolous prisoner lawsuits

RECOGNITION

- › Recognized by the judges of the Superior Court of Arizona in Maricopa County for outstanding contributions to the justice system
- › U.S. Department of Justice, recognized for victims' rights efforts
- › Listed since 2008 as a Top 100 Trial Lawyer by Arizona's Finest Lawyers and National Trial Lawyers
- › Member of Hagens Berman's Toyota team selected as a Finalist for Public Justice's 2014 Trial Lawyer of the Year

PARTNER, EXECUTIVE COMMITTEE MEMBER

Robert B. Carey

EXPERIENCE

- › Arizona Chief Deputy Attorney General
- › Adjunct Professor, Sandra Day O'Connor College of Law
- › Judge Pro Tempore, Maricopa County Superior Court

LEGAL ACTIVITIES

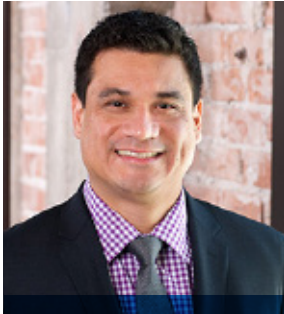
- › Member and Former Chairman, Arizona State Bar Class Action and Derivative Suits Committee

PUBLICATIONS

- › Co-author of the Arizona chapter of the ABA's "A Practitioner's Guide to Class Actions"

NOTABLE CASES

- › Toyota Unintended Acceleration Litigation
- › NCAA Student-Athlete Name and Likeness Licensing Litigation
- › Swift Truckers Litigation
- › Hyundai Subframe Defect Litigation
- › Hyundai Occupant Classification System / Airbag Litigation
- › Hyundai Horsepower Litigation
- › Arizona v. McKesson False Claims and Consumer Protection Litigation (representing State of Arizona)
- › Student-Athlete Likeness Litigation against CBS Sports and Printroom
- › Apple Refurbished iPhone/iPad Litigation
- › Jim Brown v. Electronic Arts
- › LifeLock Sales and Marketing Litigation
- › Rexall Sundown Cellasene Litigation
- › Insurance bad faith against major carriers and personal injury cases, including dozens of seven-figure verdicts and settlements



PARTNER

Leonard W. Aragon

Before attending college, Mr. Aragon fulfilled his dream as a scout for the 2/68 Armored Tank Battalion.

CONTACT

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YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Commercial Litigation
- > Mass Tort
- > Appellate Advocacy
- > Personal Injury

BAR ADMISSIONS

- > U.S. District Court, District of Arizona
- > U.S. District Court, District of Colorado

EDUCATION

- > Stanford Law School, J.D., 2001
- > Arizona State University, B.A., History and Political Science, summa cum laude, 1998

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class actions and other complex litigation
- > Currently counsel for plaintiffs in the highly publicized cases **Keller v. Electronic Arts** and **In re NCAA Student-Athlete Name and Likeness Licensing Litigation** which alleges that video game manufacturer Electronic Arts, the National Collegiate Athletic Association, and the Collegiate Licensing Company used the names, images and likenesses of student-athletes in violation of state right of publicity laws and the NCAA's contractual agreements with the student-athletes. The plaintiffs reached a settlement with EA and the CLC in May for \$40 million and reached a settlement in June with the NCAA for \$20 million. The parties are in the process of seeking approval from the Court for the two settlements.

RECENT SUCCESS

- > Multimillion dollar jury verdict believed to be the largest in Columbiana County, Ohio history
- > Multimillion dollar class-action settlement on behalf of a nationwide class of student-athletes whose images were used on a website affiliated with CBS Interactive without their permission or compensation
- > Obtained two jury verdicts in favor of the original developer of the Madden Football video game franchise in phased trial over unpaid royalties

RECOGNITION

- > Super Lawyers, Rising Star: Class Action/Mass Tort

LEGAL ACTIVITIES

- > Adjunct Professor, Sandra Day O'Connor College of Law, Arizona State University
- > State Bar of Arizona Bar Leadership Institute Class I
- > Pro bono work in insurance, immigration, family and contract law

NOTABLE CASES

- > **In re NCAA Student-Athlete Name and Likeness Licensing Litigation**
- > **Keller v. Electronic Arts Inc.**
- > **Antonick v. Electronic Arts Inc.**
- > **In re Swift Transportation Co., Inc.**
- > **Hunter v. Hyundai Motor America**
- > **Jim Brown v. NCAA; Liebich v. Maricopa County Community College District**



PARTNER

Lauren Guth Barnes

Ms. Barnes was honored with a 2013 Excellence in the Law Up & Coming Lawyer award by the Massachusetts Bar Association and Mass Lawyers Weekly.

CONTACT

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YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Mass Torts
- > Medical Devices
- > Pharmaceuticals/Health Care Fraud

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > U.S. Court of Appeals, Second Circuit, Eleventh Circuit
- > Supreme Court of the United States

EDUCATION

- > Boston College Law School, J.D., cum laude, Articles Editor, Boston College Law Review, 2005
- > Williams College, B.A., International Relations, cum laude, 1998

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer protection and RICO litigation against drug and medical device manufacturers, in complex class actions and personal injury cases for consumers, large and small health plans, direct purchasers and state governments
- > Helped reach a \$73 million class settlement for direct purchasers in MDL No. 2343: In re. Skelaxin Antitrust Litigation
- > Co-lead class counsel for direct purchasers in In re Niaspan Antitrust Litigation
- > Liaison counsel for In re Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation
- > Co-lead class counsel for direct purchasers in the Suboxone and Solodyn MDLs
- > Represents health benefit providers in the firm's Ketek and copay subsidies class litigation, and individuals harmed by pharmaceuticals such as Yaz, Actos and Granuflo and medical devices including pelvic mesh
- > Pro bono counsel in a successful constitutional challenge to the Commonwealth of Massachusetts' exclusion of legal immigrants from the state's universal healthcare program

RECOGNITION

- > National Law Journal Boston Rising Star Award (2014)
- > Massachusetts Academy of Trial Attorneys President's Award (2014)
- > Massachusetts Bar Association Up & Coming Lawyer Award (2013)
- > AAJ New Lawyers Division Excellence Award (2009-2010, 2010-2011)
- > AAJ New Lawyers Division Above and Beyond Award (2011-2012)
- > AAJ Wiedemann & Wysocki Award (July 2012, July 2013)

EXPERIENCE

- > Active in the fights against forced arbitration federal preemption of consumer rights, working to ensure the public maintains access to the civil justice system and the ability to seek remedies when companies violate the law
- > Co-authored an amicus brief to the Supreme Court in *Pliva v. Mensing* on this issue on behalf of practitioners and professors who teach and write on various aspects of pharmaceutical regulation and the delivery of healthcare

PARTNER

Lauren Guth Barnes

- › Conflict Management Group where she worked with members of the United Nations High Commissioner for Refugees on a pilot project in Bosnia-Herzegovina designed to ease tensions and encourage reconciliation in post-conflict societies and contributed to *Imagine Coexistence*, a book developed out of the collaboration

LEGAL ACTIVITIES

- › American Association for Justice (AAJ)
 - Executive Committee, Member (2014-present)
 - Board of Governors, Member (2012-present)
 - Women Trial Lawyers Caucus, Former Chair (2012-2013)
 - Class Action Litigation Group, Former Co-Chair (2011-2012)
 - New Lawyers Division, Board of Governors (2009 to present)
 - Committees (various), Member
 - AAJ Trial Lawyers Care Task Force, Member (2012-present)
- › Massachusetts Academy of Trial Attorneys
 - Executive Committee, Member (2012-2013)
 - Board of Governors, Member (2011-present)
 - Women's Caucus, Co-Chair (2008 to present)
- › Boston Bar Association, Class Action Committee, Co-Chair (2014-present)
- › Public Justice, Class Action Preservation Project, Member

NOTABLE CASES

› Antitrust action for direct purchasers of Skelaxin

On Sept. 24, 2014, Judge Curtis Collier of the Eastern District of Tennessee approved a \$73 million settlement for direct purchasers of Skelaxin in litigation alleging Skelaxin's manufacturer colluded with would-be generic competitors, fraudulently delaying generic competition and leading to higher prices. Metaxalone was sold under the brand name Skelaxin since 1962, but the original patent expired in 1979. Manufacturers applied to market generic metaxalone in 2002, and generic competitors remained foreclosed from marketing generic metaxalone until 2010. Hagens Berman served as lead counsel for direct purchasers.

In re Skelaxin (Metaxalone) Antitrust Litigation, E.D.TN., Civil Action No. 1:12-md-2343.

› Health care coverage for 40,000 legal immigrants in Massachusetts

On Jan. 5, 2012, the Massachusetts Supreme Judicial Court ruled unanimously that a state law barring 40,000 low-income legal immigrants from the state's universal health care program unconstitutionally violates those immigrants' rights to equal protection under the law and must be struck down. Hagens Berman served as pro bono counsel.

Finch v. Commonwealth Health Insurance Connector Authority, Mass., Civil Action No. SJC-11025.

PARTNER

Lauren Guth Barnes

➤ **\$25 million for the state of Connecticut for Zyprexa fraud**

On Oct. 5, 2009, U.S. District Court Judge Jack B. Weinstein approved a \$25 million settlement reached by the parties to conclude the state's Zyprexa litigation that alleged Lilly engaged in unlawful off-label promotion and misrepresented Zyprexa's safety and efficacy, resulting in millions of dollars in excess pharmaceutical costs. Hagens Berman served as outside counsel to Attorney General Richard Blumenthal.

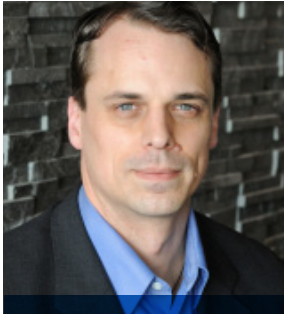
State of Connecticut v. Eli Lilly & Co., E.D.N.Y., Civil Action No. 08-cv-955-JBW.

PUBLICATIONS

- "How Mandatory Arbitration Agreements and Class Action Waivers Undermine Consumer Rights and Why We Need Congress to Act," Harvard Law and Policy Review, August 2015

EXPERIENCE

Unlike many of her colleagues at HBSS, Lauren does not run marathons – unless chasing after her small children count. Lauren did wrestle in college but refused to don the wrestling singlet. Whenever she can, Lauren rock climbs with her in-laws, breathes deeply at yoga, and hosts dinner parties to, despite usual advice, try totally new recipes. She also keeps the pizza delivery guy on speed dial as back-up for such occasions.



PARTNER

Ian M. Bauer

Mr. Bauer has been at the forefront of child and social welfare policymaking and litigation in Washington State over the past decade, and has extensive experience in litigation involving abuse, neglect and exploitation of children and vulnerable adults.

CONTACT

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YEARS OF EXPERIENCE

> 12

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

BAR ADMISSIONS

> Washington
> U.S. District Court, Western District of Washington
> U.S. District Court, Eastern District of Washington
> United State Bankruptcy Court for the Western District of Washington
> Ninth Circuit Court of Appeals

EDUCATION

> Connecticut College, B.A., 1999
> Seattle University School of Law, J.D., magna cum laude, 2004

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Practice focuses on personal injury and civil rights cases

RECENT SUCCESS

Mr. Bauer has litigated numerous multi-million dollar cases involving children and vulnerable adults who have suffered profound abuse, neglect or exploitation. Recent recoveries include:

> Settlement on behalf of five children abused and neglected by their biological parents (\$9.75 million)
> Settlement on behalf of a young child who was abused and neglected by her biological mother (\$4.0 million)
> Settlement on behalf of a developmentally-disabled woman who was abused, neglected and financially exploited by her state-paid, in-home caregiver (\$5.52 million)
> Settlement on behalf of an infant abused in day care setting (\$2.84 million)
> Settlement on behalf of a developmentally-disabled woman abused and neglected by her state-paid, in-home caregiver (\$2.5 million)

RECOGNITION

> Mr. Bauer has received an AV rating from Martindale-Hubbell, the highest peer-reviewed national rating a lawyer can obtain, reflecting a preeminent legal ability and exceptional ethical standards.
> Rising Star, Washington Law & Politics Magazine (2009, 2016, 2017)

EXPERIENCE

Prior to joining Hagens Berman, Mr. Bauer's served as an Assistant Attorney General with the Washington State Attorney General's Office. In this role, Mr. Bauer coordinated the defense of civil rights and tort litigation against DSHS, WSDOT, WSP and other state agencies, and supervised two teams of highly-experienced attorneys and professional staff. Mr. Bauer also carried a significant caseload of high-profile tort and civil rights cases, as well as cases involving the operation and funding of Washington's foster care, mental health and public assistance systems. Mr. Bauer also advised executive-level agency staff and state risk managers on a wide variety of complex legal issues, including tactical litigation decisions, the implications of legislative, judicial, political and policy decisions, and emergent situations involving the risk of significant exposure.

LEGAL ACTIVITIES

> Member, Washington Association for Justice
> Member, American Association for Justice

PERSONAL INSIGHT

Mr. Bauer is a former collegiate soccer player who continues to follow the game religiously.



PARTNER

Peter E. Borkon

Providing institutional investors practical advice and solutions.

CONTACT

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peterb@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

> Securities Litigation
> Antitrust Litigation

BAR ADMISSIONS

> California
> Illinois

COURT ADMISSIONS

> Supreme Court of the United States
> Supreme Court of California
> Supreme Court of Illinois
> U.S. District Court for the Northern District of California
> U.S. District Court for the Central District of California
> U.S. District Court for the Northern District of Illinois
> U.S. District Court of Colorado
> U.S. District Court for the Eastern District of Wisconsin
> U.S. District Court for the Western District of Wisconsin
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> Southern Illinois University at Carbondale, J.D., 1996
> DePauw University, B.A., 1992

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice is focused on complex civil litigation, particularly securities and antitrust class actions and shareholder derivative suits

RECENT SUCCESS

> Key team member in **In re Homestore Securities Litigation** (more than \$100 million settlement)
> Team member in several securities class actions including:
- **In re Charles Schwab Corp. Securities Litigation** (\$235 million settlement)
- **In re China Media Express Holdings, Inc. Securities Litigation** (\$12 million settlement)
- **In re Northwest Biotherapeutics Securities Litigation** (\$1 million settlement)
- **In re BigBand Networks Securities Litigation** (\$11 million settlement)
- **In re Reserve YieldPlus Fund Securities Litigation** (currently in mediation)
- **In re JP Morgan Madoff Litigation** (\$218 million settlement)
- **In re Oppenheimer Core & Champion Bond Funds** (\$100 million settlement)

RECOGNITION

> Northern California Rising Star, **Super Lawyers Magazine**, 2010, 2011
> Super Lawyer, **Super Lawyers Magazine**, 2012, 2015 - 2017
> Steinberg Leadership Fellow with the Anti-Defamation League

EXPERIENCE

> Clerk, Chief Judge of the Southern District of Illinois
> Staff Attorney, Ninth Circuit Court of Appeals
> Adjunct Professor at the University of California Hastings College of Law

LEGAL ACTIVITIES

> Director, U.S. District Court for the Northern District of California's Federal Practice Program Board (2015 - 2018)
> Member, Ninth Circuit Lawyer Representatives Committee for the Northern District of California (2015 - 2018)
> Co-Chair, Ninth Circuit Lawyer Representatives for the Northern District of California (2016 - 2017)
> Member, Council of Institutional Investors (CII)
> Member and Speaker, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, State Association of County Retirement Systems (SACRS)
> Member, California Association of Public Retirement Systems (CALAPRS)

PARTNER

Peter E. Borkon

- › Member and Speaker, Illinois Public Pension Fund Association (IPPFA)
- › Member and Speaker, Georgia Association of Public Pension Trustees (GAPPT)
- › Member, Alternative Investments working group, National Association of Public Pension Attorneys (NAPPA)
- › Chair, SEC working group, National Association of Public Pension Attorneys (NAPPA)
- › Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
- › Member, National Association of Securities Professionals (NASP)
- › Member, National Council on Teacher Retirement (NCTR)
- › Co-Chair of the Board of Directors of the AIDS Legal Referral Panel
- › Co-Chair of the Bay Area Lawyers for Individual Freedom's Judiciary Committee
- › Trained to serve as a Judge Pro Tem in San Mateo County
- › Serves as a Judge Pro Tem in the City and County of San Francisco Superior Court
- › Member, Federal Bar Association, Northern District of California Chapter
- › Member, Alameda County Bar Association
- › Member, Bar Association of San Francisco

PRESENTATIONS

- › "The New Normal: Potential Revisions to the Securities Law and Regulations Under the New Administration," NCPERS Legislative Conference, January 2017
- › "Recent Legal Developments - A Panel Discussion," GAPPT Annual Conference, September 2016
- › "Top Ten Practices of High Performing Public Retirement Plan Boards," NCPERS Public Safety Employees Pension & Benefits Conference, October 2015
- › "Fee Shifting, Bylaws and Courts: The Ever-Shrinking World of Investor Protections!," GAPPT Annual Conference, September 2015
- › "Funds, Fees & Affiliates (Oh, My!) - SEC OCIE's Examination of the Private Fund World," NAPPA 2015 Legal Education Conference, June 2015
- › "Securities Litigation: A Panel Discussion," MAPERS Spring Conference, May 2014
- › "Who Wants To Be A Fiduciary?," NCPERS, Trustee Educational Seminar, April 2014
- › "Annual Securities Litigation & Enforcement 2014 Update Panel Discussion, April 2014
- › "A Different Kind of Income Pick-Up Strategy," CFA Society of New Mexico, December 2013
- › "SEC Announces Its 'Top Priorities' Include Enforcement Against States Issuing Municipal Bonds; Are County Issuers Next?," CACTTC, Annual Conference, June 2013
- › "Avoiding a Front Page Scandal at Your Pension Fund: Learning by Example," NCPERS, Annual Conference, May 2013
- › Board Ethics Training at the Ohio Police and Fire Pension Fund, April 2013
- › "International Investment after Morrison," GAPPT, Annual Conference, September 2012
- › Legal Round Table, MAPERS, Spring Conference, May 2012
- › "Opportunities to Recover Fund Assets Using Securities Litigation," IPPFA, Spring Conference, May 2012

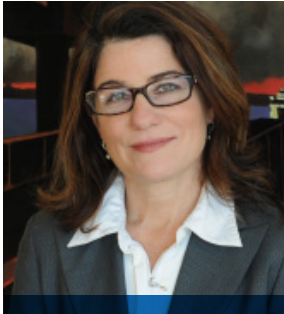
PARTNER

Peter E. Borkon

- > “The Good, the Bad and the Ugly –The Safety Pension Edition,” NCPERS, TEDS Conference, May 2012
- > “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- > “The Good, the Bad and the Ugly – The Safety Pension Edition,” NCPERS, Public Safety Employee Pension & Benefit Conference, October 2011
- > “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011
- > “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010

PUBLICATIONS

- > “Post-Morrison: The Global Journey Towards Asset Recovery,” Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- > “Omnicare: It’s Not a Lie if I Believe What I Say, Right?,” Hagens Berman, HBSS Securities News, Fall 2015
- > “Fasten Your Seatbelts, Supreme Court Creating a Bumpy Ride... or, Is it?,” Hagens Berman, HBSS Securities News, Summer 2014
- > “SEC’s Message: Bond Issuers Must Provide Full, Accurate and Timely Information About Their Financial Condition or Face Prosecution,” Hagens Berman, HBSS Securities News, November 2013
- > “Court Limits SEC’s Foreign Reach,” Hagens Berman, HBSS Securities News, May 2013
- > “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- > “Say-On-Pay – More Bark Than Bite?,” Hagens Berman, HBSS Securities News, November 2012
- > “Citizens United and the Assault on Public Pensions,” NCPERS, PERSist Article, Summer 2012, Volume 25, Number 3, August 2012
- > “Citizens United and The Assault on Public Pensions, Marin County Association of Retired Employees / A member of CRCEA-California Retired County Employees Association, Keeping in Touch Letter”, June 2012
- > “Citizens United and the Assault on Public Pensions,” Hagens Berman, HBSS Securities News, May 2012
- > “Investors Need Private Enforcement of Securities Law,” Hagens Berman, HBSS Securities News, November 2011
- > “Balancing Sensible Governance Against Failed Principles: Is this the End to the Wild West of Investing?,” NAPPA, The NAPPA Report, October 2008



PARTNER

Jeniphr A.E. Breckenridge

Ms. Breckenridge has practiced with the firm since its founding in 1993.

CONTACT

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

- > Securities / Investor Fraud
- > Consumer Rights
- > Products Liability

BAR ADMISSIONS

- > Supreme Court of Washington
- > USDC, Western District of Washington
- > U.S. Court of Appeals, Third Circuit

EDUCATION

- > University of Maryland Law School, J.D., Notes and Comments Editor, Maryland Law Review
- > Georgetown University, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, where she has practiced since the firm's founding.
- > Practice concentrates on class actions, including consumer, automobile defects, securities litigation fraud, and wage and hour claims

NOTABLE CASES

- > Metropolitan Securities Litigation
- > Boeing Securities Litigation
- > Raytheon Securities Litigation
- > Average Wholesale Price Litigation
- > In re Pet Food Products Liability Litigation
- > Toyota Unintended Acceleration Litigation
- > State Tobacco cases



PARTNER

Elaine T. Byszewski

Involved in firm's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers

CONTACT

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YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Consumer Protection
- > Qui Tam
- > Antitrust Litigation
- > Appellate

BAR ADMISSIONS

- > State Bar of California
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. Court of Appeals for the Ninth Circuit
- > U.S. District Court for the Eastern District of California

EDUCATION

- > Harvard Law School, J.D., cum laude, 2002
- > University of Southern California, B.S., Public Policy, summa cum laude, 1999

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Ms. Byszewski has litigated a number of complex class actions on behalf of consumers, employees and whistleblowers resulting in multi-million dollar settlements, including cases against Toyota, Ford, AstraZeneca Pharmaceuticals, Berkeley Premium Nutraceuticals, Solvay Pharmaceuticals, Costco, Apple and KB Homes.
- > Currently, Ms. Byszewski is involved in:
 - Hagens Berman's representation of the city of Los Angeles and other municipalities in litigation against major banks for discriminating against minority borrowers.
 - Multi-state antitrust action against major dairy cooperatives for colluding in the premature slaughter of a half a million cows to drive up the price of milk.
 - Deceptive advertising case against SeaWorld involving its undisclosed mistreatment of orcas.
 - Deceptive advertising case against SunRun.

RECENT SUCCESS

- > Member of team led by Steve Berman that settled **Toyota Unintended Acceleration Litigation** for \$1.6 billion and was a finalist for Public Justice's Trial Lawyer of the Year award

NOTABLE CASES

- > **Municipal Lending Discrimination Litigation**
- > **Dairy Cooperatives Antitrust Litigation**
- > **SeaWorld Consumer Lawsuit**
- > **Toyota Unintended Acceleration**
- > **Ford Spark Plugs**
- > **SunRun, Inc. Advertising Litigation**
- > **AstraZeneca Pharmaceuticals (Nexium) Litigation**
- > **Merck (Vioxx) Litigation**
- > **Berkeley Nutraceuticals (Enzyte) Litigation**
- > **Solvay Pharmaceuticals (Estratest) Litigation**
- > **Apple iPod Litigation**
- > **Costco Wage and Hour Litigation**

EXPERIENCE

Prior to joining Hagens Berman, Ms. Byszewski focused her practice on labor and employment litigation and counseling. During law school she worked in the trial division of the office of the Attorney General of Massachusetts.

PARTNER

Elaine T. Byszewski

PUBLICATIONS

- > "Valuing Companion Animals in Wrongful Death Cases: A Survey of Current Court and Legislative Action and A Suggestion for Valuing Loss of Companionship," Animal Law Review, 2003, Winner of the Animal Law Review's 5th Annual Student Writing Competition
- > "What's in the Wine? A History of FDA's Role," Food and Drug Law Journal, 2002
- > "ERISA and RICO: New Tools for HMO Litigators," Journal of Law, Medicine & Ethics, 2000

PERSONAL INSIGHT

Ms. Byszewski's proudest moment was teaching her older son to swim. Tennis is next on the agenda. Her biggest challenge is keeping her two year old out of trouble.



PARTNER

Jennifer Fountain Connolly

Successfully litigates complex fraud cases involving all types of industries.

CONTACT

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(202) 580-6559 fax
jenniferc@hbsslaw.com

YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > **Qui Tam**
- > Antitrust Litigation
- > Consumer Protection

BAR ADMISSIONS

- > Colorado
- > Illinois
- > District of Columbia

EDUCATION

- > University of Denver College of Law, J.D., 1998
- > University of Chicago, B.A., High Honors, Special Honors in English, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Washington D.C. office
- > Practice focuses on pharmaceutical pricing fraud cases, **qui tam** litigation, antitrust class actions and other types of complex litigation
- > Specializes in cases with complex factual or procedural questions, many of which have related proceedings pending in multiple jurisdictions

RECENT SUCCESS

- > Significant role in litigation against McKesson Corporation alleging the company engaged in a scheme that raised the prices of more than 400 brand name prescription drugs (\$350 million settlement)
- > Public payor case for municipalities throughout the United States (\$82 million settlement)
- > Represented numerous state attorneys general in similar claims against McKesson
- > Key member of the Hagens Berman-led team that successfully tried the **Average Wholesale Price litigation** against four pharmaceutical company defendants, obtaining a verdict that was subsequently affirmed in all respects by the First Circuit Court of Appeals

EXPERIENCE

- > Partner, Wexler Wallace LLP
- > Associate, Netzorg McKeever Koclanes & Bernhardt LLP (now Sherman & Howard, LLC)
- > Assistant Attorney General, Business Regulation Unit, Colorado Attorney General's Office

NOTABLE CASES

- > **McKesson Corporation Litigation**
 - Private class action (\$350 million settlement)
 - Municipal class action (\$82 million settlement)
 - Multiple state attorney general actions were favorably resolved
- > **AWP Litigation**

Represented classes of consumers and third-party payors in a groundbreaking pharmaceutical fraud case in which the court approved a total of \$338 million in settlements
- > **Opioids Litigation**
 - Retained by the state of Ohio to serve as trial counsel in a recently filed state suit against five manufacturers of opioids.
 - Representing the Orange County District Attorney's office in a case alleging five pharmaceutical companies orchestrated a false and misleading marketing scheme designed to reverse the popular and

PARTNER

Jennifer Fountain Connolly

medical understanding of the serious risks of long-term opioid use for chronic, non-cancer pain

› **Fannie Mae/Freddie Mac Takings Litigation**

Representing shareholders in the Court of Federal Claims alleging that, in imposing the conservatorships over Fannie Mae and Freddie Mac in September 2008, the Government took private property without just compensation

› **ATM Antitrust Litigation**

Representing consumers challenging illegal agreements among Visa, MasterCard and member banks to charge inflated ATM access fees, in violation of the federal antitrust laws

› **Qui Tam matters**

Currently working on numerous qui tam matters that are under seal in multiple jurisdictions



PARTNER

Elizabeth A. Fegan

"I have found working with you on this case one of the more interesting, challenging and, at some level, uplifting things that I have been able to do..." – Hon. Wayne Andersen (Ret.) at final approval of a nationwide sexual harassment settlement on behalf of 16,000 women.

CONTACT

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beth@hbsslaw.com

YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

- > Antitrust
- > Insurance Fraud
- > Consumer Rights
- > Employment Discrimination
- > Products Liability

BAR ADMISSIONS

- > Second, Third, Seventh, Eighth and Ninth Circuit Courts of Appeals
- > U.S. District Court, Northern, Central and Southern Districts of Illinois
- > District of Colorado

EDUCATION

- > Loyola University Chicago School of Law, J.D., Editor of Loyola Law Journal

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads Hagens Berman's Chicago office
- > Practice focuses on complex commercial class-action cases in the areas of antitrust, consumer protection and product liability

RECENT SUCCESS

- > **American Equity Senior Annuities Fraud** (\$129 million settlement)
- > **Midland Senior Annuities Fraud** (\$79.5 million settlement)
- > **Baby Products Antitrust Settlement** (\$35 million settlement)
- > **Pre-Filled Propane Tank Marketing And Sales Practices** (\$35 million settlement);
- > **Bayer Combination Aspirin Consumer Fraud** (\$15 million settlement);
- > **Aurora Dairy Organic Milk Consumer Fraud** (\$7.5 million settlement);
- > **"Thomas the Tank Engine" Toys Lead Paint Products Liability** (\$30 million settlement of federal and state cases)

RECOGNITION

- > Illinois Super Lawyer, Super Lawyers Magazine (2016-18)
- > The National Trial Lawyers: Top 100 (2014-15)
- > Time, Treasure & Talent Award, St. Giles CCW (2014)
- > AAJ, Civil Rights Section, Outstanding Section Newsletter of the Year (2006)

EXPERIENCE

- > Partner, The Wexler Firm
- > Associate, Shesky & Froelich Ltd.
 - Appointed Special Assistant Corporation Counsel on behalf of the City of Chicago, the Chicago Park District, and the Public Building Commission of Chicago
 - Appointed to the Special Master teams in **In re Waste Mgmt. Sec. Litig. (N.D. Ill.)** and **Wolens et al. v. American Airlines (Cir. Ct. Cook County, Ill.)**
- > Legal Writing Instructor, Loyola University Chicago School of Law

PARTNER

Elizabeth A. Fegan

PUBLICATIONS

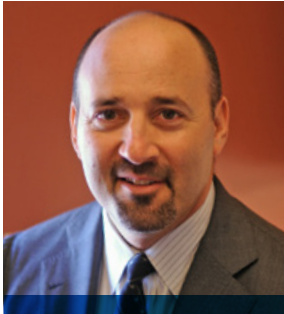
- “You Have Class! How to Identify Potential Class Actions in Your Everyday Practice,” Keynote Speaker, West Suburban Bar Association (Sept. 2016)
- At Sidebar column: “FBA Convention and Ohio Spotlight,” The Federal Lawyer (August 2016)
- “An Opportunity Or Landmine: Promoting Gender Diversity From The Bench,” The Federal Lawyer (pending pub. May 2016)
- “Post-Certification Strategies,” Class Action Litigation in America – A National Symposium, American Bar Association (March 2016)
- Articles Editor (2016-17), Proof Editor (2015-16), Editorial Board Committee, Federal Bar Association (appt. 2015-18)
- Co-Chair, HarrisMartin’s MDL Conference: Herbal Supplements Litigation (2015)
- Contributing Editor, 2013 Annual Review of Antitrust Law Developments (ABA 2014) and 2007 Annual Review of Antitrust Law Developments (ABA 2008)
- Newsletter Editor, Civil Rights Section of the American Trial Lawyers Association (n/k/a American Association for Justice) (2005-06) and received an award for Outstanding Section Newsletter of the Year
- “Home Rule Hits the Road in Illinois: American Telephone & Telegraph Company v. Village of Arlington Heights,” Loyola Law Journal (1995)
- Editor, Loyola University Chicago Law Journal (1994-95)

NOTABLE CASES

- **NCAA Student-Athlete Concussion Litigation**
- **NCAA Student-Athlete Scholarship Cap Antitrust Litigation**
- Nationwide class action alleging sexual harassment on behalf of 16,000 current and former female employees of a commercial property brokerage firm. The settlement required changes to human resource policies and a streamlined claims process that provided the potential for individual awards up to \$150,000 per class member.
- Multiple cases against annuities insurers for targeting seniors with deferred annuities that lock seniors’ savings up for their lifetimes
- **Actiq Off-Label Marketing Fraud**

PERSONAL INSIGHT

- Beth is still “leaning in” with five kids while training for her tenth marathon.
- Once interviewed Barry Sanders in the Detroit Lions locker room while working as a sports stringer at the Lansing State Journal.



PARTNER

Jeff D. Friedman

Mr. Friedman is extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars.

CONTACT

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YEARS OF EXPERIENCE

> 23

PRACTICE AREAS

- > Consumer Rights
- > Antitrust Litigation
- > Privacy Rights
- > Securities Litigation

BAR ADMISSIONS

- > California
- > Central District of California
- > Northern District of California
- > U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- > Santa Clara University School of Law, J.D., magna cum laude, 1994
- > University of Washington, B.A., Political Science, 1991

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Specializing in class actions against some of the largest companies in the United States, Mr. Friedman litigates cases involving securities fraud, consumer protection and antitrust violations including litigation against technology companies and cutting-edge competition policy issues
- > Extensively involved in the firm's representation of government entities, successfully recovering hundreds of millions of dollars
- > Has taken and defended the depositions of dozens of the top economists in the United States concerning cartel behavior and statistical models relating to antitrust impact and damages. Mr. Friedman has also developed subject matter expertise in econometrics relating to regressions and economic theory proving pass-through of cartel overcharges through complex distribution channels.
- > Involved in firm's position as lead counsel on behalf of purchasers of millions of electronics products, including laptop computers and cell phones, against several multinational corporations alleged to have fixed the prices of lithium ion battery cells for more than a decade

RECOGNITION

- > Northern District of California Super Lawyer, 2013 - 2017

EXPERIENCE

- > General Counsel, public fiber-optic component company in Silicon Valley
- > Assistant U.S. Attorney, Criminal Division, Central District of California (Los Angeles)
- > Clerk for the Honorable Manuel L. Real, U.S. District Court Judge, Central District of California

NOTABLE CASES

- > **In re Electronic Books Antitrust Litig., No. 11-md-02293 (DLC) (S.D.N.Y.)**
A nationwide class of e-book consumers allege five of the largest book publishers in the United States and Apple conspired to raise the prices of e-books and restrain competition.
- > **In re Optical Disk Drive Prods. Antitrust Litig., No. 3:10-md-2143 RS (N.D. Cal.)**
An action on behalf of consumers in more than two dozen states against the manufacturers of optical disk drives. The plaintiffs allege defendants conspired to increase the price of ODDs that were sold to original equipment manufacturers. Defendants' conduct allegedly caused millions of consumer electronics products, such as computers, to be sold at illegally inflated prices.

PARTNER

Jeff D. Friedman

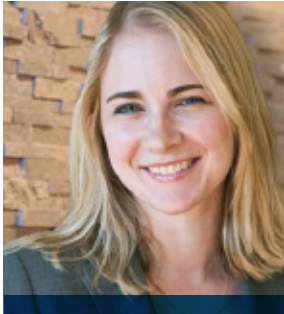
› **Pecover et al. v. Electronic Arts Inc., No. 3:08-cv-02820-CW (N.D. Cal.)**

A nationwide certified class of consumers who bought interactive football video games. Plaintiffs allege Electronic Arts entered into a series of exclusive licenses with football intellectual property owners, such as the NFL, in order to lock-up the market. A \$27 million settlement in the case has been agreed to by the parties, but awaits approval by the court.

› **San Francisco Health Plan v. McKesson Corp., No. 1:08-CV-10843-PBS (D. Mass.); State of Utah v. McKesson Corp., No. CV 10-04743 SI (N.D. Cal.); The Commonwealth of Virginia v. McKesson Corp. et al., No. CV-11-02782 SI (N.D. Cal.); State of Oregon v. McKesson Corp., No. CV-11-5384-SI (N.D. Cal.)**

› **In re eBay Seller Antitrust Litigation**, action on behalf of millions of eBay sellers, claiming eBay monopolized the online auction market and attempted to monopolize the person-to-persons payment systems market (Paypal)

› **Dell Inc. Bait-And-Switch Sales Litigation**, negotiated multimillion dollar settlement on behalf of nearly one million consumers



PARTNER

Kristen A. Johnson

Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for securing a \$142 million verdict against Pfizer for suppressing and manipulating results of scientific studies.

CONTACT

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kristenjp@hbsslaw.com

YEARS OF EXPERIENCE

> 10

PRACTICE AREAS

- > Consumer Rights
- > RICO
- > Antitrust

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > First Circuit Court of Appeals

EDUCATION

- > Boston College Law School, J.D.
- > Dartmouth College, cum laude, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses combating waste, fraud and abuse in the healthcare industry
- > Personally appointed alternate lead counsel in the **In re New England Compounding Pharmacy Litigation Multidistrict Litigation (MDL 2419)**. During the nascent stages of the MDL, Ms. Johnson was appointed liaison counsel to speak for the hundreds of victims who contracted fungal meningitis or suffered other serious health problems as a result of receiving contaminated products produced by NECC.
- > Actively involved in **In re Nexium Antitrust Litigation** (D. Mass., MDL No. 2409); **In re Loestrin Antitrust Litigation** (D.R.I., MDL No. 2472); and **In re Celebrex Antitrust Litigation**, (E.D. Va. 14-cv-00361).

RECENT SUCCESS

- > Lead counsel for plaintiffs who contracted fungal infections from contaminated steroids compounded by New England Compounding Center (\$200+ million settlement)
- > One of four attorneys who presented and cross examined witnesses for the plaintiffs during the 2014 Nexium Antitrust trial
- > \$142 million civil RICO verdict against Pfizer for suppressing and manipulating results of scientific studies
- > Instrumental in the recent **Neurontin** marketing (\$350 million), **Prograf** antitrust (\$98 million), **Flonase** antitrust (\$150 million) and **Wellbutrin XL** antitrust (\$37.5 million, partial) settlements

RECOGNITION

- > In 2014 and 2015, the National Law Journal honored Ms. Johnson as one of Boston's Rising Stars, one of 40 outstanding lawyers under 40.
- > In 2011, Public Justice nominated Ms. Johnson and the rest of the Neurontin trial team for Trial Lawyer of the Year for their work in securing a \$142 million verdict against Pfizer for suppressing and manipulating the results of scientific studies that showed Neurontin did not work to treat the off-label indications Pfizer was heavily promoting.

LEGAL ACTIVITIES

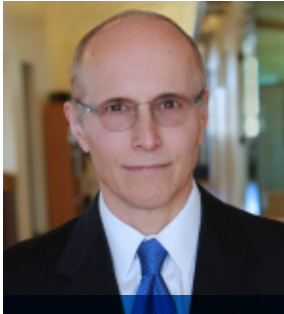
- > Public Justice, Class Action Preservation Committee
- > American Association for Justice

PARTNER

Kristen A. Johnson

NOTABLE CASES

- › Neurontin class action marketing settlement (\$325 million)
- › In re Prograf Antitrust Litigation (\$98 million)
- › Pfizer Neurontin RICO Litigation (\$142 million jury verdict)
- › In re Flonase Antitrust Litigation (\$150 million settlement)
- › In re Nexium Antitrust Litigation (trial October 2014)
- › In re Prograf Antitrust Litigation (trial fall 2014)



PARTNER

Reed R. Kathrein

Mr. Kathrein represents institutional, government and individual investors in securities fraud, and corporate governance cases.

CONTACT

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YEARS OF EXPERIENCE

> 40

PRACTICE AREAS

> Securities Litigation

BAR ADMISSIONS

> State of California
> State of Illinois
> State of Florida

COURT ADMISSIONS

> Supreme Court of California
> Supreme Court of Florida
> Supreme Court of Illinois
> U.S. District Court for the Northern District of California
> U.S. District Court for the Northern District of Illinois
> U.S. District Court of Colorado
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> University of Miami, J.D., 1977
> University of Miami, B.A., 1974

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Regular public speaker on securities, class action and consumer law issues

CURRENT ROLE

> Super Lawyer, Super Lawyers Magazine, 2007 - 2017

EXPERIENCE

> Litigated over 100 securities fraud class actions
> Worked behind the scenes in shaping the Private Securities Litigation Reform Act, the Securities Litigation Uniform Standards Act and the Sarbanes-Oxley Act
> Lawyer Representative, Ninth Circuit Court of Appeals
> Lawyer Representative, U.S. District Court for the Northern District of California, 2008-2011
> Chaired the Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008
> Co-chaired the Securities Rules Advisory Committee, U.S. District Court, Northern District of California, 2004-2006

LEGAL ACTIVITIES

> Member, National Association of Public Pension Attorneys (NAPPA)
> Member and Speaker, National Conference on Public Employee Retirement Systems (NCPERS)
> Member, Council of Institutional Investors (CII)
> Member, State Association of County Retirement Systems (SACRS)
> Member, National Council on Teacher Retirement (NCTR)
> Member, California Association of Public Retirement Systems (CALAPRS)
> Member, Michigan Association of Public Employee Retirement Systems (MAPERS)
> Member, Illinois Public Pension Fund (IPPPA)
> Member, Standing Committee on Professional Conduct, U.S. District Court, Northern District of California (Term expires 2017)
> Expedited Trial Rules Committee, U.S. District Court, Northern District of California, 2010-2012
> Lawyer Representative to the Ninth Circuit Court of Appeals, U.S. District Court, Northern District of California, 2008-2011
> Chair/ Member, Magistrate Judge Merit Selection Panel, U.S. District Court, Northern District of California, 2006-2008

PARTNER

Reed R. Kathrein

PUBLICATIONS

- › “A Look at Recent Demographics and Other Statistics in Securities Fraud Class Actions,” The NAPPA Report, October 2016
- › “Post-Morrison: The Global Journey Towards Asset Recovery,” Reed R. Kathrein, Peter E. Borkon, Nick S. Singer, contributing members, NAPPA Morrison Working Group, June 2016
- › “Interview with Bernie Madoff,” Hagens Berman, HBSS Securities News, Fall 2015
- › “Is Your Fund Prepared for Halliburton?,” March 2014
- › “O Securities Fraud, Where Art Thou?, Enter Robocop,” Hagens Berman, HBSS Securities News, November 2013
- › “Professor Coffee to SEC: Hire Plaintiffs Bar!,” Hagens Berman, HBSS Securities News, May 2013
- › “Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud,” Reed R. Kathrein, Peter E. Borkon, contributing members, NAPPA Morrison Working Group, 2012
- › “SEC Action Necessary, But Not Sufficient to Protect Investors,” Hagens Berman, HBSS Securities News, November 2012
- › “Are You Watching Your Private Equity Valuations?” Hagens Berman, HBSS Securities News, May 2012
- › “What Do Trustees Need to Know When Investing In Foreign Equities?,” Hagens Berman, HBSS Securities News, November 2011

PRESENTATIONS

- › “Occupy Wall Street through Reform of the Securities Law,” NCPERS, Legislative Conference, February 2012
- › “Legal Issues Facing Public Pensions,” Opal, Public Funds Summit, January 2012
- › “Protection vs. Interference – What the New Federal Regulations Mean to Institutional Investors,” NCPERS, Annual Conference, May 2011 “The Immediate Need for Congress to Act on Investor Friendly Legislation,” NCPERS, Annual Conference, May 2010
- › “Investor Friendly Legislation in Congress,” NCPERS, Legislative Conference, February 2010

NOTABLE CASES

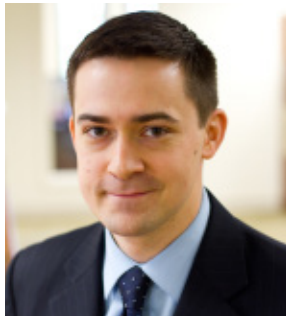
- › Litigated over 100 securities fraud class actions including cases against 3Com, Adaptive Broadband, Abbott Laboratories, Bank of America, Capital Consultants, CBT, Ceridian, Commtouch, Covad, CVXT, ESS, Harmonics, Intel, Leasing Solutions, Nash Finch, Northpoint, Oppenheimer, Oracle, Pemstar, Retek, Schwab Yield Plus Fund, Secure Computing, Sun Microsystems, Tremont (Bernard Madoff), Titan, Verifone, Whitehall, and Xoma
- › Litigated many consumer, employment and privacy law cases including AT&T Wiretapping Litigation, Costco Employment, Solvay Consumer, Google/Yahoo Internet Gambling, Vonage Spam, Apple Nano Consumer, Ebay Consumer, LA Cellular Consumer, AOL Consumer, Tenet Consumer and Napster Consumer

PARTNER

Reed R. Kathrein

PERSONAL INSIGHT

Reed is a recovering rock-and-roll drummer and banjo ukulele player. His rock band, the Stowaways, was voted 4th best in the State of Illinois out of 300 bands in the Jaycees Battle of the Bands. Reed's mother made his band costume of blue jean bell bottoms, sailor shirts and hats. The next year everyone wore blue jean bell bottoms to Woodstock. His prized possession is a 30lb Jeff Ocheltree snare drum made by Led Zeppelin John Bonham's drum technician. The rest of his kit is patterned after Dave Matthews Band's drummer, Carter Beauford. In his spare time, Reed works on playing Stairway to Heaven (drums) in his garage or Somewhere Over the Rainbow (banjo ukulele) in the High Sierra mountains.



PARTNER

Daniel J. Kurowski

Recognized as a 2016 "Rising Star" in Illinois by Super Lawyers

CONTACT

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(708) 628-4950 fax
dank@hbsslaw.com

YEARS OF EXPERIENCE

> 13

PRACTICE AREAS

- > Consumer Rights Litigation
- > Sports Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Hon. Paul E. Plunkett,
Northern District of Illinois
- > Hon. Maria Valdez, Northern
District of Illinois

BAR ADMISSIONS

- > Illinois
- > U.S. Court of Appeals, Seventh
Circuit
- > U.S. Court of Appeals, Second
Circuit
- > U.S. District Court, Northern
District of Illinois
- > U.S. District Court, Central
District of Illinois
- > U.S. District Court, Southern
District of Illinois

EDUCATION

- > John Marshall Law School,
J.D., cum laude, 2005
- > Loyola University Chicago,
B.B.A., with Honors, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Mr. Kurowski has litigated many aspects of cases throughout the country, often in consolidated multi-district litigation proceedings. His current work with the firm includes a variety of complex cases including:
 - Contesting a prominent financial company's deferred annuity sales practices in RICO litigation, including practices negatively impacting senior citizens.
 - Representing student-athletes in both individual personal injury and class-action litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities, including in In Re National Collegiate Athletic Association Student-Athlete Concussion Injury Litigation (N.D. Ill.).
 - Representing student-athletes in antitrust litigation regarding the NCAA's Division I football scholarship policies.
 - Suing on behalf of a putative class of third-party payors of prescription cancer pain drugs allegedly marketed and sold for non-cancer/off-label uses.
 - Representing retail purchasers with consumer fraud claims against dietary supplement sellers and manufacturers.

RECENT SUCCESS

- > **In re Pre-Filled Propane Sales & Marketing Practices Litigation** (W.D. Mo.) (\$35 million in settlements involving multiple defendants)
- > **In re Bayer Combination Aspirin Sales & Marketing Practices Litigation** (E.D.N.Y.) (\$15 million settlement)
- > **In re Aurora Dairy Organic Milk Marketing & Sales Practices Litigation** (E.D. Mo.) (\$7.5 million settlement)

RECOGNITION

- > Illinois Rising Star, Super Lawyers Magazine, 2015 - 2018

EXPERIENCE

- > Federal judicial law clerk, Hon. Paul E. Plunkett and Hon. Maria Valdez
- > Intern, U.S. Department of Housing and Urban Development's Office of Fair Housing and Equal Opportunity, the U.S. Attorney's Office for the Northern District of Illinois and with Hon. Ronald A. Guzman and his staff
- > During law school, Mr. Kurowski received multiple academic scholarships, served as a staff member and Lead Articles Editor for The John Marshall Law Review, and received an award for an appellate brief submitted in a national moot court competition

LEGAL ACTIVITIES

- > Seventh Circuit Electronic Discovery Pilot Program Committee
- > Member of American Association for Justice, Illinois State Bar Association, Chicago Bar Association
- > Investigator, Chicago Bar Association, Judicial Evaluation Committee

PARTNER

Daniel J. Kurowski

NOTABLE CASES

- › Aurora Dairy Corporation Organic Milk Marketing & Sales Practices Litigation (E.D. Mo.)
- › Bayer Corp. Combination Aspirin Product Marketing & Sales Practices Litigation (E.D.N.Y.)
- › Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation (W.D. Mo.)
- › Pre-Filled Propane Tank Marketing & Sales Practices Litigation (W.D. Mo.)
- › RC2 Corp. Toy Lead Paint Products Liability Litigation (N.D. Ill.)

PERSONAL INSIGHT

Dan enjoys staying active by competing in cyclocross races and equally intense races chasing after his two children. Before called to practice law, Dan's work included delivering flowers, selling architecture river cruise tickets and retailing compact discs... back when people still bought CDs.



PARTNER

Thomas E. Loeser

Mr. Loeser obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government.

CONTACT

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toml@hbsslw.com

YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

- > Consumer Rights
- > False Claims Act/**Qui Tam**
- > Government Fraud
- > Corporate Fraud
- > Data Breach/Identity Theft and Privacy

BAR ADMISSIONS

- > California
- > Illinois
- > District of Columbia

COURT ADMISSIONS

- > District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Central District of California
- > U.S. District Court for the Western District of Washington
- > Ninth Circuit Court of Appeals

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions, False Claims Act and other whistleblower cases, consumer protection and data breach/identity-theft/privacy cases
- > Successfully litigated class-action lawsuits against mortgage lenders, appraisal management companies, automotive manufacturers, national banks, home builders, hospitals, title insurers, technology companies and data processors
- > Currently prosecuting consumer protection class-action cases against banks, automobile manufacturers, lenders, loan servicing companies, technology companies, national retailers, payment processors and False Claims Act whistleblower suits now under seal
- > Obtained judgments in cases that have returned tens of millions of dollars to hundreds of thousands of consumers and more than \$100 million to the government

RECOGNITION

- > Washington SuperLawyer, 2016 - 2017
- > Washington Top Lawyers, 2016
- > Martindale-Hubbell® AV Preeminent rating, 2015

EXPERIENCE

- > Experience trying cases in federal and state courts in San Francisco, Los Angeles and Seattle
- > Served as lead or co-lead counsel in 12 federal jury trials and has presented more than a dozen cases to the Ninth Circuit Court of Appeals
- > As a federal prosecutor in Los Angeles, Mr. Loeser was a member of the Cyber and Intellectual Property Crimes Section and regularly appeared in the Central District trial courts and the Ninth Circuit Court of Appeals
- > Assistant U.S. Attorney, U.S. Department of Justice
- > Wilson Sonsini Goodrich & Rosati

NOTABLE CASES

- > Volkswagen Emissions Defect Litigation
- > Shea Homes Construction Defect Litigation
- > Meracord/Noteworld Debt Settlement Litigation
- > Defective RV Refrigerators Litigation
- > New Jersey Medicare Outlier Litigation

PARTNER

Thomas E. Loeser

EDUCATION

- › Duke University School of Law, J.D., magna cum Laude, Order of the Coif, Articles Editor Law and Contemporary Problems, 1999
- › University of Washington, M.B.A., cum laude, Beta Gamma Sigma, 1994
- › Middlebury College, B.A., Physics with Minor in Italian, 1988

- › Center for Diagnostic Imaging Qui Tam Litigation
- › Countrywide FHA Fraud Qui Tam Litigation
- › Chicago Title Insurance Co. Litigation
- › KB Homes Captive Escrow Litigation
- › Aurora Loan Modification Litigation
- › Wells Fargo HAMP Modification Litigation
- › JPMorgan Chase Force-Placed Flood Insurance Litigation
- › Wells Fargo Force-Placed Insurance Litigation
- › Target Data Breach Litigation
- › Cornerstone Advisors Derivative Litigation
- › Honda Civic Hybrid Litigation
- › Hyundai MPG Litigation

LANGUAGES

- › French
- › Italian



PARTNER

Robert F. Lopez

Mr. Lopez continues practice on qui tam matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments.

CONTACT

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PRACTICE AREAS

- › Complex Commercial Litigation
- › Health Care & Pharmaceuticals Litigation
- › Intellectual Property Litigation
- › Privacy Litigation
- › Antitrust Litigation
- › Securities Litigation
- › **Qui Tam** Litigation

BAR ADMISSIONS

- › Washington
- › Western District of Washington
- › Eastern District of Washington
- › U.S. Court of Appeals for the Ninth Circuit

EDUCATION

- › Gonzaga University, B.A., English Literature; Arnold Scholar
- › University of Washington School of Law, J.D.

CURRENT ROLE

- › Partner, Hagens Berman Sobol Shapiro LLP
- › Offers a broad range of legal experience in the fields of:
 - Complex commercial litigation
 - Health care and pharmaceuticals litigation
 - Product defect litigation
 - False Claims Act litigation
 - Intellectual property litigation
 - Privacy litigation
 - Securities litigation
 - Antitrust litigation
 - Creditor-debtor litigation
- › Member of firm's **In re Carrier IQ, Inc. Consumer Privacy Litigation** team
- › Member of the firm's team representing the plaintiffs and proposed class in *Free Range Content Inc. v. Google Inc.*, an class-action case based on allegations that Google unlawfully denies payments to thousands of website owners and operators who place ads on their sites sold through Google AdWords
- › Continues practice on **qui tam** matters at the firm, representing whistleblowers in cases involving violations of federal and state laws that prohibit the making of false claims for government payments

EXPERIENCE

- › Experienced in prosecuting and defending appeals in the federal and state courts of appeal; representing institutions and consumers in nationwide class-action lawsuits, including in the federal multidistrict litigation setting; advising clients in non-litigation settings with respect to trademark, trade-name, copyright and Internet-communications law
- › Member of firm's team representing one of the relators in the 2012 settlement with Amgen Inc., in which the company agreed to pay \$612 million to the U.S. and various state governments in order to resolve claims that it caused false claims to be submitted to Medicare, Medicaid and other government insurance programs
- › Member of the firm's team that prosecuted **In re Charles Schwab Corp. Securities Litigation**
- › Experienced in class-action litigation against DaimlerChrysler Corporation relating to product defects in its Neon automobiles, nationwide class-action cases against Trex Company, Inc. and Fiber Composites, Inc.
- › Founding Member and Partner, Socius Law Group PLLC
- › Partner, Betts, Patterson & Mines, P.S.

PARTNER

Robert F. Lopez

NOTABLE CASES

- › In re Pharmaceutical Industry Average Wholesale Price Litigation
- › Amgen Inc. Qui Tam Litigation
- › In re Metropolitan Securities Litigation
- › In re Charles Schwab Corp. Securities Litigation
- › In re Carrier IQ, Inc. Consumer Privacy Litigation



PARTNER

Barbara Mahoney

Ms. Mahoney received her doctorate in philosophy from the Universität Freiburg (Germany), where she graduated magna cum laude.

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YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Civil RICO
- > Consumer Rights
- > State False Claims

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, Eastern District of Washington
- > Ninth Circuit Court of Appeals

EDUCATION

- > University of Washington, J.D., 2001
- > Universität Freiburg, PhD, philosophy, magna cum laude, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Focused primarily on national class actions and pharmaceutical litigation
- > Extensively involved in several suits against McKesson relating to allegations the company engaged in a scheme that raised prices of 400+ brand-name prescription drugs. Resulted in two national class-action settlements for \$350 million and \$82 million. In related litigation, Ms. Mahoney represented Virginia, Connecticut, Arizona, Oregon, Utah and Montana in individual cases against McKesson.
- > Extensively involved in In re: Generic Pharmaceuticals Pricing Antitrust Litigation on behalf of putative class of direct purchasers in MDL alleging generic drug manufacturers engaged in price fixing.
- > Ms. Mahoney currently represents Kentucky homeowners in a putative class action against Louisville Gas & Electricity to recover the cost of removing coal ash and dust from their homes.
- > Previously, she was involved in pioneering litigation against oil and energy companies for the village and tribe of Kivalina to recover the cost of extensive damage to the village caused by global warming.

RECOGNITION

- > Rising Star, Washington Law & Politics, 2005

EXPERIENCE

- > Worked in several areas of commercial litigation, including unlawful competition, antitrust, securities, trademark, CERCLA, RICO, FLSA as well as federal aviation and maritime law
- > Associate, Calfo Harrigan Leyh & Eakes LLP (formerly Danielson Harrigan Leyh & Tollefson)
- > Law Clerk, Justice Sanders, Washington Supreme Court
- > Law Clerk, Judge Sandra Brown Armstrong, U.S. District Court, N.D. California

LEGAL ACTIVITIES

- > Downtown Neighborhood Legal Clinic
- > Q Law
- > Cooperating Attorney with American Civil Liberties Union of Washington

NOTABLE CASES

- > **New England Carpenters v. First DataBank** (\$350 million class-action settlement)
- > **Douglas County v. McKesson** (\$82 million class-action settlement)

LANGUAGES

- > Fluent in German
- > Reads Swedish and French

PERSONAL INSIGHT

Ms. Mahoney lives in West Seattle with her partner and is very active in local athletic organizations. She is a former board member of Rain City Soccer, where she also organized a summer-long program on basic skills. She is also active in Seattle Frontrunners, a masters track club. She enjoys reading, running, soccer and studying foreign languages.



PARTNER

Sean R. Matt

Leads the firm's innovation in organizing and prosecuting individual class cases across many states involving the same defendants and similar factual and legal issues, an approach that continues to be a key factor in the firm's success

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

- > Securities Litigation
- > Consumer Rights
- > Antitrust Litigation
- > Insurance
- > Products

BAR ADMISSIONS

- > Supreme Court of Washington
- > U.S. District Court, Western District of Washington
- > U.S. District Court, District of Colorado
- > Ninth Circuit U.S. Court of Appeals

EDUCATION

- > Indiana University, B.S., Finance, Highest Distinction, 1988
- > University of Oregon School of Law, J.D., Order of the Coif (top 10%), Associate Editor of the Law Review, 1992

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP, since its founding in 1993
- > Practice focuses on multi-state and nationwide class actions and complex commercial litigation encompassing securities and finance, consumer, antitrust, insurance and products
- > Diverse experience in most of the firm's practice areas, involving appearances in state and federal courts across the country at both the trial and appellate levels
- > Key member of the firm's securities litigation team, most recently co-leading the prosecution and settlement of the **In re Charles Schwab Securities Litigation**, the **In re Oppenheimer Champion Income Fund Securities Class Actions** and the **Oppenheimer Core Bond Fund Class Action Litigation**
- > Key member of the firm's pharmaceutical litigation team that confronts unfair and deceptive pricing and marketing practices in the drug and dietary supplement industries including **Average Wholesale Price Litigation**, the **First Databank/McKesson Pricing Fraud Litigation** and the **Enzyte Litigation**
- > Key member of the firm's automobile defect litigation team

RECOGNITION

- > In 2014, Public Justice nominated Mr. Matt and the **In re Toyota Motor Corp. Sudden, Unintended Acceleration** team for the Trial Lawyer of the Year Award for their work in securing a \$1.6 billion settlement for car owners.

PUBLICATIONS

- > Providing a Model Responsive to the Needs of Small Businesses at Formation: A Focus on Ex Ante Flexibility and Predictability, 71 Oregon Law Review 631, 1992

NOTABLE CASES

- > **In re Charles Schwab Securities Litigation** (\$235 million settlement)
- > **In re Oppenheimer Champion Income Fund Securities Fraud Class Actions** (\$52.5 million proposed settlement)
- > **Oppenheimer Core Bond Fund Class Action Litigation** (\$47.5 million settlement)
- > **Morrison Knudsen and Costco Wholesale Corp. Securities Litigation**
- > **In re Pharmaceutical Industry Average Wholesale Price Litigation** (\$338 million settlement)
- > **In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation**
- > **In re Checking Account Overdraft** cases pending against many of the country's largest banks
- > **Washington State Ferry Litigation**, which resulted in one of the most favorable settlements in class

PARTNER

Sean R. Matt

litigation in the history of the state of Washington

- **Microsoft Consumer Antitrust** cases
- State Attorneys General **Tobacco Litigation**, assisted with client liaison responsibilities, working closely with assistant attorneys general in Oregon, Ohio, Arizona, Alaska and New York, as well as assisting in all litigation matters

PERSONAL INSIGHT

Sean, whose four-man team won cycling's prestigious Race Across America with a time of six days and three hours, still occasionally rides a bike.



PARTNER

Martin D. McLean

Mr. McLean is a true trial attorney having tried more than 20 cases to verdict in various state and federal courts.

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YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

- > Personal Injury
- > Civil Rights
- > Insurance Bad Faith
- > Public Records Act

BAR ADMISSIONS

- > U.S. District Court for the Western District of Washington
- > U.S. District Court for the Eastern District of Washington
- > Ninth Circuit Court of Appeals
- > Supreme Court of Washington

EDUCATION

- > Seattle University School of Law, J.D., cum laude, 2002

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Represents individuals who have suffered catastrophic personal injury or loss
- > Clientele includes a wide range of individuals, including children who have suffered harm while in state care, elderly adults who have experienced abuse or neglect in nursing homes and individuals harmed by medical negligence.
- > Mr. McLean has been at the forefront of litigation involving the Washington Public Records Act.

RECENT SUCCESS

- > During his tenure with Hagens Berman's personal injury team, Mr. McLean has contributed to numerous lawsuits resulting in multi-million dollar recoveries on behalf of the firm's clients.

EXPERIENCE

- > Mr. McLean is a seasoned trial attorney, with extensive experience in all phases of litigation.

NOTABLE CASES

- > Marx v. DSHS, \$3 million judgment on behalf of developmentally-disabled patient sexually abused at state-run hospital
- > Tamas v. State of Washington, \$525,000 judgment on behalf of three children seeking publicrecords from state agency
- > Wright v. DSHS, \$2,850,000 judgment against the state of Washington for negligent child abuse investigation
- > Rudolph v. DSHS, \$900,000 judgement on behalf of family of a vulnerable adult severely neglected in state-licensed adult family home

PERSONAL INSIGHT

Mr. McLean spent a year living in Italy studying art, history, Italian and wine-drinking. When not practicing law, Mr. McLean enjoys his new favorite hobby: raising his young son with his wife.



PARTNER

David P. Moody

Mr. Moody has successfully secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited.

CONTACT

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YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

> Personal Injury Litigation
> Civil Rights

BAR ADMISSIONS

> Washington
> U.S. Supreme Court
> U.S. Court of Appeals, Ninth Circuit

EDUCATION

> George Washington University
School of Law, J.D., 1993
> University of Washington, B.A.,
1990

CURRENT ROLE

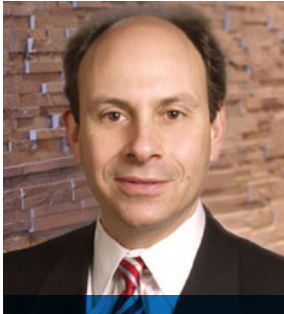
> Partner, Hagens Berman Sobol Shapiro LLP
> A trial attorney with a passion for representing children, the disabled, elderly and incapacitated citizens

NOTABLE CASES

- > Mr. Moody has secured many multi-million dollar recoveries on behalf of vulnerable citizens who have been abused, neglected or exploited, including:
- Largest jury verdict ever upheld against the State of Washington, DSHS (\$17.8 million)
 - Largest single-plaintiff settlement against the State of Washington, DSHS (\$8.8 million)
 - Largest recovery on behalf of three foster children (\$7.3 million)
 - Largest single-plaintiff settlement on behalf of a child in Snohomish County, Washington (\$5 million)
 - Largest judgment on behalf of an incapacitated child in Spokane County, Washington (\$4 million)
 - Judgment for a disabled woman in Santa Clara County, California (\$4 million)
 - Largest judgment ever obtained against Eastern State Hospital (\$3 million)
 - Largest judgment ever obtained against the State of Washington, Child Study and Treatment Center (\$3 million)
 - Judgment for a boy neglected and abused in Snohomish County, Washington (\$2.85 million)
 - Judgment for a girl neglected and abused in Pierce County, Washington (\$2.85 million)
 - Settlement on behalf of brain-injured infant abused in day care setting (\$2.84 million)
 - Largest single-plaintiff jury verdict on behalf of an incapacitated adult in Kitsap County, Washington (\$2.6 million)
 - Judgment in the amount of \$2.5 million for a client abused at Eastern State Hospital
 - Largest single-plaintiff settlement on behalf of a developmentally disabled male in eastern Washington (\$2.25 million)
 - Several additional settlements in excess of \$1 million

PERSONAL INSIGHT

David is proud to be a native Washingtonian and enjoys strong ties to the eastern side of the state. David's grandfather Jack Edward Moody was born and raised in Dayton, Washington, and David's great-grandfather Edward Maple Moody was the Sheriff of Columbia County, Washington. David's maternal grandmother, Eva Armstrong, was one of the first female graduates of Whitman College in Walla Walla, Washington.



PARTNER

David S. Nalven

Extensive experience in prosecution of antitrust, fraudulent marketing and unfair pricing claims against manufacturers of pharmaceutical products and medical devices, representing prescription drug wholesalers and retailers, health insurers and consumers in these matters

CONTACT

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davidn@hbsslaw.com

YEARS OF EXPERIENCE

> 32

PRACTICE AREAS

- > Pharmaceuticals and Medical Devices
- > Antitrust Litigation
- > Consumer Rights
- > Securities Litigation

BAR ADMISSIONS

- > Massachusetts
- > New York

EDUCATION

- > New York University School of Law, J.D., 1985; Senior Research Editor, Annual Survey of American Law; Recipient, Philip Cohen award for greatest contribution by an editor to Annual Survey of American Law
- > University of Pennsylvania, B.A., English, magna cum laude, 1980

CURRENT ROLE

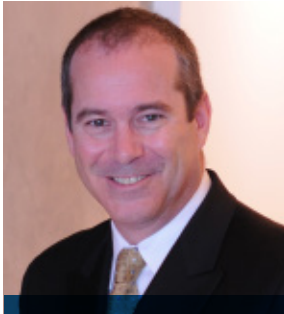
- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of federal and multi-state class actions involving the pharmaceutical and medical device industries
- > Served in leadership roles in nationwide antitrust class actions against the manufacturers of Ovcon 35, OxyContin, Tricor, Wellbutrin XL, Toprol XL, Norvir, Doryx, Prograf, Nexium and others
- > Prosecuted fraudulent marketing class actions against the manufacturers of Serostim, Nexium, Actimmune and Zyprexa, as well as substantial matters against medical device manufacturers DePuy Spine, Inc. and Becton Dickinson
- > Worked extensively on the nationwide Average Wholesale Price Litigation and in the representation of the state of Connecticut in multiple prescription drug pricing matters

EXPERIENCE

- > Chief of Business and Labor Protection Bureau, Massachusetts Attorney General's Office, Commonwealth of Massachusetts, 1999-2004
- > Partner, Prince, Lobel & Tye, LLP, Boston, MA, 1991-1999
- > Private practice representing plaintiffs and defendants in civil and criminal business litigation, New York and Massachusetts, 1986-1991
- > Clerk to John R. Gibson, U.S. Court of Appeals for the Eighth Circuit, 1985-1986

NOTABLE CASES

- > Average Wholesale Price Litigation
- > Tricor Antitrust Litigation
- > Wellbutrin XL Antitrust Litigation
- > DePuy Spine Artificial Disc Litigation



PARTNER

Christopher A. O'Hara

Plays key role in working with notice and claims administrators on all the firm's class settlements and class notice programs

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Tax Law
- > Securities Litigation
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Washington
- > Arizona
- > U.S. Court of Appeals, Ninth Circuit

EDUCATION

- > University of Washington, B.A., Political Science, French Language and Literature, 1987
- > Seattle University School of Law, J.D., cum laude, 1993

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust, consumer, tax and securities class actions
- > Serves as plaintiffs' counsel in Hotel Occupancy Tax litigation against major online travel companies in various jurisdictions across the country
- > Active member of firm's Microsoft defense team negotiating claims administration policy and processing rules in twenty consumer and antitrust class-action state settlements around the country
- > Key role in working with claims administrators on all class settlements and class notice programs

RECENT SUCCESS

- > Worked on related litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million. Mr. O'Hara also played a leading role for the firm on the \$235 million settlement of **In re Charles Schwab Securities Litigation** and the \$1.6 billion settlement of **In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation**.
- > Mr. O'Hara deposed more than a dozen of Big Tobacco's expert witnesses, research scientists and marketing executives for the tobacco litigation, focusing predominantly on the state of Arizona case. Coordinated Arizona's national and local expert witnesses, while contributing to all aspects of discovery and motion practice. Mr. O'Hara played a leading role in the firm's successful defense of the state of Arizona against claims brought by several Arizona counties in the aftermath of the state's tobacco litigation.

RECOGNITION

- > Rising Star, Washington Law and Politics, 2003

EXPERIENCE

- > Crowell & Moring, Paralegal, 1988-1990
- > Cozen & O'Connor, Associate, 1993-1997

NOTABLE CASES

- > **Tobacco Litigation** (\$206 billion multi-state settlement)
- > **Expedia Litigation** (\$134 million settlement)
- > **Charles Schwab Yieldplus Funds Litigation** (\$235 million settlement)
- > **Toyota Unintended Acceleration Litigation** (\$1.6 billion settlement)
- > **Microsoft Antitrust Litigation**

LANGUAGES

- > French



PARTNER

Matthew F. Pawa

Mr. Pawa represented the state of New Hampshire against the nation's largest oil companies, which resulted in a \$236 million verdict against Exxon Mobil Corporation – the largest verdict in New Hampshire history.

CONTACT

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YEARS OF EXPERIENCE

> 24

PRACTICE AREAS

> Environmental

BAR ADMISSIONS

> Massachusetts
> Vermont
> Pennsylvania
> District of Columbia

COURT ADMISSIONS

> Supreme Court of the United States
> First, Second, Third, Fourth, Fifth, Ninth and D.C. Circuit Courts of Appeals
> U.S. District Courts for the District of Washington D.C., District of Massachusetts, Eastern
> District of Pennsylvania, Southern District of New York and the District of Vermont

CLERKSHIPS

> Honorable Norma L. Shapiro, Eastern District of Pennsylvania, 1994-95

EDUCATION

> University of Pennsylvania Law School, J.D., cum laude, 1993 (associate editor, Law Review)
> Cornell University, B.S. with distinction, Natural Resources, 1987

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Co-Chair of the firm's environmental practice

RECOGNITION

> 2013 Massachusetts Lawyer of the Year, in recognition of New Hampshire MTBE case
> 2011 American Lung Association Healthy Air Ambassador Award
> 2009 Certificate of Recognition for Best Papers, American Bar Association Section of Environment, Energy and Resources, 38th Annual Conference on Environmental Law
> 1993 Scribes Notes and Comments Award - national award for clarity, force and style in law review note or comment. Selected from among submissions by law reviews nationwide.
> 1993 University of Pennsylvania's Fred G. Leebron Prize for excellence in constitutional law writing.

EXPERIENCE

> Prior to joining Hagens Berman, Mr. Pawa was the president of Pawa Law Group P.C. where he was the founder and leader of the litigation firm specializing in major environmental cases. He handled jury trials, bench trials and argued appeals in state and federal courts in Massachusetts and across the nation, and collaborated with state attorneys general and non-profit clients on a major global warming case that went to the U.S. Supreme Court. Mr. Pawa forged the small law firm into a nationally known entity with a reputation for successfully litigating against some of the country's largest corporations.
> Attorney, Cohen, Milstein, Hausfeld & Toll PLLC., – Mr. Pawa litigated class action and individual antitrust, environmental and consumer cases.
> Attorney, Crowell & Moring LLP.– Litigated insurance coverage actions and drafted Supreme Court amicus brief on behalf of American Bar Association.
> Deputy State's Attorney, Chittenden City State's Attorney Office. Prosecuted felony and misdemeanor cases; successfully defended emergency appeal to Vermont Supreme Court on novel issue.

LEGAL ACTIVITIES

> Board of Trustees, Center for International Environmental Law
> American Bar Association
> Massachusetts Bar Association
> American Association for Justice
> Massachusetts Academy of Trial Attorneys
> Boston Bar Association
> Adjunct Professor of Law, Boston College Law School, Climate Change Law and Policy Seminar (2007)

PARTNER

Matthew F. Pawa

PRESENTATIONS

- › Keynote speaker, Boston College Law School's first annual Green Week (2010)
- › Keynote speaker, Public Interest Environmental Law Conference at the University of Oregon Law School (2009)

PUBLICATIONS

- › "This Town Ain't Big Enough for the Two of Us: Interstate Pollution and Federalism under **Milwaukee I** and **Milwaukee II**," American Bar Association Section of Environment, Energy and Resources, 38th Annual Conference on Environmental Law, Keystone, Colorado (March 2009) (presented paper)
- › "Saving Detroit - From Itself," **Boston Globe** Op Ed (Sunday lead opinion piece) (Nov. 17, 2008)
- › "Global Warming Litigation Heats Up," **Trial Magazine** (April, 2008 cover story)
- › "Global Warming: The Ultimate Public Nuisance," in **Creative Common Law Strategies for Protecting the Environment** (Clifford Rechtschaffen et al., eds., Environmental Law Institute 2007)
- › "Behind the Curve: The National Media's Reporting on Global Warming," 33 B.C. ENVTL. AFF. L. REV. 485 (2006) (with co-author Benjamin A. Krass)
- › "Global Warming as a Public Nuisance: Connecticut v. American Electric Power," 41 FORDHAM ENVTL. L. REV. 407 (2005) (with co-author Benjamin A. Krass)
- › "When the Supreme Court Restricts Constitutional Rights, Can Congress Save Us?," 141 U. PA. L. REV. 1029 (1993)

NOTABLE CASES

- › **State of New Hampshire v. Exxon Mobil Corp.**, 126 A.3d 266 (N.H. 2015) Upholding \$236 million jury verdict following three-month trial against petroleum company for polluting state's groundwater.
- › **Connecticut v. American Electric Power Co.**, 582 F.3d 309 (2d Cir. 2009) Reinstating global warming tort case filed by states and land trusts, rev'd on other grounds, 131 S. Ct. 2527 (2011)
- › **State v. Hess Corp.**, 161 N.H. 426 (2011) Holding that, under parens patriae doctrine, a state suing a polluter for groundwater contamination may recover as damages the cost of treating private well contamination.
- › **Alliance to Protect Nantucket Sound, Inc. v. Energy Facilities Siting Bd.**, 457 Mass. 663 (Mass. 2010) Upholding state environmental permits for Cape Wind.
- › **New Hampshire v. N. Atlantic Refining, Ltd.**, 999 A.2d 396 (N.H. 2010) Upholding personal jurisdiction over oil company in MTBE litigation.
- › **New Hampshire v. Hess Corp.**, 982 A.2d 388 (N.H. 2009) Affirming proper service of process on two oil company defendants in MTBE litigation.
- › **In re Inquest Proceedings**, 676 A.2d 790 (Vt. 1996) Rejecting claim of parent-child privilege and compelling parental testimony in rape case.

PERSONAL INSIGHT

Matt is a triathlete and also enjoys sailing, hiking, camping and river rafting.



PARTNER

Shana E. Scarlett

Northern California Super Lawyer, 2013 & 2014

CONTACT

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shanas@hbsslaw.com

YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Protection
- > Securities Litigation

BAR ADMISSIONS

- > California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California
- > U.S. District Court for the Eastern District of California
- > U.S. District Court for the Central District of California
- > U.S. Court of Appeals, Second Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. Court of Appeals, Federal Circuit

EDUCATION

- > Stanford Law School, J.D.
- > University of British Columbia, B.A.

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice is devoted entirely to representing plaintiffs in complex litigation, and primarily in the areas of antitrust and unfair competition
- > One of the team of litigators representing indirect purchaser plaintiffs in the **In re Optical Disk Drive Antitrust Litigation**, alleging a price-fixing conspiracy to stabilize the prices of optical disk drives throughout the United States, in violation of federal and state antitrust laws
- > One of the team of co-lead counsel representing indirect purchaser plaintiffs in the **In re Lithium Ion Batteries Antitrust Litigation**
- > Represents a class of consumers in the **In re Electronic Books Antitrust Litigation**, pending in the Southern District of New York, where attorneys from Hagens Berman Sobol Shapiro have worked closely with numerous State Attorneys General in representing the rights of consumers

RECOGNITION

- > Northern District of California Super Lawyer, 2013 - 2017
- > Rising Star Award for Northern California, Super Lawyers, 2009 - 2011

EXPERIENCE

- > Extensive experience representing shareholders in securities matters throughout the country
- > Represented investors against defendants in a variety of industries, such as pharmaceutical manufacturers, (**In re Impax Sec. Litig.**, **In re CV Therapeutics, Inc. Sec. Litig.**, **In re Alkermes Sec. Litig.**), Internet companies (including **In re Verisign, Inc.** and **In re Northpoint Communications Group, Inc. Sec. Litig.**) and other manufactured products (**Ryan v. Flowserve Corp.**)

LEGAL ACTIVITIES

- > Serves on executive committee of the Antitrust Section of the Bar Association of San Francisco

NOTABLE CASES

- > **In re Optical Disk Drive Antitrust Litigation**, MDL No. 2143
- > **In re Electronic Books Antitrust Litigation**, MDL No. 2293
- > **Pecover v. Electronic Arts, Inc.**, MDL No. 2420



PARTNER

Craig R. Spiegel

After helping obtain recent substantial settlements in cases against drug companies for deceptive marketing, Mr. Spiegel now helps in the firm's attempt to obtain justice for thalidomide victims.

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YEARS OF EXPERIENCE

> 38

PRACTICE AREAS

> Consumer Rights

BAR ADMISSIONS

> California State Bar Association
> Illinois State Bar Association
> Washington State Bar Association

EDUCATION

> Harvard Law School, J.D., cum laude, 1979
> St. Olaf College, B.A., summa cum laude, 1975

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice primarily focuses on class actions concerning unfair pricing of pharmaceutical drugs. Recent cases include actions against AstraZeneca and Merck

NOTABLE CASES

> Helped obtain a substantial settlement for the state of New York and New York City in their litigation against Merck for losses suffered from deceptive marketing of the prescription drug Vioxx
> Instrumental in obtaining a settlement for a class of Massachusetts consumers and third-party payors in their litigation against AstraZeneca, in which the class claimed that AstraZeneca deceptively marketed the prescription drug Nexium as superior to Prilosec
> Deeply involved in the firm's lawsuits on behalf of thalidomide victims, who suffered severe personal injuries when their mothers ingested thalidomide during their pregnancies in the late 1950s and early 1960s, without knowing that thalidomide had not been approved by the FDA



PARTNER

Ronnie Seidel Spiegel

Ms. Spiegel has played a key role in litigating some of the largest antitrust cases in history, working on all aspects of these cases from filing through trial.

CONTACT

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YEARS OF EXPERIENCE

> 18

PRACTICE AREAS

> Antitrust Litigation

BAR ADMISSIONS

> Washington
> Pennsylvania
> U.S. District Court, Eastern
District of Pennsylvania
> U.S. District Court, Western
District of Washington

EDUCATION

> Temple University Beasley
School of Law, J.D., Temple
Law Review (Editorial Board),
1994
> Boston University, B.A.,
International Relations, 1990

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Extensive briefing and trial team experience in large antitrust price-fixing cases
> Specializes in managing large-scale discovery and database coordination
> Deep experience with foreign discovery, translation issues, and translation objection process
> Manager and coordinator of all-party, joint discovery effort in largest US antitrust case

EXPERIENCE

> Lead Antitrust Attorney and Manager of firm's North Carolina office, Spector Roseman Kodroff & Willis, Philadelphia, PA, Attorney, 1994-2000
> Business Law Instructor, Central Piedmont Community College, Charlotte, NC, 2000-2001

NOTABLE CASES

> In re Automotive Parts Antitrust Litigation
> In re Cathode Ray Tube (CRT) Antitrust Litigation
> In re TFT-LCD (Flat Panel) Antitrust Litigation
> In re Containerboard Antitrust Litigation
> In re DRAM Antitrust Litigation
> In re SRAM Antitrust Litigation
> In re Lithium Ion Batteries Antitrust Litigation
> In re Brand Name Prescription Drugs Antitrust Litigation
> In re NASDAQ Market-Makers Antitrust Litigation
> In re Vitamins Antitrust Litigation
> In re High Fructose Corn Syrup Antitrust Litigation
> In re Commercial Tissue Paper Antitrust Litigation
> In re Flat Glass Antitrust Litigation
> In re Linerboard Antitrust Litigation
> In re Air Cargo Antitrust Litigation
> In re Fasteners Antitrust Litigation
> In re Korean Air Antitrust Litigation
> In re Polyether Polyols Antitrust Litigation
> In re OSB Antitrust Litigation

LEGAL ACTIVITIES

> Member of the American Bar Association's Antitrust Section

PERSONAL INSIGHT

When not working, Ronnie is driving carpool for her three (very) busy teenage girls.



PARTNER

Shayne C. Stevenson

Since fighting against sweatshops and the exploitation of undocumented workers with the workers' rights organization he founded at Yale, Shayne has focused his legal career on prosecuting cases against individuals and businesses who victimize others by violence, deception and fraud.

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Whistleblower Law (False Claims Act, SEC, IRS, CFTC)
- > Appellate Litigation
- > Human Rights/Public Interest Law

BAR ADMISSIONS

- > Washington

CLERKSHIPS:

- > Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- > Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01

EDUCATION

- > Yale Law School, J.D., 2000
- > Gonzaga University, B.A., Philosophy and Political Science, Truman Scholar, summa cum laude (first-in-class), 1996

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro
- > Leads the firm's whistleblower practice and litigates select class-action cases
- > Litigates and argues both False Claims Act and class-action cases in federal district courts and on appeal at the courts of appeal nationwide
- > Experienced in successfully handling whistleblower cases against some of the world's largest financial companies, medical device and pharmaceutical companies, hospitals, mortgage companies and others
- > Represents dozens of whistleblowers under the Dodd-Frank whistleblower programs of the Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC), including two of the most prominent whistleblowers under these programs, with cases in regional enforcement offices across the country
- > Currently represents several qui tam relators under the federal and various state False Claims Act laws, in both declined and intervened cases and many still under investigation. His False Claims Act practice includes, among other areas of focus, Medicare and Medicaid health care fraud, financial fraud, mortgage fraud, defense industry and other procurement fraud, education fraud, and grant-funding fraud.
- > Litigates class-action cases on behalf of veterans, consumers, workers and investors
- > Litigates select human rights and other public interest matters, including previous litigation against the Rio Tinto mining conglomerate that reached the Supreme Court in 2013 for war crimes on the island of Bougainville, in Papua New Guinea, and a current pending suit against SeaWorld
- > Previously a felony prosecutor who successfully tried several multi-week jury trials and argued several cases in trial and appellate courts

RECENT SUCCESS

- > Mr. Stevenson represented the highly publicized anonymous Dodd-Frank CFTC whistleblower who single-handedly brought to authorities, through his proprietary analysis of market and trading data, the international market manipulator later identified as Navinder Sarao, whose market manipulation through spoofing contributed to the "Flash Crash." Mr. Sarao was extradited and pled guilty in November of 2016. CFTC v. Nav Sarao Futures Ltd. 15-cv-3398 (N.D. Ill.) (civil); U.S. v. Sarao 15-cr-75 (N.D. Ill.) (criminal)
- > Mr. Stevenson also represented another high-profile Dodd-Frank SEC whistleblower, the algorithmic trader and market structure expert Haim Bodek, rewarded in 2017 for his single-handed identification

PARTNER

Shayne C. Stevenson

of securities law violations by a major U.S. financial exchange. Mr. Bodek was twice featured on the front page of the Wall Street Journal for his efforts, which led to the largest SEC fine in history against a financial exchange. In the Matter of EDGA Exchange, Inc., et al. (SEC Order)

- › Mr. Stevenson handled both False Claims Act whistleblower cases against Bank of America that culminated in the historic \$1 billion settlement between the Department of Justice and Bank of America addressing mortgage fraud and whistleblower awards to both clients in unrelated litigation. First, whistleblower client Mr. Kyle Lagow (in U.S. ex rel. Lagow v. Countrywide Financial Corp.) (E.D.N.Y.) sparked a Department of Justice investigation of Countrywide and Bank of America's fraudulent mortgage origination and appraisal practices. Second, whistleblower client Mr. Gregory Mackler (in U.S. ex rel. Mackler v. Bank of America) (E.D.N.Y.) helped the Department of Treasury recover several million dollars from Bank of America for allegedly violating its agreement with the Department to properly administer the Home Affordable Mortgage Program (HAMP) for struggling homeowners.

EXPERIENCE

- › King County Prosecuting Attorney's Office, Felony Prosecutor
- › Law Clerk, Honorable Betty B. Fletcher, Ninth Circuit Court of Appeals, 2001-02
- › Law Clerk, Honorable Charles S. Haight, Jr., Southern District of New York, 2000-01
- › U.S. Attorney's Office, District of Connecticut, Intern

PUBLICATIONS

- › Author, "The Honorable Betty B. Fletcher: A Tribute to a Legal Trailblazer," Federal Bar Association, November 2012

PRESENTATIONS

- › Invited Speaker: "Whistleblowers & Financial Fraud," National Whistleblower Conference. San Francisco, CA. January, 2018
- › Speaker: "Financial Fraud," National Qui Tam Conference. Los Angeles, CA. Nov. 3-4, 2016
- › Speaker: "Representing Dodd-Frank Whistleblowers," Taxpayers Against Fraud Education Fund, Annual Conference. Washington, D.C. Nov. 16, 2015.
- › Speaker: "Secrets from the Plaintiff's Bar," Hospital and Health Care Law Conference. Seattle, WA. Apr. 24, 2015.
- › Speaker: "False Claims in the Financial Sector," False Claims and Qui Tam Enforcement Conference. New York, New York. Jan. 21-22, 2015.
- › Lecture: "Access to Civil Remedy," Business, Social Responsibility, & Human Rights, University of Washington School of Law. Seattle, Washington. Nov. 4, 2014.
- › Speaker: "Enforcement of Financial Fraud," False Claims Act: National Qui Tam Conference. San Francisco, California. Oct. 27-28, 2014.
- › Lecture: "Human Rights Law After Kiobel," University of Washington School of Law. Seattle, Washington. Nov. 12, 2013.
- › Speaker: "Financial Fraud Enforcement," False Claims Act: All Points of View, National Conference. San Francisco, California. Apr. 18-19, 2013.
- › Lecture: "Strategy after Kiobel and Bauman," International Human Rights Seminar, University of

PARTNER

Shayne C. Stevenson

Washington School of Law. Seattle, Washington. Apr. 17, 2013.

- › Lecture: "Alien Tort Statute and Human Rights Litigation," University of Washington School of Law. Seattle, Washington. Nov. 13, 2012.
- › Speaker: "Protecting Whistleblowers, Protecting the Public," Whistleblowing: Law, Compliance, and the Public Interest. Government Accountability Project. Seattle University School of Law. Seattle, Washington. Mar. 23, 2012.

MEDIA INTERVIEWS

- › "BoFA's \$42m Military Member Fee Settlement Wins Initial OK," Law360, Sept. 13, 2017 [view »](#)
- › "Sarao Flash Crash Manipulation Case Benchmarks Point in History," ValueWalk, Nov. 15, 2016 [view »](#)
- › "What SEC Whistleblowers Should Know About Insider Trading," (Guest Column) ValueWalk, Oct. 20, 2016 [view »](#)
- › "SeaWorld Urges Judge to Toss Whale Abuse Class Action," Law360, Oct. 6, 2015 [view »](#)
- › "9th Circuit's FCA Ruling to Spark More Whistleblower Fights," Law360, July 9, 2015 [view »](#)
- › "Flash Crash' Case Gets Scrutinized," Automated Trader, May 4, 2015. [view »](#)
- › "Flash Crash Whistleblower May Get Millions of Dollars," Reuters, Apr. 23, 2015. [view »](#)
- › "'Flash Crash' Arrest Shakes Investors' Confidence," USA Today, Apr. 23, 2015. [view »](#)
- › "UK Trader Arrested Over 2010 Flash Crash," Financial Times, Apr. 22, 2015. [view »](#)
- › "'Flash Crash' Charges Filed," The Wall Street Journal (front-page), Apr. 21, 2015. [view »](#)
- › "UK Speed Trader Arrested," Reuters, Apr. 21, 2015. [view »](#)

[Read more of Mr. Stevenson's media interviews »](#)

NOTABLE CASES

- › **United States v. Sarao & CFTC v. Nav Sarao Futures Ltd., Northern District of Illinois** (represented anonymous CFTC whistleblower in market manipulation prosecution)
- › **In the Matter of EDGA Exchange, Inc., et al. (SEC Order)** (represented SEC whistleblower in action culminating in largest fine against a U.S. exchange in history)
- › **U.S. ex rel. Lagow v. Bank of America, Eastern District of New York** (False Claims Act – FHA fraud)
- › **U.S. ex rel. Mackler v. Bank of America, Eastern District of New York** (False Claims Act – HAMP fraud)
- › **U.S. ex rel. Nowak v. Medtronic, Inc., District of Massachusetts** (False Claims Act – off-label marketing of medical devices)
- › **U.S. ex rel. Kite v. Besler Consulting, et al., District of New Jersey** (False Claims Act – Medicare "outlier" fraud)
- › **U.S. ex rel. Polansky v. Pfizer, Inc., Eastern District of New York** (False Claims Act – off-label marketing of Lipitor)
- › **Sarei v. Rio Tinto, Central District of California** (Alien Tort Statute – international human rights litigation)
- › **Tittle v. United States Postal Service, Western District of Washington** (Privacy Act – employee class action)
- › **Hutchinson v. British Airways PLC, Eastern District of New York** (Montreal Convention – consumer class action)



PARTNER

Ivy Arai Tabbara

Ms. Tabbara worked on a multimillion dollar settlement for uninsured individuals against Tenet Healthcare.

CONTACT

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YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

> Antitrust
> Consumer Rights
> Environmental Law
> Employment Law
> Intellectual Property

BAR ADMISSIONS

> Washington

EDUCATION

> Georgetown University Law Center, J.D., Georgetown International Environment Law Review, 2000
> Princeton University, B.A., History, Certificate African-American Studies, cum laude, 1997

CURRENT ROLE

> Partner, Hagens Berman Sobol Shapiro LLP
> Practice focuses on complex class-action lawsuits in the areas of antitrust, consumer protection, employment, environmental and product liability
> Also specializes in patent litigation

RECENT SUCCESS

> Baby Products Antitrust (\$35 million settlement)
> Bayer Combination Aspirin Consumer Fraud (\$15 million settlement)
> "Thomas the Tank Engine" Toys Lead Paint Products Liability (\$30 million settlement of federal and state cases)
> Tenet Healthcare Cases II for uninsured patients nationwide (multimillion-dollar recovery, including significant non-monetary relief such as discounted rates, financial counseling, reasonable payment schedules and uniform collection policies)

LEGAL ACTIVITIES

> Member, Federal Bar Association of the Western District of Washington; Trustee, 2009-2010

NOTABLE CASES

> **Domestic Drywall Antitrust Litigation** representing indirect and direct purchasers of wallboard in the United States
> **Checking Account Overdraft Litigation** representing banking customers whose accounts were allegedly charged repeated overdraft fees
> Patent litigation representing inventors in **Shinsedai v. Nintendo** (patent involving sports-themed motion control games in several Nintendo Wii games) and **Flatworld v. Apple** (patent involving the swipe function of all Apple products)
> **Optical Disk Drive Antitrust Litigation**
> **DRAM Antitrust Litigation**

PUBLICATIONS

> "The Silent Significant Minority: Japanese-American Women, Evacuation, and Internment During World War II," in **Women and War in the Twentieth Century: Enlisted with or Without Consent**, 1999



PARTNER

Andrew M. Volk

Worked extensively on consumer claims against Expedia resulting in the largest summary judgment award in Washington state history

CONTACT

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YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

- > Patent Litigation
- > ERISA Litigation
- > Hotel Tax Litigation

BAR ADMISSIONS

- > New York
- > Oregon
- > Washington

EDUCATION

- > Cornell Law School, J.D., cum laude, Articles Editor for Cornell International Law Review, 1991
- > Columbia University, B.A., English, 1986

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer litigation, including automobile defect litigation against General Motors and Kia
- > Works on hotel tax collection cases against the major online travel companies (OTC). To date, the firm has achieved settlements on behalf of Brevard County, Florida and the village of Rosemont, Illinois, and a finding against the OTCs in administrative proceedings on behalf of the city of Denver, Colorado. that is currently on appeal
- > Extensively involved in ERISA cases for breach of fiduciary duties, including settlements of claims on behalf of employees of Enron, Washington Mutual Bank, General Motors, the Montana Power Company and Sterling Savings Bank

RECENT SUCCESS

- > Worked on litigation against Expedia on behalf of a nationwide class of consumers who purchased hotel reservations and paid excessive "taxes and fees" charges. That case resulted in summary judgment in plaintiffs' favor and an eventual settlement for cash and credits totaling \$134 million.

EXPERIENCE

- > Mr. Volk was extensively involved in the tobacco litigation in the late 1990s.
- > Legal Writing and Research, University of Oregon School of Law, Instructor
- > Attorney, Legal Aid Society, New York City

NOTABLE CASES

- > **Expedia Litigation** (\$134 million settlement)
- > **Tobacco Litigation** on behalf of States (resolved in \$206 billion settlement)
- > **Enron ERISA Litigation** (\$265 million settlement)
- > **Washington Mutual Bank ERISA Litigation** (\$49 million settlement)
- > **General Motors ERISA Litigation** (\$37.5 million settlement)



PARTNER

Garth Wojtanowicz

Named a "Rising Star" by Super Lawyers Magazine in 2006, 2007, 2010

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YEARS OF EXPERIENCE

> 17

PRACTICE AREAS

- > Consumer Protection
- > Securities Litigation
- > Unfair Competition

BAR ADMISSIONS

- > Washington
- > California

EDUCATION

- > University of Washington
School of Law, J.D., 2000
- > University of Washington, B.A.,
English, 1997

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on consumer protection cases
- > Currently working on cases against Fresenius Medical Care, N.A. and DaVita, Inc., the first and second largest dialysis companies in the United States, relating to those companies' use of GranuFlo. > Also working on a nationwide class action against medical waste disposal company Stericycle, Inc., challenging that company's pricing practices which resulted in hundreds of millions of dollars in over-charges to doctors' offices, dentist offices, hospitals and similar businesses

RECOGNITION

- > "Rising Star" by Super Lawyers Magazine in 2006, 2007 and 2010

EXPERIENCE

- > Member, Cornerstone Law Group, PLLC
- > Associate, Danielson Harrigan Leyh & Tollefson, LLP
- > Assistant City Attorney, Seattle City Attorney's Office, Civil Division

NOTABLE CASES

- > Toyota Sudden, Unintended Acceleration (SUA) class-action lawsuit on behalf of Toyota owners and lessees, which resulted in an historic settlement recovery valued at \$1.6 billion

PERSONAL INSIGHT

Mr. Wojtanowicz volunteers his time as a non-profit director for Girls Giving Back and the Blossoming Hill Montessori School and has worked as a volunteer attorney for the Northwest Immigrant Rights Project.



PARTNER

Jason A. Zweig

Mr. Zweig was a key member in the High Fructose Corn Syrup Antitrust Litigation which resulted in a \$531 million recovery—one of the largest antitrust and securities class actions in history.

CONTACT

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jasonz@hbsslaw.com

YEARS OF EXPERIENCE

> 19

PRACTICE AREAS

- > Complex Litigation
- > Securities Litigation
- > Antitrust Litigation
- > Consumer Protection

BAR ADMISSIONS

- > U.S. Department of Veterans Affairs
- > New York
- > U.S. District Courts for the Northern, Southern and Eastern Districts of New York
- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Eastern District of Wisconsin
- > U.S. Court of Appeals
 - Second Circuit
 - Third Circuit

EDUCATION

- > Columbia Law School, J.D., Executive Editor for Columbia Journal of Environmental Law, 1998
- > Indiana University, B.S., 1995

CURRENT ROLE

- > Partner, Hagens Berman Sobol Shapiro LLP
- > Leads the firm's New York office
- > Extensively experienced in representing plaintiffs in antitrust, securities, consumer and other complex litigation
- > Experience representing large entities in opt-out litigation, as well as plaintiffs in class-action litigation
- > Key member in some of the largest antitrust and securities class actions in history including the **High Fructose Corn Syrup Antitrust Litigation** which resulted in a \$531 million recovery
- > Leads the firm's representation of a number of airlines and other merchants who have opted out of the class in **In re Payment Card Interchange Fee and Merchant Discount Litigation**, MDL No. 1720 (E.D.N.Y.)
- > Leads the firm's efforts in the **New Jersey Tax Sales Certificates Antitrust Litigation**, an antitrust class action in which the firm has been appointed co-interim class counsel (more than \$8 million recovered)
- > Co-led the firm's representation of payphone owners who sued a large national telecommunications carrier over unpaid dial-around compensation

EXPERIENCE

- > Partner, Kaplan Fox & Kilsheimer LLP in New York, 2003-2010
- > Associate, Proskauer Rose LLP in New York where he practiced in all areas of civil and criminal litigation
- > Judicial intern to the Honorable Jed S. Rakoff, U.S. District Court Judge for the Southern District of New York

RECOGNITION

- > Rising Star, New York Super Lawyers Magazine, 2011 & 2013

PRESENTATIONS

- > "Class Action Settlements and Attorneys' Fees," Presentation to the Cleveland Metropolitan Bar Association, October 2008
- > "Class Actions in the Wake of AT&T v. Concepcion," Presentation to the New Jersey Association for Justice November 2011

PARTNER

Jason A. Zweig

LEGAL ACTIVITIES

- › The Association of the Bar of the City of New York
- › The American Bar Association Sections of Litigation, Antitrust Law and International Law
- › Advisory Board of the Cartel and Criminal Practice Committee of the ABA Section of Antitrust Law
- › The New York State Bar Association
- › The Indiana University Student Foundation Board of Associates
- › The Jewish Board of Family and Children's Services, Children & Adolescents in Residence Divisional Board
- › Former Co-Chair of the Young Lawyer's Division of the UJA Federation-New York

NOTABLE CASES

- › **Hill v. J.P. Morgan - Madoff-related Litigation** (\$218 million recovered)
- › **High Fructose Corn Syrup Antitrust Litigation** (\$531 million recovered)
- › **In re Air Cargo Antitrust Litigation** (Over \$500 million recovered—case still pending)
- › **In re Polyether Polyols Antitrust Litigation** (Over \$150 million recovered—case still pending)
- › **Hydrogen Peroxide Antitrust Litigation** (\$97 million recovered)
- › **Plastics Additives Antitrust Litigation** (\$46 million recovered)
- › **NBR Antitrust Litigation** (\$34 million recovered)
- › **Linens Antitrust Litigation** (\$11 million recovered)
- › **In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation** (\$475 million recovered)
- › **Merrill Lynch Research Reports Securities Litigation** (\$125 million recovered)
- › **Salomon Analyst Metromedia Litigation** (\$35 million recovered)



SENIOR COUNSEL

Kevin K. Green

Mr. Green is a career appellate lawyer. He has argued in multiple federal circuits, 10 different states and seven state supreme courts. He also works on critical motions and issues likely to go on appeal.

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kevink@hbsslaw.com

YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

- > Appellate
- > Consumer Rights
- > Securities
- > Employment Litigation

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > United States Supreme Court
- > United States Courts of Appeals for the Third, Seventh, Eighth, Ninth, Tenth and District of Columbia Circuits
- > United States District Courts for the Northern, Central, Eastern and Southern Districts of California

EDUCATION

- > Notre Dame Law School, J.D., 1995
- > University of California at Berkeley, B.A., 1989, with honors and distinction

CURRENT ROLE

- > Senior Counsel, Hagens Berman Sobol Shapiro
- > Concentrates on appeals as well as consumer rights, securities and employment litigation
- > Certified Appellate Specialist, State Bar of California Board of Legal Specialization (since 2006)

RECOGNITION

- > Top 100 California Appellate Lawyers, American Society of Legal Advocates (since 2015)
- > Super Lawyer (since 2008)
- > Legal Aid Society of San Diego, Outstanding Service Award (2015)
- > Consumer Attorneys of California, Presidential Award of Merit (2013 & 2016)

NOTABLE DECISIONS

- > **Friedman v. AARP, Inc.**, 855 F.3d 1047 (9th Cir. 2017) (UCL claim stated that AARP unlawfully transacted insurance without license)
- > **George v. Urban Settlement Serv.**, 833 F.3d 1242 (10th Cir. 2016) (reinstating RICO class complaint against Bank of America)
- > **Garza v. Gama**, 379 P.3d 1004 (Ariz. Ct. App. 2016) (reversing decertification of wage-and-hour class action)
- > **McCormack v. Cao**, 636 F. App'x 945 (9th Cir. 2016) (affirming "excellent result" valued at \$129 million for senior citizen class)
- > **Duran v. U.S. Bank**, 59 Cal. 4th 1 (2014) (CAOC amicus curiae addressing representative evidence in class actions)
- > **Wong v. Accretive Health**, 773 F.3d 859 (7th Cir. 2014) (upholding \$14 million securities settlement)
- > **Harris v. Superior Court**, 207 Cal. App. 4th 1225 (2012) (\$65 million resolution for employee class after reversal)
- > **Lynch v. Rawls**, 429 F. App'x 641 (9th Cir. 2011) (\$15 million derivative settlement after first Ninth Circuit reversal on presuit demand requirement)
- > **Kwikset Corp. v. Superior Court**, 51 Cal. 4th 310 (2011) (rejecting stringent interpretation of UCL standing prerequisites)
- > **Luther v. Countrywide Fin. Corp.**, 195 Cal. App. 4th 789 (2011) (Securities Act class actions permitted in state court, leading to \$500 million settlement)
- > **In re F5 Networks, Inc. Derivative Litig.**, 207 P.3d 433 (Wash. 2009) (Washington follows demand futility standard, not universal demand rule)
- > **Smith v. Am. Family Mut. Ins. Co.**, 289 S.W.3d 675 (Mo. Ct. App. 2009) (reinstating \$17 million jury verdict for plaintiff class)
- > **Alaska Elec. Pension Fund v. Brown**, 941 A.2d 1011 (Del. 2007) (en banc) (intervening shareholders who show corporate benefit entitled to attorney fees)

SENIOR COUNSEL

Kevin K. Green

CLERKSHIPS

- › Supreme Court of Indiana (Hon. Theodore R. Boehm, Associate Justice)
- › U.S. District Court for the Southern District of California (Hon. Barry T. Moskowitz, now Chief Judge)

- › **Ritt v. Billy Blanks Enters.**, 870 N.E.2d 212 (Ohio Ct. App. 2007) (reversing on class certification, leading to \$40 million settlement)
- › **Lavie v. Procter & Gamble Co.**, 105 Cal. App. 4th 496 (2003) (leading precedent on California's reasonable consumer standard)

LEGAL ACTIVITIES

- › Appellate Advisory Committee, Judicial Council of California (since 2013)
- › Magistrate Judge Merit Selection Panel, Southern District of California (since 2013)
- › Co-Chair, CAOC Amicus Curiae Committee (since 2011)
- › Self-Help Working Group, Court Innovations Grant (2017)
- › State Bar of California, Committee on Administration of Justice (2016-19) (Liaison to California Law Review Commission)
- › Working Group, San Diego Appellate Inn of Court (launched 2016)
- › Co-Founder, Civil Appellate Self-Help Workshop (launched 2014)
- › Appellate Court Committee, San Diego County Bar Association (Chair, 2010)
- › State Bar of California, Committee on Appellate Courts (2006-09)

PUBLICATIONS

- › **Amicus Curiae Update**, Forum (regular column for CAOC's periodical) (since 2012)
- › Distinguishing Mayor McCheese from Hexadecimal Assembly Code for Madden Football: The Need to Correct the 9th Circuit's 'Nuttty' Rule barring Expert Testimony in Software Copyright Cases (Oct. 2017) (with David Nimmer and Peter S. Menell) (available at SSRN: <https://ssrn.com/abstract=3059854>)
- › **Forfeiture at the Pleading Stage: Ask Permission First, Don't Apologize Later**, California Litigation (Vol. 28, No. 1, 2015) (with Rupa G. Singh) (Journal of State Bar Litigation Section)
- › **Closing the Appellate Justice Gap**, Los Angeles Daily Journal (Feb. 10, 2015)
- › **Appellate Review in California Class Actions**, California Litigation (Vol. 24, No. 2, 2011) (Journal of State Bar Litigation Section)
- › **A Tool for Mischief: Preemptive Defense Motions Under BCBG Overtime Cases to Reject Class Certification**, Forum (Vol. 39, No. 1, Jan./Feb. 2009) (with Kimberly A. Kralowec)
- › **The Unfair Competition Law After Proposition 64: The California Supreme Court Speaks**, Competition (Vol. 15, No. 2, Fall/Winter 2006) (Journal of State Bar Antitrust & Unfair Competition Law Section)

PRESENTATIONS

- › State Bar Webinar (Material Omission Claims Under California's UCL, FAL and CLRA, Sept. 2017) (with Timothy W. Loose)
- › CAOC Class Action Seminar (Faculty, Feb. 2017)
- › Bridgeport Consumer Litigation Conference (Material Omissions, Jan. 2017)
- › Bridgeport Class Action Litigation Conference (Objectors, Sept. 2016)
- › Traynor 46th Annual Moot Court Competition (Semifinal Judge, Apr. 2015)
- › University of San Diego School of Law (Legal Writing in Practice Seminar, Feb. 2015)
- › CAOC Annual Convention (Class Action Update, Nov. 2014)
- › San Diego County Bar Association (Moderator, Pleasing the Court: Making Your Oral Argument Count, Oct. 2014)

SENIOR COUNSEL

Kevin K. Green

- › State Bar of California Annual Meeting (Forfeiture: A Four-Letter Word in the Court of Appeal, Sept. 2014)
- › Consumer Attorneys of San Diego, Class Action Symposium (Appellate Perspective on Class Actions, May 2014)
- › State Bar of California Golden State Institute (California Supreme Court Panel, Oct. 2012)
- › State Bar of California Annual Meeting (Moderator, Preparing an Appellate Record, Sept. 2009)
- › CAOC Annual Convention (Employment Litigation Panel, Nov. 2008)

PERSONAL INSIGHT

Concerned a legal career meant taking life too seriously, Kevin spent several years after college blending work and travel. He taught English in Switzerland, toiled as a luggage porter in Australia and scaled a live volcano in Guatemala. He ran with the bulls at Pamplona before easing into a monastic life of appellate practice.



OF COUNSEL

Gregory T. Arnold

Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants.

CONTACT

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grega@hbsslaw.com

YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Antitrust Litigation
- > Personal Injury Litigation

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts
- > Court of Appeals, 2nd Circuit

EDUCATION

- > Fairfield University, B.S., Marketing, 1991
- > Villanova University School of Law, J.D., 1996 (served on Law Review)

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on prosecution of large-scale, nationwide class actions, primarily against the pharmaceutical industry
- > Works on behalf of large health care providers, seeking recoveries from tortfeasors associated with payments the providers make as a result of the harm they have caused
- > Works on the Direct Purchaser Class Action cases in Lipitor and Effexor

RECENT SUCCESS

- > Represented a variety of states, including the Commonwealth of Massachusetts, in their cases against the tobacco industry
- > Led efforts on behalf of three law firms protecting the interests of more than 25,000 asbestos sufferers, resulting in the denial of the debtors' proposed plan of reorganization and a substantial payment to the claimants
- > Prior bankruptcy experience included representing an Ad Hoc Committee of Trade Creditors in the **In re WorldCom** matter, resulting in a near 50% increase in the clients' recovery
- > Represented large groups of investors in litigation brought against offshore hedge funds, pursuing the recovery of hundreds of millions of dollars
- > Represented national and international clients on a full range of patent litigation issues, including proceedings before the International Trade Commission
- > Successful eminent domain trials, representing companies and individuals on a variety of labor and employment issues including non-compete agreements and various intellectual property matters

EXPERIENCE

- > Income Partner, Litigation Department for a large Boston-based law firm

NOTABLE CASES

- > **Bankruptcy-related litigation**
 - Lead efforts on behalf of three law firms protecting the interests of more than 25,000 claimants suffering from asbestos-related diseases, to block a proposed plan of reorganization. During more than 5 years of litigation, succeeded in forcing numerous changes to the proposed plan, including the voting methodology, amount of contribution and distributions. Pursued several interlocutory appeals throughout the case. Oversaw and managed all aspects of this complex litigation, culminating in a successful 20-day bench trial conducted in the Bankruptcy Court for the Southern District of New

OF COUNSEL

Gregory Arnold

York, after which the Court rejected the proposed bankruptcy plan, thereby securing a substantial benefit for the clients.

- One of a team of lawyers representing the interests of The Ad Hoc Committee of Trade Creditors in the *In re WorldCom* matter, resulting in increasing our clients' recoveries by nearly 50%.

> Mass Torts/Class Actions

- Played pivotal role in representing the Commonwealth of Massachusetts in landmark litigation against the Tobacco Industry, including establishing personal jurisdiction in Massachusetts over the United Kingdom-based parent company to Brown & Williamson. This work product, as well as the resulting Court decision, was relied upon by Attorneys General throughout the country in their cases against the Tobacco Industry.
- Following the Commonwealth of Massachusetts' action, lead Brown Rudnick's efforts in pursuing a
- Successfully defended a class action case brought against a major credit card issuer, obtaining a denial of class certification and dismissal of individual's claims.

> Complex Financial Litigation

- Successfully represented a group of more than 65 investors in offshore hedge funds, pursuing recoveries for over \$600 million of invested capital lost due to fraudulent practices of hedge fund manager.

> General Commercial Litigation

- Represented former attorney whose malpractice insurer had refused defense and indemnity after an office worker embezzled millions of dollars in client funds. Following a five-week Superior Court trial, secured a verdict in favor of the client, holding the insurance company responsible for more than \$2 million in liability to the insured's former client. Successfully defended insurer's appeal of the trial court decision in the Appeals Court. Subsequently brought a case against the insurance company under Chapter 93a, resulting in a multi-million dollar recovery for the client.
- Obtained a substantial recovery for a client whose intellectual property was wrongfully assigned to a third-party. Achieved a pre-trial settlement with the assigning party while pursuing a bench trial in Middlesex Superior Court against the party using the software.
- Served as "first chair" in a complex, multi-week bench trial in federal court over breach of multi-million dollar commercial contract concerning sale of radiology equipment, including prevailing on counter-claim seeking to impose multi-million dollar liability.

> Patent Litigation

- Represented national and international clients on a full range of patent litigation issues, including trials. Successful litigator before the United States International Trade Commission, including obtaining favorable outcome for a client protecting their intellectual property rights against an infringer based in Sweden.

> Labor and Employment Litigation

- Defended client interests in a variety of matters, including those involving non-competition agreements, wrongful terminations, and harassment claims.
- Successfully represented companies enforcing non-compete agreements against former employees, as well as new employers/former employees in avoiding the terms of non-compete agreements.

OF COUNSEL

Gregory Arnold

Handled trials before administrative bodies, including the U.S. Department of Labor, including defending a client against claims made under the Surface Transportation Assistance Act ("STAA") following the termination of an employee/truck driver.

➤ **Other Litigation**

- Represented client in an eminent domain trial, resulting in a jury award more than 10 times the Commonwealth's pro tanto offer.

OF COUNSEL

Karl Barth

Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data.

CONTACT

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karlb@hbsslw.com

YEARS OF EXPERIENCE

> 22

PRACTICE AREAS

> Securities Litigation
> Investor Rights

BAR ADMISSIONS

> Washington

EDUCATION

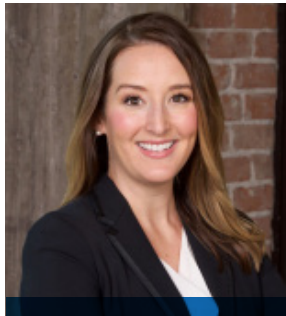
> Georgetown University Law Center, J.D.
> University of Virginia, B.S. Accounting, Certified Public Accountant

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Previously with the firm from 1994 through 2004 before he rejoined in 2010
- > Key member on firm's securities fraud cases against companies such as Boeing, Einstein Noah Bagel Corp., Identix, Midcom Communications, MidiSoft, Oppenheimer Delta Partners, Pepsi Puerto Rico Bottling Co., PriceCostco, Templeton Vietnam Opportunities Fund and Wall Data
- > Represents investors seeking to protect assets and recover investment losses from companies engaged in securities and accounting wrongdoing

EXPERIENCE

- > Certified Public Accountant
- > Certified Fraud Examiner
- > Certified in Financial Forensics
- > Consultant at a national financial consulting firm specializing in expert witness testimony on accounting and financial issues
- > Graduated from Georgetown University Law Center, and from the University of Virginia with a B.S. in Accounting



OF COUNSEL

Molly A. Booker

Ms. Booker has a depth of commercial litigation experience across a variety of industries including business litigation, financial services, trademark and business torts.

CONTACT

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YEARS OF EXPERIENCE

> 10

BAR ADMISSIONS

> Arizona

COURT ADMISSIONS:

> U.S. District Court, District of Arizona
> U.S. Court of Appeals for the 9th Circuit

EDUCATION

> University of Arizona, James E. Rogers College of Law, J.D., Tucson, Arizona, 2007
> University of Southern California, B.A., Summa Cum Laude, Phi Beta Kappa, Los Angeles, California, 2004

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Shareholder, Litigation Attorney, Ryley, Carlock & Applewhite, P.A., Phoenix, AZ, 2007 - 2016
> Legal Intern, Federal Public Defender's Office Phoenix, Phoenix, AZ, Summer 2005

RECOGNITION

> Selected to Super Lawyers 2018, Rising Stars 2015 - 2017

LEGAL ACTIVITIES

> St. Mary's Food Bank Alliance, Advisory Board Member and Mission & Means Committee Member, 2014-Present
> Arizona Asian American Bar Association, Member, 2009-Present
> State Bar of Arizona Committee on Minorities and Women in the Law, Past Chair

PRESENTATIONS

> "Current Legal Landscape," University of Arizona Law School Board of Visitors, Panelist, April 2014
> "The Pen is Mightier than the Sword: Tips for Drafting and Enforcing Your Business Contracts," Better Business Bureau Accredited Business Seminar, August 2013
> "Arbitration in Arizona and the Revised Uniform Arbitration Act," Better Business Bureau Accredited Business Seminar, June 2011
> "How to Turn Your Summer Job Into a Full-Time Position," Arizona State University College of Law, Sponsored by the State Bar of Arizona Committee on Minorities and Women in the Law, April 2011
> "Mechanics' and Materialmen's Liens: Understanding and Protecting Your Rights as a Contractor, Supplier, Property Owner, or Tenant," Better Business Bureau Legal Series Seminar, May 2009
> "Lock It Up: Protecting Your Trade Secrets and Preventing Unfair Competition," Trade Secrets and Restrictive Covenants Seminar, September 2008

LANGUAGES

> Spanish

PERSONAL INSIGHT

Molly enjoys athletic challenges and her favorite pastimes are soccer, cycling and running. Endurance is her forte, and with good fortune, because she is a mom to triplets. Molly also has a penchant for learning foreign languages. She is fluent in Spanish and lived in Madrid, Spain.



OF COUNSEL

Eugene A. Burrus

Gene is an innovative competition lawyer who developed the case that led to the largest abuse of dominance antitrust fine in EU history.

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YEARS OF EXPERIENCE

> 26

BAR ADMISSIONS

> California
> Washington

COURT ADMISSIONS:

> U.S. District Courts for the
Northern, Central, and Eastern
Districts of California

INDUSTRY EXPERIENCE

> Technology
> Airlines
> Energy

EDUCATION

> University of Virginia School
of Law, J.D., 1991
> University of Oklahoma, B.S.,
Aerospace Engineering, 1986

CURRENT ROLE

> Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

> Prior to joining Hagens Berman, Gene was assistant general counsel in the antitrust, industry affairs, and trustworthy computing groups at Microsoft Corporation, where he spent 15 years in litigation, counseling and policy advocacy.
> Prior to that, he worked as an attorney at American Airlines in Fort Worth, Texas, and at McClintock, Weston, Benshoof, Rochefort, Rubalcava & MacCuish and Alschuler, Grossman & Pines in Los Angeles, where he engaged primarily in antitrust litigation and counseling.

RECENT SUCCESS

> Developed abuse of dominance case against Google that resulted in €2.4 billion fine by the European Commission, Case No. 39740 - Google Search (Shopping)

NOTABLE CASES

> European Commission Case No. 39740 – Google Search (Shopping)
> *U.S. v. AMR Corp.*, 140 F.Supp.2d 1141 (D. Kan. 2001); *affirmed* 335 F.3d 1109 (10th Cir. 2003)
> *Koutney v. Exxon*, 51 Cal.App.4th 1672, 60 Cal.Rptr.2d 195 (1997)

PERSONAL INSIGHT

When he's not working to hold tech companies accountable to the law, Gene likes to be outdoors, hiking or golfing, traveling, and on fall Saturdays, is a little too obsessed with Oklahoma football.



OF COUNSEL

Mark S. Carlson

Mr. Carlson is an active member of the legal community frequently making presentations to legal forums and industry groups on intellectual property law.

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YEARS OF EXPERIENCE

> 30

PRACTICE AREAS

- > Patent Infringement
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation
- > Complex Litigation

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington
- > U.S. Court of Appeals, Federal Circuit
- > Numerous other jurisdictions pro hac vice

EDUCATION

- > University of Puget Sound School of Law, J.D., cum laude, 1987
- > University of Washington, B.A., History, 1984

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Working in intellectual property since 1987, handling a full range of intellectual property litigation focused primarily on patent infringement disputes
- > Currently representing FlatWorld Interactives in patent infringement litigation against Apple, Samsung and LG involving touch screen gesture recognition technology in the iOS and Android operating systems, Thought Inc. against Oracle involving software application data persistence technology, and the University of Utah in patent infringement litigation regarding RNA interference therapies for genetic diseases
- > Active member of the legal community making presentations in legal forums and industry groups on intellectual property law
- > Active participant in the Seattle Intellectual Property Inn of Court and Washington State Patent Law Association

RECENT CASES

- > Twice litigated against AT&T on wireless handset, network and telematics patents
- > Twice litigated on behalf of The Nautilus Group in patent, trademark, false advertising and unfair competition cases involving the BowFlex exercise machine and other exercise equipment
- > Represented the owner of traddress rights to the Stanley Classic vacuum bottle in trade dress litigation against Thermos
- > Represented a software patent licensor in litigation against Microsoft over the scope of a license for relational database technology

EXPERIENCE

- > Dorsey & Whitney, Patent Litigation Group
- > Bogle & Gates, Intellectual Property Litigation Group

PUBLICATIONS/PRESENTATIONS

- > "The European Privacy Directive for Personal Data," American Electronics Association Newsline for the Washington State Council
- > "Recovery of Pure Economic Loss in Product Liability Actions: An Economic Comparison of Three Legal Rules," University of Puget Sound Law Review
- > "Patent Litigation and the Non-Practicing Entity," ITRI IP Executives Conference, University of Washington Foster School of Business, 2012

OF COUNSEL

Mark S. Carlson

- › “Vernor v. Autodesk, the Future, or Demise, of the First Sale and Essential Step Defenses in Copyright,” Seattle Intellectual Property Inn of Court, 2011
- › “What Are My Odds? A Disciplined Approach to Assessing Case Value and Litigation Risk,” Seattle Intellectual Property Inn of Court, 2010
- › “Medimmune v. Genentech: Consequences for Patent Licenses, Litigation and Settlements,” 2009
- › “E-Discovery and the New Federal Rules,” 2008
- › “Recent Developments in Pharmaceutical Patents,” 2008

LEGAL ACTIVITIES

- › Seattle Intellectual Property Inn of Court
- › Washington State Patent Law Association
- › American Intellectual Property Law Association

NOTABLE CASES

- › Thought v. Oracle
- › FlatWorld v. Apple; v. Samsung; v. LG
- › University of Utah v. Max Planck Institute, et al.
- › Airbiquity v. AT&T, et al.
- › Timeline v. Microsoft; v. Oracle; v. Sagent
- › The Nautilus Group v. Icon Health and Fitness



OF COUNSEL

Jeannie Evans

Successfully litigates multi-million and multi-billion dollar antitrust and other complex fraud cases.

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Antitrust Litigation
- > Investor Fraud
- > Securities

BAR ADMISSIONS

- > Illinois
- > California

CLERKSHIPS:

- > Hon. Alex Kozinski, U.S. Court of Appeals for the Ninth Circuit, summer 1997. Hon. Susan Illston, U.S. District Court for the Northern District of California, summer 2003

EDUCATION

- > Harvard Law School, J.D. **cum laude**, 1997
Executive Editor, Harvard Journal of Law and Public Policy; Federalist Society; Asia Law Society
- > Brigham Young University, B.A., Political Science, **summa cum laude**, Ezra Taft Benson Scholar; University Honors, 1994
Editor-in-Chief, Journal of International and Area Studies

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents plaintiffs in complex litigation, focusing on antitrust and financial fraud claims

EXPERIENCE

- > Jeannie has successfully represented both plaintiffs and defendants in multi-million and multi-billion dollar disputes in state and federal courts across the country
- > Co-Founder and Managing Partner of Agrawal Evans LLP, a trial and appellate boutique firm based in Chicago
- > Kirkland & Ellis LLP (Chicago)
- > Wilson Sonsini Goodrich & Rosati (Palo Alto)

AWARDS & RECOGNITION

- > President, Harvard Law Society of Illinois, 2016-2017
- > Chicago Chapter Chair, J. Reuben Clark Law Society, 2016-2017
- > BYU Law School Board of Advisors, 2017
- > Best Lawyers, Women of Influence Nominee, 2017
- > Illinois Super Lawyer, 2016 - 2018

PRESENTATIONS

- > Basics of Accounting for Lawyers 2015, Practicing Law Institute (PLI)
- > Basics of Accounting for Lawyers 2014, Practicing Law Institute (PLI)
- > Preparing the Expert Witness for Deposition 2013, Pincus Professional Education

LANGUAGES

- > Cantonese (Chinese)
- > Mandarin (Chinese)

PERSONAL INSIGHT

Jeannie loves the outdoors — body surfing in the ocean, hiking in the mountains, running, or playing tennis with her husband and four children.



OF COUNSEL

Philip J. Graves

Mr. Graves brings to the firm more than 20 years of experience as a patent and intellectual property litigator, having represented companies in patent cases in many technical fields.

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YEARS OF EXPERIENCE

> 26

PRACTICE AREAS

> Intellectual Property

BAR ADMISSIONS

- > U.S. Supreme Court
- > Supreme Court of California
- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth Circuit
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Eastern District of California
- > U.S. District Court, Southern District of California

EDUCATION

- > Columbia University School of Law (J.D., 1990)
Harlan Fiske Stone Scholar
Writing and Research Editor,
Columbia Business Law Review
- > University of Washington (B.A., cum laude, 1987)
Phi Beta Kappa
Robert A. Dahl Award

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro, head of the firm's intellectual property practice
- > Practice focuses on intellectual property, including cases involving trademark infringement, copyright infringement, unfair competition and misappropriation of trade secrets

EXPERIENCE

- > Before joining Hagens Berman, Mr. Graves' practice focused on represented technology companies in patent cases involving network security, web-hosting, image capture, digital signature and encryption technologies, nano-scale manufacturing and biotech, among many other technical fields.

LEGAL ACTIVITIES

- > State Bar of California
- > Alaska Bar Association
- > Los Angeles Intellectual Property Law Association
 - 2015 Judges' Night, Chair
 - 2011 Spring Seminar, Chair
- > American Intellectual Property Law Association
- > Federal Circuit Bar Association

AWARDS & RECOGNITION

- > Pasadena Top Attorney, Pasadena Magazine (2016)
- > 40 Angelenos to Know in Intellectual Property Law, Los Angeles Business Journal (2012)
- > Southern California Super Lawyers®, Intellectual Property Litigation, Business Litigation (2004-2018)

PUBLICATIONS

- > **Preparing to Defend a Section 337 Action: What District Court Litigators Need to Know**, Lead Author, New Matter (Fall 2014)
- > **Intellectual Property: It's Not Just for Specialists Anymore**, Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)
- > **Section 337: Whether to Respond or Default**, Lead Author, Intellectual Property Today (June 9, 2014)
- > **U.S. Patent Litigation under Section 337**, Presenter, Shijingshan Scientific and Technological Services Alliance/Beijing Intellectual Property Office/Zhongguancun Scientific and Technological Park, Beijing,

OF COUNSEL

Philip Graves

China (May 6, 2014)

- › **Double Exposure: Keeping Your Confidential Information Out of the Public Eye in the Wake of Apple v. Samsung**, Lead Author, ABA Landslide Magazine (May/June 2013 Issue)
- › **Potential Ramifications of Already v. Nike**, Lead Author, Law360 (September 6, 2012)
- › **U.S. Patent Litigation Involving Pharmaceutical Patents**, Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › **Developments in Trademark Law and the Internet: Domain Name Disputes**, Banner Ads, Pop-Ups, and Related Issues, Author, 2004 Intellectual Property Institute of the State Bar of California
- › **Damages in Copyright and Patent Infringement Actions**, Author, Intellectual Property Law Section of the Alaska Bar Association

NOTABLE CASES

- › **Stamps.com**, several patent infringement cases involving online postage generation and delivery, network security, digital signature and encryption technology. As lead trial counsel, obtained a jury verdict in Stamps.com's favor, avoiding over \$30 million in damages.
- › **Web.com Group**, patent infringement suits in Arizona and Texas concerning a variety of backend and client-facing content hosting and delivery functionalities, as well as several business litigation matters in California in which Mr. Graves obtained a dismissal of one suit on summary judgment and affirmance of another favorable judgment on appeal.
- › **Fotona d.d.**, a European manufacturer of medical lasers, in a patent infringement action involving dental laser surgery technology. Following a three day evidentiary hearing, Mr. Graves obtained a favorable resolution of the case and a full award of attorneys' fees for the client.
- › **Developer of motion capture technology**, breach of contract action involving rights in the technology. As lead trial counsel, obtained a verdict in favor of the client as well as an award of all of the client's attorneys' fees.
- › **Designer and importer of consumer electronics products**, represented in a patent infringement action venued in the International Trade Commission. The complainant dismissed its complaint on the eve of trial, following the filing of the parties' pretrial briefs and witness statements.
- › **Large publicly traded company**, in several patent infringement suits in California and Texas involving rapid prototyping technology.
- › **Technology development company**, represented in a patent infringement suit involving imaging systems used at tourist attractions and theme parks.
- › **Cosmetics company**, represented in consolidated suits alleging unfair competition and infringement of patents covering various prostaglandin analogs.

PERSONAL INSIGHT

Phil took a break from his judicial clerkship in 1991 to travel a war zone (Croatia, Serbia, Kosovo) and was chased down a mountainside by Kosovar rebels.



OF COUNSEL

John D. Jenkins

John has extensive experience in the government and private sector as a trial attorney and manager of complex investigations and prosecutions.

CONTACT

(714) 222-2333 office
johnj@hbsslaw.com

PRACTICE AREAS

- › Investor Fraud
- › Securities

EDUCATION

- › University of Southern California, B.A. and J.D.

CURRENT ROLE

- › Of Counsel, Hagens Berman Sobol Shapiro LLP
- › John Jenkins has considerable experience as a trial lawyer, corporate advisor, president of an internationally recognized investigative and security firm and expert in complex investigations and prosecutions.

EXPERIENCE

- › Former Deputy District Attorney in Orange County, California
- › Prior to joining Hagens Berman, Mr. Jenkins was a lawyer at Hill, Wynne, Troop & Meisinger. He also has more than 20 years of experience managing domestic and international investigations. He was previously the president of CoreFacts, before and after the sale of CoreFacts as the investigative consulting platform to what became CoreLogic, Inc. (NYSE: CLGX), a leading global risk mitigation and business solutions provider. Prior to CoreFacts, he was an executive at two leading global investigative consulting firms.

ACTIVITIES

- › Member, Board of Governors at the University of Southern California
- › Member, Board of Directors of Lear Capital

PERSONAL INSIGHT

In his spare time, John enjoys fishing with his son and watching his twin daughters compete as saber fencers.



OF COUNSEL

Wesley Kelman

Wes has worked for many years to protect the environment, including key early global warming cases, and on New Hampshire's \$236 million recovery against ExxonMobil in a groundwater contamination case.

CONTACT

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wes@hbsslaw.com

YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Commercial Litigation
- > Environmental Litigation
- > Mass Torts

BAR ADMISSIONS

- > Massachusetts
- > New York

COURT ADMISSIONS

- > U.S. District Court, Southern District of New York
- > U.S. District Court of Massachusetts

CLERKSHIPS:

- > Hon. Warren W. Matthews, Alaska Supreme Court, Anchorage, AK 2004-05
- > Hon. Jon O. Newman, U.S. Court of Appeals, Second Circuit, Hartford, CT 2000-2001

EDUCATION

- > Yale Law School, J.D., 2000, Yale Law Journal
- > University of Chicago, A.B., History, Phi Beta Kappa, 1993

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Kelman practiced environmental law at Pawa Law Group where his clients included:
 - The states of New Hampshire and Vermont in statewide MTBE groundwater contamination claims against major oil companies
 - Trusts and an Alaskan native village in global warming claims
 - Citizen groups including administrative litigation over air pollution permits, including a challenge to a major new power plant
- > Mr. Kelman drafted papers submitted to state and federal appellate courts and helped other attorneys at Pawa Law Group try several cases to verdict.
- > Mr. Kelman also worked at the Environmental Protection Agency, Region 1, Boston, MA as enforcement counsel. He negotiated consent decrees under which private parties performed cleanups and brought enforcement actions against regulated parties. He was employee of the year for the Superfund section of the regional office, and won a "ROD of the Year" EPA national award for papers documenting EPA's clean-up decision for the Sudbury River in Massachusetts.
- > Cleary, Gottlieb, Steen & Hamilton, Associate. In the wake of Argentina's financial crisis of 2001, Mr. Kelman was part of a small group of lawyers defending the Republic of Argentina against claims by holders of Argentina's sovereign debt.

NOTABLE CASES

- > Wes has worked on key early global warming cases and on behalf of state attorneys general who have sued for damage to statewide groundwater supplies, including a \$236 million recovery against ExxonMobil for the state of New Hampshire.

PERSONAL INSIGHT

Wes loves to ride his bicycle and commutes on it through all four seasons.



OF COUNSEL

Michella A. Kras

State Bar of Arizona President's Volunteer Service Award, 2010

CONTACT

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Phoenix, AZ 85003

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(602) 840-3012 fax
michellak@hbsslaw.com

YEARS OF EXPERIENCE

> 14

PRACTICE AREAS

> Commercial Litigation
> Complex Civil Litigation

BAR ADMISSIONS

> Arizona
> U.S. District Court for the
District of Arizona

EDUCATION

> Arizona State University
College of Law, J.D., magna
cum laude, 2003
> Arizona State University, B.A.,
1997

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and complex litigation
- > Extensive expertise in complex litigation in a variety of commercial contexts, including actions involving various contractual breaches, RICO violations, securities fraud, negligent and intentional torts, and federal and state employment law

RECOGNITION

- > State Bar of Arizona President's Volunteer Service Award, 2010
- > Rising Star, Southwest Super Lawyers, 2014

EXPERIENCE

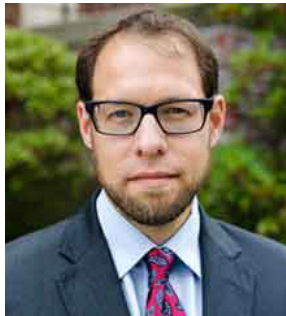
- > Member of the commercial and securities litigation group in the Phoenix office of an international law firm where she worked on complex litigation matters involving private securities offerings, private lending, asset purchase agreements, shareholder and member disputes, and federal and state wage and hour disputes
- > Associate, Steptoe & Johnson LLP, 2007-2013
- > Associate, Gammage & Burnham, work included civil litigation, employment law, election law, health care law and estate planning, 2004-2007
- > Judicial Law Clerk, Arizona Supreme Court, work consisted of a variety of appeals, including civil cases, criminal actions and attorney discipline, 2003-2004

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work. She's worked on several pro bono matters, including obtaining Special Juvenile Immigrant Status for a teenager that was brought to the United States as a toddler and later abandoned by her parent
- > Volunteer and member of the steering committee for Wills for Heroes, an organization that provides free estate planning for Arizona's first responders

NOTABLE CASES

- > Successfully litigated and obtained summary judgment on multiple matters involving breach of contract, conversion, intentional interference and breach of fiduciary duty, even successfully piercing the corporate veil



OF COUNSEL

Benjamin A. Krass

Ben positions his clients to succeed by his experience bringing environmental cases for more than a decade, the close relationships he builds with his clients and his attention to every aspect of a client's case.

CONTACT

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YEARS OF EXPERIENCE

> 15

PRACTICE AREAS

- > Environmental Litigation
- > Products Liability

BAR ADMISSIONS

- > Massachusetts

COURT ADMISSIONS

- > U.S. District Court, District of Massachusetts
- > U.S. District Court, District of Vermont

EDUCATION

- > Boston College Law School, J.D., 2003
Honors: Managing Editor, Boston College Environmental Affairs Law Review; Boston College Environmental Law Society Certificate in Environmental and Land Use Law; Adjunct Lecturer, Environmental Law, Boston College Political Science Department (Spring 2003)
- > Universidad de Oviedo, 1999-2000, William J. Fulbright scholarship
- > Canisius College, B.A., *summa cum laude*, 1999

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Krass was a Partner at Pawa Law Group where he gained extensive experience representing the states of New Hampshire, Rhode Island and Vermont in MTBE litigation.
- > Litigated nearly every aspect of the New Hampshire MTBE case for over a decade and participated in the three-month trial against ExxonMobil, including by handling the examination of expert and state witnesses.
- > Involved in all of his prior firm's other major environmental cases, including American Elec. Power Co. v. Connecticut, 131 S. Ct. 2527 (2011), Native Village of Kivalina v. ExxonMobil Corp., 696 F.3d 849 (9th Cir. 2012), and Green Mt. Chrysler Plymouth Dodge Jeep v. Crombie, 508 F. Supp. 2d 295 (D. Vt. 2007). Played a significant role in preparing evidence and cross examination in the multi-week Crombie trial.

RECENT SUCCESS

- > Represented the state of New Hampshire from 2003-2016 in litigation against major oil companies for statewide contamination of the state's waters with the chemical and gasoline additive MTBE
- > Helped obtain settlements of \$136 million from approximately a dozen defendants prior to or at the commencement of trial and participated in the three-month trial against ExxonMobil which resulted in a \$236 million jury verdict against ExxonMobil. The jury verdict was affirmed on appeal by the New Hampshire Supreme Court. New Hampshire v. Exxon Mobil Corp., 126 A.3d 266 (N.H. 2015), cert. denied, 136 S. Ct. 2009 (2016).

NOTABLE DECISIONS

- > State of New Hampshire v. Exxon Mobil Corp., 126 A.3d 266 (N.H. 2015) (upholding \$236 million jury verdict following three-month trial against petroleum company for polluting state's groundwater)
- > Connecticut v. American Electric Power Co., 582 F.3d 309 (2d Cir. 2009) (reinstating global warming tort case filed by states and land trusts), rev'd on other grounds, 131 S. Ct. 2527 (2011)
- > State v. Hess Corp., 161 N.H. 426 (2011) (holding that, under parens patriae doctrine, a state suing a polluter for groundwater contamination may recover as damages the cost of treating private well contamination)
- > New Hampshire v. N. Atlantic Refining, Ltd., 999 A.2d 396 (N.H. 2010) (upholding personal jurisdiction over oil company in MTBE litigation); New Hampshire v. Hess Corp., 982 A.2d 388 (N.H. 2009) (affirming proper service of process on two oil company defendants in MTBE litigation)

ACTIVITIES

- > President, Board of Directors, Transportation Children's Center (2016-2017)

OF COUNSEL

Benjamin A. Krass

PUBLICATIONS

- "Behind the Curve: The National Media's Reporting on Global Warming," 33 B.C. Envtl. Aff. L. Rev. 485 (2006)
- "Global Warming As A Public Nuisance: Connecticut v. American Electric Power," 16 Fordham Envtl. L. Rev. 407 (2005)
- "Comment: Combating Urban Sprawl in Massachusetts: Reforming the Zoning Act through Legal Challenges," 30 B.C. Envtl. Aff. L. Rev. 605 (2003)

LANGUAGES

- Spanish

PERSONAL INSIGHT

Ben is a competitive runner and enjoys winter mountaineering, backpacking, gardening and spending time with his family.



OF COUNSEL

Ed Notargiacomo

Mr. Notargiacomo is involved in a number of large class-action suits against large pharmaceutical manufacturers in both the consumer protection and antitrust areas.

CONTACT

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YEARS OF EXPERIENCE

> 28

PRACTICE AREAS

- > Consumer Protection
- > Complex Commercial
- > Antitrust Litigation

BAR ADMISSIONS

- > Massachusetts
- > U.S. District Court, District of Massachusetts

EDUCATION

- > Boston University, J.D., with Honors, 1994, served on the Boston University Public Interest Law Review
- > Brown University, B.A., 1989

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer, commercial and antitrust litigation

RECENT SUCCESS

- > **Relafen Antitrust Litigation** (\$85 million settlement)
- > **In re Lupron Marketing and Sales Practices Litigation** (\$150 million settlement)
- > **In re Pharmaceutical Manufacturers Average Wholesale Price Litigation** (\$300 million in settlements)
- > **In re Vytarin/Zetia Marketing, Sales Practices, and Products Liability Litigation** (\$80 million settlement)
- > **In re Flonase Antitrust Litigation** (\$150 million settlement)
- > **In re Wellbutrin Antitrust Litigation** (\$21 million settlement)
- > **In re Skelaxin Antitrust Litigation** (settlement pending)

EXPERIENCE

- > Served as Special Assistant Attorney General for Massachusetts in its suit against the tobacco industry to recoup funds expended to treat smoking-related illnesses
- > Helped represent Rhode Island, New Hampshire and Maine in their suits against the tobacco industry
- > Represented the city of Boston in its suit against gun manufacturers and distributors in order to force them to take responsibility for violence perpetrated with firearms that they negligently and illegally distributed in cities like Boston
- > Experience also includes consumer class actions against predatory lenders and employment litigation against a major retail chain, as well as intense involvement in high-profile impact litigation against cigarette manufacturers and the firearms industry
- > Lieff, Cabraser, Heimann & Bernstein, LLP, Boston, MA
Litigation of consumer class actions to redress major corporate misconduct. Co-lead effort on behalf of the City of Boston and the Boston Public Health Commission in suit against major firearms manufacturers in an effort to recover the cost of gun violence to the City of Boston and its citizens. Heavily involved in extended negotiations to settle municipal gun suits on behalf of the City of Boston. Engaged in the litigation of several suits against major pharmaceutical manufacturers for illegal activities that artificially inflate the price of prescription drugs paid by consumers.
- > Law Offices of Edward Notargiacomo, Boston, MA
Primary focus in civil litigation, including construction and contract claims, employment disputes as well as some personal injury. Represented clients in commercial and residential real estate conveyancing as well as advised clients on land use and zoning issues. Experience with mediation, arbitration and

OF COUNSEL

Ed Notargiacomo

negotiation and settlement of a wide range of disputes. Drafted and negotiated contracts, commercial leases and settlement agreements. Provided aggressive representation to clients in construction and contract disputes, copyright actions, zoning and land use matters, and commercial and residential lease disputes.

- › Brown, Rudnick, Freed & Gesmer, P.C., Boston, MA
Experience in real estate conveyancing and finance, including representation of international investment funds seeking to acquire investment grade commercial property in the United States. Provided legal representation in a wide range of practice areas including real estate development and complex real estate finance, zoning regulations, and commercial lease negotiation. Two years concentrating in commercial litigation, representing a wide range of business clients in state and federal courts.

PUBLICATIONS

- › Boston University Public Interest Law Review, 1994

NOTABLE CASES

- › *In re Relafen Antitrust Litigation* (\$85 million settlement)
- › *In re Lupron Marketing and Sales Practices Litigation* (\$150 million settlement)
- › *In re Pharmaceutical Manufacturers Average Wholesale Price Litigation* (\$300 million in settlements)
- › *State of Connecticut v. Eli Lilly* (\$25 million settlement)
- › Pfizer Neurontin Promotions Litigation (jury verdict and judgment for \$142 million)
- › *In re Wellbutrin SR Antitrust Litigation*
- › *In re Vytorin/Zetio Marketing, Sales Practices and Products Liability Litigation*
- › *In re Flonase Antitrust Litigation*

PERSONAL INSIGHT

Ed once had a one-on-one lunch with Cher while working as an investigator for the public defender's office in Washington, D.C. Cher was researching her role as a public defense attorney in the movie *Suspect*. He also once owned a pot-bellied pig who could sit, play dead and turn in a circle on command (and for a tasty treat).



OF COUNSEL

Jerrod C. Patterson

Served as federal prosecutor for over nine years, prosecuting tax cases, fraud, and other financial crimes. Extensive experience trying complex cases to verdict.

CONTACT

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jerrodp@hbsslaw.com

YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Antitrust Litigation
- > Racketeering
- > Automotive Litigation

BAR ADMISSIONS

- > Washington
- > New York
- > District of Columbia

CLERKSHIPS:

- > The Hon. Louis F. Oberdorfer, U.S. District Court for D.C.
- > U.S. Senate Judiciary Committee (Sen. Leahy) Washington, D.C.

EDUCATION

- > University of California, Berkeley School of Law (Boalt Hall), J.D., May 2002; top 15% of graduating class
- > Johns Hopkins University, School of Advanced International Studies (SAIS) M.A. in International Economics and International Relations, December 1997, Graduated with distinction (top 10%)
- > Brown University A.B. in International Relations, May 1995, magna cum laude

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on antitrust and other fraud cases, including Animation Workers Antitrust, Batteries Antitrust and Nespresso Antitrust
- > Mr. Patterson brings to the firm extensive trial experience and a history of prosecuting complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering and prescription fraud.

RECOGNITION

- > Organized Crime and Drug Enforcement Task Force "Best Financial Investigation in the Nation" – 2012
- > U.S. Attorney General "Outstanding Performance as a Special Assistant U.S. Attorney" – 2010
- > Assistant Attorney General "Outstanding Tax Division Attorney" – 2009
- > Assistant Attorney General "Outstanding Tax Division Attorney" – 2008

NOTABLE CASES

- > In re Animation Workers Antitrust Litig., 14-cv-4062 LHK (N.D. Cal.): Class-action antitrust case against major animation studios for conspiring to fix wages of their animators
- > In re Lithium Ion Batteries Antitrust Litig., 12-cv-5129 YGR (N.D. Cal.): Class-action antitrust case against large battery producers for conspiring to fix prices
- > Nespresso v. Ethical Coffee Co., 16-cv-0194 GMS (D. Del.): Represents counterclaimants, alleging Nespresso monopolized the single-serve coffee capsule market through predatory redesigns of their coffee machines
- > Melton v. Century Arms, 16-cv-21008 FAM (S.D. Fla.): Class-action case against assault rifle manufacturer for selling rifles with a defective safety level, causing rifles to discharge without warning
- > As a federal prosecutor, led or co-chaired 11 federal jury trials, and 22 bench trials

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Patterson served as an Assistant United States Attorney at the U.S. Attorney's Office in Seattle, WA.
 - Prosecuted complex fraud cases, including tax fraud, bank fraud, wire fraud, money laundering, and prescription fraud
 - Served as Project Safe Childhood Coordinator; led efforts to investigate and prosecute child pornography and child exploitation cases
 - Led prosecution of large-scale drug trafficking organizations, including cartels and street gangs, to interdict drug smuggling and investigate money laundering

OF COUNSEL

Jerrod C. Patterson

- Trial Attorney, U.S. Department of Justice Washington, D.C., Tax Division, Northern Criminal Enforcement Section
 - Co-chaired prosecution of two defendants, in separate trials, for scheme to defraud the Cleveland Catholic Diocese
- Special Assistant U.S. Attorney, U.S. Attorney's Office for D.C. Nov. 2006 - May 2007
 - Prosecuted 22 bench trials in Sex Offense/Domestic Violence Section
- Associate, Wilmer Cutler Pickering (WilmerHale)

PERSONAL INSIGHT

Although not a Washington state native, Mr. Patterson has quickly adopted Seattle as his hometown. In his spare time, he and his family enjoy the local wineries, lakes and hiking trails.



OF COUNSEL

Greer N. Shaw

Greer works hard for every client, large and small, with integrity and creativity.

CONTACT

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YEARS OF EXPERIENCE

> 20

PRACTICE AREAS

- > Complex Commercial
- > Intellectual Property
- > Patent Litigation
- > Trademark and Trade Dress Infringement
- > Trade Secret Misappropriation

BAR ADMISSIONS

- > California
- > Arizona
- > Massachusetts

COURT ADMISSIONS

- > U.S. Court of Appeals, Federal Circuit
- > U.S. Court of Appeals, Ninth and First Circuits
- > U.S. District Court, Central, Northern, Eastern and Southern Districts of California
- > U.S. District Court, Districts of Arizona, Massachusetts, Nebraska and E.D. of Texas

CLERKSHIPS:

- > Honorable Bailey Aldrich, U.S. Court of Appeals, First Circuit

EDUCATION

- > Boston University School of Law, J.D., magna cum laude; Managing Editor, Boston University Law Review
- > University of California, Berkeley, B.A.

www.hbsslaw.com

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP

RECOGNITION

- > Southern California Super Lawyers®, Intellectual Property Litigation, 2014-2016

EXPERIENCE

- > Snell & Wilmer LLP, 2011-2015
- > Graves & Shaw LLP, 2009-2011
- > Kirkland & Ellis LLP, 2004-2009
- > Goodwin Procter LLP, 1998-2003
- > U.S. Court of Appeals, First Circuit, 1997-1998

LEGAL ACTIVITIES

- > Intellectual Property Owners Association; Litigation Committee (2014-2015)
- > Los Angeles Intellectual Property Law Association; Board of Directors (2012-2015)
- > USC Intellectual Property Institute; 2015 Planning Committee
- > The Judge Paul R. Michel Intellectual Property American Inn of Court; Reporter (2008-2009), Team Captain (2009, 2012); Program Chair (2012-2014)
- > American Intellectual Property Law Association

PRESENTATIONS

- > "Nautilus, Ariad, and Beyond; The Current State of § 112's Definiteness, Enablement, and Written Description Requirements in Litigation and Prosecution," Co-Presenter, Webinar produced by the State Bar of California, Patent Interest Group (March 18, 2015)
- > "LAIPLA Goes to Court - Settlement of IP Disputes," Moderator (with Hon. George Wu, Hon. Gary Feess (Ret.) and Hon. Suzanne Segal, U.S. District Court, Central District of California), presented by the Los Angeles Intellectual Property Law Association (January 13, 2015)
- > "Careers in Intellectual Property and Entertainment Law," Panelist, sponsored by the Los Angeles Intellectual Property Law Association and Pepperdine University School of Law (October 1, 2014)
- > "Intellectual Property: It's Not Just for Specialists Anymore," Co-Presenter, Association of Corporate Counsel (Southern California Chapter), Long Beach, CA (June 19, 2014)

OF COUNSEL

Greer Shaw

- › “Hot Topics for In-House Patent Practitioners,” Moderator, “Washington in the West 2014” conference, presented by Los Angeles Intellectual Property Law Association (January 24, 2014)
- › “Hot Topics and Notable Developments in IP Law,” Co-Presenter, Association of Corporate Counsel (Mountain West Chapter), Salt Lake City, UT (June 28, 2013)
- › “Design Patent Infringement 2013,” Co-Presenter, Webinar produced by The Knowledge Group, LLC (January 29, 2013)
- › “Litigating Patents in the Central District: Local Practices and the Patent Pilot Program from the Practitioner’s Perspective,” Moderator, Litigation Roundtable, Los Angeles Intellectual Property Law Association, Los Angeles, CA (May 30, 2012)
- › “U.S. Patent Litigation Involving Pharmaceutical Patents,” Co-Presenter, Taiwan Medical and Pharmaceutical Industry Technology and Development Center, Taipei, Taiwan (May 25, 2012)
- › “Washington in the West Conference,” Chairperson, sponsored by Los Angeles Intellectual Property Law Association (February 14, 2012)
- › “Dual Actor Infringement: Drafting and Enforcing Telecommunication and Computer Science Claims Following BMC, MuniAuction, SiRF and Akamai,” Panelist, Los Angeles Intellectual Property Law Association, 2011 Spring Seminar (June 4, 2011)
- › “IP Law – Where Do I Fit In?,” Panelist, Sponsored by The Palmer Center, the Los Angeles Intellectual Property Law Association, and the Pepperdine University Career Development Office (October 28, 2008)
- › “Patents & The Supreme Court,” Moderator, Panel presentation of the 10th Annual “Washington in the West” Conference presented by the Los Angeles Intellectual Property Law Association (January 31, 2007)
- › “Recent Developments In False Designation of Origin and Willful Patent Infringement,” Panelist, Fifth Annual Technology Law Conference, Pepperdine University School of Law, Sponsored by the Association of Corporate Counsel (June 25, 2004)

PERSONAL INSIGHT

When he is not helping clients who have been ripped off or wrongly accused, Greer enjoys scaling mountains, exploring canyons, and rappelling down waterfalls with the Altadena Mountain Rescue Team of the Los Angeles County Sheriff’s Department.



OF COUNSEL

Nick Styant-Browne

Served as lead counsel in the trial against Australia's major newspaper publishers, including "News," which resulted in the deregulation of the system of distribution of newspapers and magazines throughout Australia.

CONTACT

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YEARS OF EXPERIENCE

> 25

PRACTICE AREAS

- > Human Rights
- > Environmental Protection
- > Consumer Rights

BAR ADMISSIONS

- > Washington State Bar Association
- > Australian State Bars including Victoria, NSW, and WA
- > Supreme Court of Papua New Guinea

EDUCATION

- > University of Melbourne

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Practiced class-action and multi-plaintiff litigation since 2001
- > Current projects include Rio Tinto Litigation for human rights and environmental abuses at the Panguna mine on the Pacific island of Bougainville
- > Has been lead counsel in both bench and jury class action trials in Federal Court

EXPERIENCE

- > Senior partner (one of five) at Australia's largest plaintiff law firm working on class actions, environmental litigation and antitrust litigation

LEGAL ACTIVITIES

- > Past elected member, Council of Greenpeace, Australia

NOTABLE CASES

- > Served as co-counsel on Australia's then-largest class action against a wholly owned subsidiary of Exxon, arising out of a gas plant explosion which shut down the gas supply to Melbourne and most of the State of Victoria for 10 days
- > **Rio Tinto Litigation**
Mr. Styant-Browne's practice has involved several projects in the Pacific Rim, acting principally on behalf of the indigenous peoples of poor developing Pacific nations claiming environmental and human rights abuses. His successes and passion for the causes of indigenous peoples have led to him being retained by the national governments of Pacific States including Tuvalu and the Kingdom of Tonga
- > **BHP Environmental Litigation**
Mr. Styant-Browne's meticulous outlining of the environmental devastation caused by the Ok Tedi mine in Papua New Guinea helped force mining companies adopt stricter environmental standards in developing countries
- > **Toyota Unintended Acceleration Litigation**
- > **Thalidomide Drug Litigation**



OF COUNSEL

Nathaniel A. Tarnor

Mr. Tarnor has litigated a wide variety of legal matters and takes pride in pursuing justice on behalf of his clients for as long as it takes to win.

CONTACT

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nathant@hbsslaw.com

YEARS OF EXPERIENCE

> 13

BAR ADMISSIONS

- > State of Illinois
- > State of New York
- > District of Columbia

PRACTICE AREAS

- > Antitrust Litigation
- > Anti-Terrorism
- > Consumer Rights
- > Investor Fraud
- > Whistleblower Litigation

COURT ADMISSIONS

- > U.S. Supreme Court
- > U.S. Courts of Appeals for the 2nd and 7th Circuits, and for the District of Columbia
- > U.S. District Court for the District of Columbia
- > U.S. District Courts for the Northern & Central Districts of Illinois
- > U.S. District Court for the Eastern & Southern District of New York

EDUCATION

- > Chicago-Kent College of Law, J.D., CALI Award, 2004
- > University of Illinois, B.A., Phi Beta Kappa, summa cum laude, Milton Ravoje Award, 2000

CURRENT ROLE

- > Of Counsel, Hagens Berman Sobol Shapiro LLP
- > Represents American terrorism victims against Chiquita Brands International for violations of U.S. anti-terrorism laws in Columbia
- > Practice concentrates on complex federal litigation

EXPERIENCE

- > Milberg LLP, New York, NY, 2009-2016
- > Practice areas include antitrust, class actions, consumer protection, contractual disputes, securities and whistleblower representation in conjunction with the U.S. Department of Justice and the U.S. Securities & Exchange Commission
- > Pro Bono: Represented families of American terrorism and torture victims before the U.S. Supreme Court and Second Circuit.
- > Previously provided legal assistance to human rights victims from around the world in conjunction with other prominent law firms.

RECOGNITION

- > Chicago-Kent International Law Moot Court Honor Society, 2002-2004
- > Captain, Chicago-Kent International Law Moot Court Team, 2002-2004
- > Highest Oralist Score 2003 Philip C. Jessup International Law Moot Court Regional Competition Chicago-Kent Moot Court Team
- > CALI Award Commercial Payment Systems Law

PERSONAL INSIGHT

Nathaniel enjoys competing in endurance sports and hiking with his family.



ASSOCIATE

Danielle Charles

Ms. Charles is an investor and consumer rights attorney with a background in litigation and public entities.

CONTACT

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Berkeley, CA 94710

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daniellec@hbsslaw.com

YEARS OF EXPERIENCE

> 6

BAR ADMISSIONS

> California

PRACTICE AREAS

> Class Actions
> Complex Civil Litigation
> Consumer Rights
> Investor Fraud
> Securities

COURT ADMISSIONS

> U.S. District Court for the
Northern District of California
> U.S. District Court for the
Southern District of California

EDUCATION

> Harvard Law School, J.D.,
2012
> Columbia University, B.A.,
2009

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro

RECENT CASES

> BlackRock iShares ETF August 24, 2015 Flash Crash Litigation
> **Colman et al. v. Theranos, Inc., et al.**, Case Number: 5:16-cv-06822

ACTIVITIES

> Oakland NAACP – Legal Redress Chair
> Board Member, Conservatory of Vocal and Instrumental Arts, Oakland, CA

LEGAL ACTIVITIES

> Member, Alameda County Bar Association

PRESENTATIONS

> California School Boards Association – Annual Workshop for California Council of School Attorneys,
December 2015.

PERSONAL INSIGHT

When she's not working tirelessly to protect her clients' interests, Danielle enjoys biking, movies and action/RPG gaming.



ASSOCIATE

Dawn Cornelius

Ms. Cornelius is committed to protecting consumers from unfair and deceptive corporate practices, and has assisted in obtaining recoveries for homeowners, investors and protestors.

CONTACT

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BAR ADMISSIONS

> Washington

COURT ADMISSIONS

> U.S. District Court for
the Western District of
Washington

EDUCATION

> WSBA Law Clerk Program,
2014
> University of Washington, B.A.
Criminal Justice, 1992

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro
- > Practice focuses on class actions involving consumer-related claims, predatory lending practices, and claims on behalf of people harmed by pollution from neighboring power plants.

EXPERIENCE

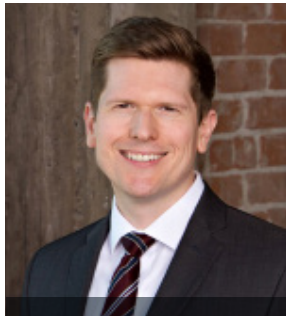
- > Prior to becoming an attorney, Dawn worked as a senior paralegal at Hagens Berman for 20 years, managing cases and developing extensive civil procedure experience in jurisdictions across the United States.
- > Ms. Cornelius also worked in the legal department of Mercedes Benz U.S. International, Inc. in Tuscaloosa, Alabama, and for the firm of Oven, Gwynn & Strickland in Tallahassee, Florida.

NOTABLE CASES

- > Expedia Litigation, assisted in recovering \$134 million settlement for consumers
- > Little et al. v. Louisville Gas & Electric Co.: Part of team representing residents living next to a coal-fired powerplant emitting coal ash and dust containing toxic metals in violation of state regulations and federal law
- > In re Bank of America Home Affordable Modification Program (HAMP) Contract Litigation: Part of team representing homeownerstowhomthedefendantallegedlypromisedmortgagemodificationsaspartofa federal program
- > In re Checking Account Overdraft Litigation: Part of team representing banking customers whose accounts were allegedly charged repeated overdraft fees based on the way the banks manipulated transactions
- > WTO Wrongful Arrest Litigation: assisted in recovering \$1 million and non-monetary relief for protestors

PERSONAL INSIGHT

Dawn is a native Washingtonian, an avid hiker and music buff. For years, she covered the Washington Huskies football team for a local publication and remains a passionate football fan. Dawn also spends many summer vacations on the family farm, driving tractor.



ASSOCIATE

John DeStefano

Mr. DeStefano takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.

CONTACT

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johnd@hbsslaw.com

PRACTICE AREAS

- › Consumer Protection
- › Commercial Litigation
- › Privacy Rights
- › Appellate Advocacy

BAR ADMISSIONS

- › U.S. Supreme Court
- › U.S. Court of Appeals, Ninth Circuit
- › U.S. Court of Appeals, Tenth Circuit
- › U.S. District Court, District of Arizona
- › Supreme Court of Arizona

EDUCATION

- › University of Arizona Law School, J.D., Senior Managing Editor, Arizona Law Review
- › Harvard University, B.A., Classics

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP
- › Practice focuses on consumer and antitrust class actions as well as media and entertainment litigation

RECENT SUCCESS

- › Obtained court approval of \$400 million settlement to compensate Hyundai and Kia owners for misstatement of EPA fuel economy ratings. Settlement payments averaged \$353 for Hyundai owners and \$667 for Kia owners.
- › Obtained appellate reversal of judgment for defendant in multimillion-dollar business ownership dispute.

EXPERIENCE

- › Snell & Wilmer LLP 2009-2013
- › American Inns of Court Pegasus Scholar 2012: study of commercial, media, and privacy law with barristers and judges in the U.K.
- › U.S. District Court for the District of Arizona, Law Clerk to the Hon. Neil V. Wake 2008-2009
- › U.S. Court of Appeals for the Ninth Circuit, Law Clerk to the Hon. William C. Canby, Jr. 2007-2008

RECOGNITION

- › Super Lawyers, Rising Star: Class Action/Mass Tort 2015 - 2017
- › Arizona Foundation for Legal Services & Education, Top Pro Bono Attorneys in Arizona Award 2013

NOTABLE CASES

- › *In re Pre-Filled Propane Tank Antitrust Litigation*
- › *In re Hyundai & Kia Fuel Economy Litigation*
- › *Sheridan v. iHeartMedia; Sheridan v. Sirius XM and Pandora Media*
- › *Jim Brown v. Electronic Arts Inc.*
- › *In re NCAA Student-Athlete Name and Likeness Licensing Litigation*
- › *Antonick v. Electronic Arts Inc.*
- › *In re Swift Transportation Co., Inc.*
- › Obtained a published reversal of a deportation order in a hotly disputed immigration appeal before the U.S. Court of Appeals for the Ninth Circuit (pro bono)
- › Represented an international human rights organization as amicus curiae in the U.S. Supreme Court case *Moloney v. United States*, opposing the enforcement of a foreign law enforcement subpoena for confidential academic research in the U.S. (pro bono)

ASSOCIATE

John DeStefano

LEGAL ACTIVITIES

- › American Association for Justice
- › Program Chair (current), Treasurer (past), Lorna Lockwood American Inn of Court
- › Volunteer Lawyers Program of Arizona

PERSONAL INSIGHT

When John's great-grandfather came from Italy to Boston, he lost his life savings to a man he met named Charles Ponzi. A century later, John takes special pride in protecting the public against broad-based frauds and swindles and the corruption of honest enterprise.



ASSOCIATE

Steve W. Fimmel

Mr. Fimmel was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million.

CONTACT

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YEARS OF EXPERIENCE

> 27

PRACTICE AREAS

> Complex Litigation

BAR ADMISSIONS

> Washington
> U.S. District Court, Eastern
District of Washington
> U.S. Court of Appeals, Ninth
Circuit

EDUCATION

> Lewis & Clark Law School,
J.D.
> University of Washington, B.A.,
Phi Beta Kappa

CURRENT ROLE

> Associate, Hagens Berman Sobol Shapiro LLP
> Focuses on high-value, document-intensive cases

EXPERIENCE

> Attorney, Oles, Morrison, Rinker & Baker where he was a key member of the litigation team that won a judgment in Idaho Federal District Court involving claims exceeding \$400 million. The court sustained an unprecedented termination for default against the Lockheed-Martin Corporation for breach of contract to remediate a nuclear waste site at the Idaho National Engineering Laboratory.
> Associate, Hanford Litigation Office in Seattle representing Hanford downwinders

NOTABLE CASES

> LMITCO v. LMAES
> Hanford Downwinders Litigation

PERSONAL INSIGHT

In a previous life, Mr. Fimmel was a sports anchor and reporter for KHQ-TV, Spokane's NBC affiliate. Through his senior year at the University of Washington and while attending law school at Lewis & Clark in Portland, Steve was the sports play-by-play and color broadcaster for Seattle's KCTS-TV on Seattle Sounder and Washington Husky basketball telecasts.



ASSOCIATE

Rachel E. Fitzpatrick

Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son.

CONTACT

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Complex Civil Litigation
- > Consumer Fraud
- > Mass Tort

BAR ADMISSIONS

- > Arizona

EDUCATION

- > Arizona State University, B.S., magna cum laude, 2007
- > Arizona State University
Sandra Day O'Connor College
of Law, J.D., 2011

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex civil litigation and nationwide class actions, including consumer fraud and mass tort
- > Ms. Fitzpatrick worked on behalf of student-athlete plaintiffs in the highly publicized cases **Keller v. Electronic Arts** and **In re NCAA Student-Athlete Name and Likeness Licensing Litigation**. The cases allege that video game manufacturer Electronic Arts, the National Collegiate Athletic Association and the Collegiate Licensing Company violated state right of publicity laws and the NCAA's contractual agreements with student-athletes by using the names, images and likenesses of the student athletes in EA's NCAA-themed football and basketball video games.

RECENT SUCCESS

- > In March 2012, Ms. Fitzpatrick was a member of the trial team responsible for a \$5.25 million dollar jury verdict on behalf of an Ohio plaintiff who was badly burned while trying to rescue her paraplegic son from his burning home. The verdict is believed to be the largest in Columbiana County, Ohio history.

NOTABLE CASES

- > **Keller v. Electronic Arts Inc.**, U.S. Court of Appeals, Ninth Circuit, Case No. 10-15387
- > **In Re: NCAA Student-Athlete Name and Likeness Licensing Litigation**, U.S. District Court, ND Cal., Case No. 3:09-CV-01967-CW
- > **Antonick v. Electronic Arts, Inc.**, U.S. District Court, ND Cal., Case No. 3:11-CV-01543-CRB

PERSONAL INSIGHT

Ms. Fitzpatrick spent three years as a professional NFL cheerleader for the Arizona Cardinals and traveled with the squad to Iraq, Kuwait and the United Arab Emirates to perform for troops stationed overseas.



ASSOCIATE

Catherine Y.N. Gannon

Super Lawyers magazine has recognized Ms. Gannon as a "Rising Star" in Washington state in both 2016 and 2017.

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YEARS OF EXPERIENCE

> 9

PRACTICE AREAS

- > Securities and Antitrust
- > Consumer Protection

BAR ADMISSIONS

- > Washington
- > New York
- > Ontario (Canada)

EDUCATION

- > York University, Osgoode Hall Law School, Senior Editor, Osgoode Hall Law Journal J.D., 2008
- > Carleton University, Bachelor of Public Affairs and Policy Management, summa cum laude, 2005

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on securities and antitrust matters, as well as nationwide consumer protection cases involving large corporations
- > Extensive experience working with expert witnesses, often in economic and other highly technical areas

NOTABLE CASES

- > In re MyFord Touch Consumer Litigation
- > NCAA Grants-In-Aid Gap Antitrust Litigation

EXPERIENCE

- > Weil, Gotshal and Manges LLP, New York, New York, Securities Litigation and Corporate Governance Group
- > McCarthy Tétrault LLP, Toronto, Canada, Complex Commercial Litigation Group
- > Department of Finance, Government of Canada, International Trade and Finance group with an emphasis on economic and trade negotiations at the G-20, IMF and the Paris Club

LEGAL ACTIVITIES

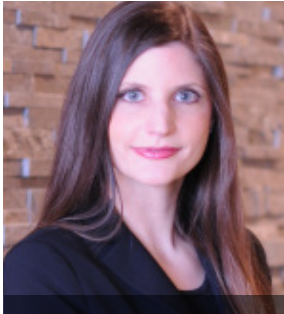
- > Director, Board of Directors, Eastside Legal Assistance Program (ELAP)
- > Volunteer, Legal Voice
- > Volunteer, Disability Rights Washington
- > Broad pro bono practice with an emphasis on healthcare and disability rights. Successfully served as lead counsel seeking access to specialized education programs for autistic students in the New York City public school district and has repeatedly advocated for prisoners with mental health needs.

PUBLICATIONS

- > Co-author of the American Bar Association's "A Practitioner's Guide to Class Actions – Vermont Chapter" (2017)
- > "Designing a New Playbook for the New Paradigm: Global Securities Litigation and Regulation," (2011) Harvard Law School Forum on Corporate Governance and Financial Regulation
- > "Legal Vulnerability of Bioethicists in Canada: Is a New Era Upon Us?" (2010) 30 Health Law in Canada 132
- > "The Threat of the Oppression Remedy to Reorganizing Insolvent Corporations," (2009) Annual Review of Insolvency Law 429 (with Stephanie Ben-Ishai)

PERSONAL INSIGHT

Ms. Gannon previously worked at leading law firms in both New York City and Toronto prior to joining Hagens Berman in Seattle. Outside of work, Ms. Gannon serves on the board of directors for the Eastside Legal Assistance Program, which provides pro bono civil legal services in the greater Seattle area. She has also volunteered with organizations such as Legal Voice, Disability Rights Washington, Advocates for Children of New York and The Innocence Project. A seasoned backpacker, Ms. Gannon once spent six months traveling to more than a dozen countries across five continents. She is fluent in French and can still pack a suitcase in less than 5 minutes.



ASSOCIATE

Anthea D. Grivas

Working on behalf of consumers, continuing a long-standing dedication to public interest legal advocacy.

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YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Consumer Protection
- > Anti-Trust
- > Civil and Human Rights

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Washington
School of Law, J.D., 2001
- > University of Washington, B.A.
Political Science, 1995

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Significant complex multi-party litigation experience with an emphasis on anti-trust price-fixing, product liability and nationwide class action cases on behalf of consumers. Ms. Grivas develops successful litigation theories and strategies, drafts legal motions and handles all aspects of large-scale multi-firm case discovery.
- > Ms. Grivas' contributions to the firm have included:
 - Member of **In re Automotive Parts Antitrust Litigation** team
 - Drafted interrogatories and discovery motions, managed multi-firm review and oversaw in-house deposition preparation in **In re Toyota Motor Corp. Sudden, Unintended Acceleration** matter
 - Extensive discovery work in an anti-trust case brought against several of the world's largest manufacturers of TFT-LCD products
 - Part of team working on class-action litigation brought by collegiate student athletes who suffered concussions/traumatic brain injuries
 - Litigation against a large, publicly traded medical waste disposal company on behalf of small businesses
 - Nationwide class-action cases brought by homeowners with catastrophic property damage claims against makers of water connectors
 - Litigation involving the world's largest fruit and vegetable company, claiming it misled consumers about its environmental record

RECENT SUCCESS

- > **In re Toyota Motor Corp. Sudden, Unintended Acceleration** – record settlement on behalf of auto purchasers
- > **In re TFT-LCD (Flat Panel) Antitrust Litigation** – settlement on behalf of TFT-LCD product purchasers
- > **Trabakoolas v. Watts Water Technologies, Inc.** – settlement on behalf of customers
- > **Dole Bananas** – settlement on behalf of local communities in Guatemala

RECOGNITION

- > Ms. Grivas has been recognized by the University of Washington's law school for her commitment to advocacy on behalf of the public interest, and was awarded the university's annual dean's list award for high scholarship.
- > Public Justice recognized the **In re Toyota Motor Corp. Sudden, Unintended Acceleration** team for its work on behalf of auto consumers.

ASSOCIATE

Anthea D. Grivas

EXPERIENCE

- › Ms. Grivas has a long-standing dedication to legal advocacy on behalf of traditionally underrepresented groups. She is a former co-chair of an organization that helps prepare Violence Against Women Act self-petitions on behalf of survivors of domestic violence, has represented refugees with disabilities in INS administrative proceedings, worked as an advocate for families receiving Temporary Assistance for Needy Families benefits, and has visited womens' shelters to conduct public assistance trainings.
- › As a summer law clerk, Ms. Grivas worked on *Arc of Washington vs. Quasim*, a significant case brought on behalf of individuals with developmental disabilities. She was tasked with researching and constructing a legal argument against the state of Washington's claim of deliberative process privilege, and her work helped expose a state audit report containing what the *Seattle Post-Intelligencer* described as "damning revelations" regarding the state's limited oversight of services for disabled individuals.
- › Ms. Grivas also has a strong technical background, incorporating over a decade of electronic discovery institutional knowledge, and has seven years of experience in litigation impacting the software industry, including work in the compliance phase of *US v. Microsoft*.

LEGAL ACTIVITIES

- › Northwest Immigrant Rights Project
- › Solid Ground/Fremont Public Association
- › Public Interest Law Association
- › Women's Law Caucus
- › Immigrant Families Advocacy Project
- › American Civil Liberties Union of Washington
- › KCBA Neighborhood Legal Clinics program

PUBLICATIONS

- › Author, "An Unreal Dream: The Impact of DNA Technology on the American Criminal Justice System," (DeNovo, XVI.IV, 2002)

NOTABLE CASES

- › *Toyota Motor Corp. Sudden, Unintended Acceleration*
- › *In re TFT-LCD flat panel litigation*
- › *NCAA Concussions*

PERSONAL INSIGHT

Ms. Grivas is a lifelong musician who has performed at the Northwest Folklife Festival, Northwest Orchestra Festival, the Nippon Kan theater and as principal violinist and concertmaster with a local symphony orchestra.

ASSOCIATE

Emerson Hilton

Emerson focuses on environmental law, climate change and clean energy and has represented non-profit environmental organizations, community groups, municipalities, Native American tribes and others in a wide range of litigation.

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YEARS OF EXPERIENCE

> 6

PRACTICE AREAS

- > Civil & Human Rights Litigation
- > Environmental Litigation

BAR ADMISSIONS

- > Michigan
- > Washington

COURT ADMISSIONS

- > U.S. District Court for the Eastern District of Michigan
- > U.S. District Court for the Eastern District of Washington
- > U.S. District Court for the Western District of Washington
- > Grand Traverse Band of Ottawa and Chippewa Indians Tribal Court
- > Little Traverse Bay Bands of Odawa Indians Tribal Court

EDUCATION

- > University of Michigan Law School, J.D., **magna cum laude**, Order of the Coif, 2012
- > Yale University, B.A., with distinction, 2003

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Prior to joining Hagens Berman, Emerson was an associate at Riddell Williams P.S. and Beveridge & Diamond P.C. in Seattle, where he advocated for clients in high-value environmental matters involving federal and state court litigation, alternative dispute resolution, agency negotiation and regulatory compliance.
- > Emerson was previously an associate at Olson, Bzdok & Howard P.C., a public interest law firm in Michigan, from 2012-15. In that role, Emerson represented non-profit, municipal and tribal clients in federal, state and administrative litigation. His practice spanned environmental law, energy and utility regulation, and Native American and tribal law.
- > During law school, Emerson served as a law clerk at both the Natural Resources Defense Council in Chicago and the National Wildlife Federation in Ann Arbor, Michigan.

PRO BONO

- > Represented commercial fishing group in Washington Supreme Court case (2016-17)
- > Represented Alaska Native Village in Indian Child Welfare Act proceedings (2014-15)
- > Pro-bono referral attorney for Michigan Indian Legal Services (2013-15)

RECOGNITION

- > Leadership Development Program, American Bar Association Section of Environment, Energy, and Resources (2016-17)
- > Named a Rising Star by Super Lawyers Magazine (2017)

NOTABLE CASES

- > Helped persuade Washington Supreme Court to reject proposed crude oil shipping terminals and adopt liberal interpretation of environmental statute in case of first impression
- > Advocated for family-owned Washington company seeking cleanup cost contribution from Fortune 500 industrial waste generators in \$100M federal court litigation and contested cleanup remedy negotiations with state Department of Ecology
- > Energy and climate advocacy for leading non-profit environmental organizations in administrative litigation involving renewable energy, power plant fuel supply and electric utility resource planning
- > Represented community environmental justice organization in Clean Air Act citizen suit and air permit challenge involving widespread pollution from Detroit steel plant
- > Advocated for rural conservation trust in Clean Water Act permit challenge involving large industrial poultry operation

ASSOCIATE

Emerson Hilton

NOTABLE DECISIONS

- › Quinault Indian Nation v. Imperium Terminal Services, LLC, 187 Wn.2d 460, 387 P.3d 670 (Wash. 2017) (amicus curiae representation of Coalition of Coastal Fisheries).

LEGAL ACTIVITIES

- › Washington State Bar Association (WSBA No. 50500)
 - Environmental and Land Use Law Section (2016-Present)
- › State Bar of Michigan (SBM No. P76363)
 - Environmental Law Section (2012-Present)
- › American Bar Association, Section of Environment, Energy, and Resources
 - Co-Chair, Special Committee on Law Students (2017-2018)
 - Air Quality Committee, EPA Region 10 Reporter (2015-2017)

PUBLIC SERVICE

- › Leelanau County (Michigan) Brownfield Redevelopment Authority (2014-15)
- › Leelanau County (Michigan) Land Bank Authority (2014-15)
- › Empire Village (Michigan) Council Trustee (2008-09)

MEDIA INTERVIEWS AND COMMENTARY

- › "Glatfelter Can't Challenge Fox River Settlements," Bloomberg BNA Toxics Law Reporter, Quoted (January 2017)
- › "Companies Turn to FOIA to Challenge EPA Cleanups," Bloomberg BNA Toxics Law Reporter, Quoted (June 2016)

PRESENTATIONS

- › "President Trump and the Environment," Presentation to Leadership Summit at Pacific Northwest Ski Areas Association Spring Conference (Bend, OR, April 2017)
- › "Clearing the Air: Air Regulatory Development Update," Michigan Manufacturers Association, Moderator (Lansing, MI, May 2013)
- › "Facial Challenges to Federal Agency Guidance: Jurisdictional, Procedural, and Substantive Review," Michigan Environmental Law Conference, Presenter (Lansing, MI, November 2012)

PUBLICATIONS

- › "Hot News & EPA Regional Update: Waterkeeper Alliance v. Environmental Protection Agency," **ABA Superfund and Natural Resource Damages Litigation Committee** (April 2017)
- › "Air Quality Law and Regulation in the Northwest: EPA Region 10 Update," **ABA Air Quality Committee Newsletter**, Co-Author (February 2017)
- › "President Trump and the Environment: New Administration Faces Hurdles on Path Toward New Policies," **Riddell Williams Environmental Newsletter**, Co-Author (January 2017)
- › "Washington Supreme Court Orders Enhanced Environmental Scrutiny for Coastal Fossil Fuel Projects," **Riddell Williams Environmental Newsletter**, Co-Author (January 2017)
- › "Air Quality Law and Regulation in the Northwest: EPA Region 10 Update," **ABA Air Quality Committee Newsletter**, Co-Author (November 2016)
- › "U.S. District Courts in Oregon and Washington Allow Indian Tribes to Recover Oversight and

ASSOCIATE

Emerson Hilton

Enforcement Costs Under CERCLA,” **ABA Superfund and Natural Resource Damages Litigation Committee Newsletter**, Co-Author (August 2016)

- “Information Gathering in Environmental Litigation: Recent Amendments to Federal Discovery Rules Highlight Importance of Public Records Requests,” **Riddell Williams Environmental Newsletter**, Co-Author (May 2016)
- “Clean Air Act: Federal Court Emphasizes Deference To Oregon State Regulator’s Technical Determinations,” **ABA Air Quality Committee Newsletter** (April 2016)
- “Air Quality Law and Regulation in the Northwest: EPA Region 10 Update,” **ABA Air Quality Committee Newsletter**, Co-Author (April 2016)
- “Federal Court Finds Broad Clean Water Act Liability for Unpermitted Industrial Stormwater Discharges,” **Riddell Williams Environmental Newsletter**, Co-Author (December 2015)
- “Clean Power Plan Litigation Is Underway ... But How Much Will It Matter?,” **Riddell Williams Environmental Newsletter**, Co-Author (November 2015)

PERSONAL INSIGHT

When not working, Emerson is exploring the great Northwest with his wife and two young daughters. Having moved to Seattle from northern Michigan, Emerson’s family enjoys the area’s mountains, mild winters, year-round greenery and salt water. They can often be found rowing and sailing old wooden boats on Puget Sound and Lake Union.



ASSOCIATE

Jeffrey A. Lang

Over 10 years of experience focused exclusively on review of discovery.

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YEARS OF EXPERIENCE

> 21

PRACTICE AREAS

- > Securities Litigation
- > Antitrust Litigation
- > Pharmaceutical Fraud
- > Consumer Protection

BAR ADMISSIONS

- > Washington

EDUCATION

- > University of Puget Sound
School of Law, J.D.
- > University of Washington, B.A.

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Focuses on review of discovery in document intensive cases involving the firm's consumer protection, pharmaceutical fraud, antitrust and investor fraud litigation
- > 19 years of experience across a variety of practice areas
- > Focused on the review of discovery material since 2003

EXPERIENCE

- > Special project attorney, Preston Gates Ellis, where he was involved in the Microsoft Antitrust Litigation
- > Experienced in land-use, SEPA, and zoning and building compliance through his positions with Whalen & Company and the Law Offices of Dan Clawson

NOTABLE CASES

- > Microsoft Antitrust Litigation
- > E-books Antitrust Litigation
- > Average Wholesale Price Litigation
- > Oppenheimer Core Bond Fund & Champion Income Fund Litigation

PERSONAL INSIGHT

Jeff enjoys playing soccer, attending kickboxing classes, and working out.



ASSOCIATE

Kristie A. LaSalle

Ms. LaSalle graduated magna cum laude from Brooklyn Law School in 2012.

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kristiel@hbsslaw.com

YEARS OF EXPERIENCE

> 5

PRACTICE AREAS

- > Antitrust Litigation
- > Pharmaceutical Fraud

CLERKSHIPS

- > Law Clerk, Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit

BAR ADMISSIONS

- > Massachusetts
- > New York
- > U.S. District Court for the District of Massachusetts
- > U.S. Tax Court
- > U.S. Court of Appeals, Third Circuit

EDUCATION

- > Brooklyn Law School, JD, magna cum laude, 2012
- > Swarthmore College, BA 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide class-action litigation against pharmaceutical companies that violate antitrust, consumer protection and anti-fraud laws.

RECOGNITION

- > Order of the Barristers
- > Scholarly Journal Writing Award
- > John P. O'Boyle Memorial Endowed Scholarship, Carswell Scholarship, Dean's Merit Scholarship, Centennial Grant

EXPERIENCE

- > After law school, Ms. LaSalle served for two years as a law clerk in the Staff Attorney's Office for the U.S. Court of Appeals for the Second Circuit, where she handled motions practice and appeals of complex class-action litigation.
- > Prior to law school, Ms. LaSalle worked as a paralegal at a large Philadelphia law firm as a member of the legal team defending a pharmaceutical fraud class action.

PUBLICATIONS

- > Author, "The Other 99% of the Expressive Conduct Doctrine: the Occupy Wall Street Movement and the Importance of Recognizing the Contribution of Conduct to Speech," 18 Tex. J. on Civ. Rights & Civ. Liberties 1 (2013)
- > Author, "A Prescription for Change: Citizens United's Implications for Regulation of Off-Label Promotion of Prescription Pharmaceuticals," 19 J.L. Pol'y 867 (2011)

PERSONAL INSIGHT

Kristie filled her spare time during undergrad as a volunteer EMT in the suburbs of Philadelphia. She spent her days studying biology and chemistry, and her nights saving lives, running red lights and parallel parking a firetruck.



ASSOCIATE

Jessica R. MacAuley

Ms. MacAuley graduated cum laude from Northeastern University in 2005.

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YEARS OF EXPERIENCE

> 5

PRACTICE AREAS

- > Antitrust Litigation
- > Consumer Rights
- > Pharmaceutical Fraud

BAR ADMISSIONS

- > Massachusetts
- > District Court of Massachusetts
- > Second Circuit Court of Appeals

EDUCATION

- > Northeastern University, B.A., cum laude, 2005
- > The Pennsylvania State University, Dickinson School of Law, J.D., 2012

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on nationwide antitrust class actions and consumer fraud
- > Instrumental in reaching a \$98 million settlement for direct purchasers of the immunosuppressant, Prograf
- > Co-lead class counsel for direct purchasers **In re: Solodyn Antitrust Litigation**, a multi-district litigation challenging anticompetitive conduct by pharmaceutical drug makers
- > Represents health benefit providers in the Ketek class litigation, currently on appeal in the Second Circuit

RECOGNITION

- > "Rising Star," Massachusetts Super Lawyers Magazine, 2015 - 2017

EXPERIENCE

- > During law school Ms. MacAuley was a certified legal intern for the Rural Economic Development Clinic, advising clients on Marcellus shale exploration land rights, FDA regulations for artisanal cheese makers and formation of corporate entities for dairy farmers.

NOTABLE CASES

- > **In re: Prograf Antitrust Litigation**

PERSONAL INSIGHT

Jessica has long been active in social justice movements, starting in kindergarten when she led an unsuccessful boycott of Columbus Day.



ASSOCIATE

Rio Pierce

A magna cum laude graduate of Harvard Law School, Rio focuses his practice on ensuring fair and free markets for the benefit of consumers.

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YEARS OF EXPERIENCE

> 4

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California

COURT ADMISSIONS

- > U.S. District Court for the Central District of California
- > U.S. District Court for the Northern District of California
- > U.S. District Court for the Southern District of California

CLERKSHIPS:

- > Honorable Jerome Farris of the U.S. Court of Appeals for the Ninth Circuit, 2013 - 2014

EDUCATION

- > Harvard Law School; 2013; magna cum laude
- > Duke University; 2005; magna cum laude

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

RECENT SUCCESS

- > Achieved favorable settlements for group of 80 tenants in tort suit against landlords for slum housing conditions.

RECOGNITION

- > Chayes Fellow, National Prosecuting Authority in Cape Town, South Africa
- > Teaching Fellow, Copyright EdX

EXPERIENCE

- > Prior to joining Hagens Berman, Mr. Pierce worked as an associate for two years at Munger, Tolles & Olson, where he gained significant experience in class action and complex commercial litigation. Mr. Pierce also did extensive pro bono work on immigration matters.
- > Law Clerk, U.S. Court of Appeals for the Ninth Circuit, Judge Jerome Farris, 2013 - 2014
- > Associate, Munger Tolles & Olson, 2014 - 2016

LEGAL ACTIVITIES

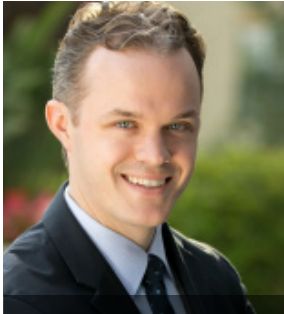
- > American Association for Justice

PUBLICATIONS

- > "A Heavy Hand or A Light Touch: What Force Will California's Anti-SLAPP Statute Have After Baral v. Schnitt?" California Litigation Review, 2015

PERSONAL INSIGHT

A proud California native, Rio loves exploring the whole state, especially Big Sur. Prior to law school, Rio worked at Miramax for several years and still loves a good indie film. In his free time, Rio enjoys making pies.



ASSOCIATE

Christopher R. Pitoun

Christopher R. Pitoun has focused on consumer litigation since graduating from law school and has gained broad experience representing individuals, municipalities and small businesses in all forms of complex litigation.

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YEARS OF EXPERIENCE

> 7

PRACTICE AREAS

- > Consumer Protection
- > Intellectual Property

BAR ADMISSIONS

- > California
- > U.S. District Court, Central District of California
- > U.S. District Court, Northern District of California
- > U.S. District Court, Southern District of California
- > U.S. District Court, Eastern District of California

EDUCATION

- > Loyola Law School, Los Angeles, J.D. 2011, Note and Comment Editor, Loyola of Los Angeles Entertainment Law Review
- > University of Chicago, M.A. 2005
- > University of Michigan, B.A., with High Honors, 2004
- > London School of Economics, General Course, 2003

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on class actions and other complex litigation

EXPERIENCE

- > Associate, Girardi Keese, 2011-2014, where he gained extensive experience representing plaintiffs in business litigation involving copyright and trademark disputes, breach of contract claims and breach of fiduciary duty claims. He also worked on a number of nationwide class actions involving products liability matters in the pharmaceutical and construction industries.
- > Office of the Attorney General of California, Business and Tax Division, Winter 2010

LEGAL ACTIVITIES

- > American Association For Justice (AAJ)
- > Consumer Attorneys Association of Los Angeles (CAALA)

NOTABLE CASES

- > *Fiat Chrysler Gear Shifter Rollaway, Litigation*
- > *Countrywide Financial, et al. Pretextual Appraisal Litigation*
- > *EZconn Corp., Litigation*
- > *Schneider National Carriers, Inc., Litigation*

PERSONAL INSIGHT

- > Prior to attending law school, Chris taught English and French to high school students in China
- > Chris later decided to become a lawyer while marketing the film "Michael Clayton"



ASSOCIATE

Shelby R. Smith

Shelby has dedicated her career to serving vulnerable victims of violent crimes.

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YEARS OF EXPERIENCE

> 16

PRACTICE AREAS

- > Personal Injury Litigation
- > Sports Concussions
- > Social Work Negligence
- > Nursing Home/Adult Family Home Negligence
- > Daycare/School Negligence
- > Civil Rights
- > Privacy Rights
- > Consumer Protection

BAR ADMISSIONS

- > Washington
- > U.S. District Court, Western District of Washington

EDUCATION

- > Seattle University, J.D., Member, Public Interest Law Society, 2000
- > University of Washington, B.A., cum laude, Sociology, 1996

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Prosecutes personal injury cases and class action cases on behalf of consumers
- > Currently represents student-athletes in personal injury litigation pertaining to concussions/traumatic brain injuries suffered during sporting activities
- > Currently represents victims who have suffered severe personal injuries due to their mothers ingesting thalidomide during pregnancy in the late 1950's and early 1960's without knowing that the drug had not been approved by the FDA
- > She continues to represent victims of domestic violence and sexual assault to obtain protection orders so that their abusers cannot have any contact with them
- > Also represents crime victims who wish to keep their counseling records private during criminal Proceedings

NOTABLE CASES

- > GM Ignition Switch Recall
- > In re MyFord Touch Consumer Litigation
- > Thalidomide Drug Litigation
- > Walen v. PSU

EXPERIENCE

- > Litigation associate, Williams Kastner, where she planned and executed a civil caseload involving defense of physicians, hospitals, dentists and other healthcare providers. While at Williams Kastner, Ms. Smith developed successful litigation strategies, handled case discoveries, secured depositions, managed trial preparation, drafted and argued legal motions, and conducted voir dire and jury trials.
- > Prior to working at Hagens Berman, Ms. Smith worked for 10 years at the King County Prosecuting Attorney's Office, working on cases in a diverse set of areas, including the sexual assault, violent crime, district court, domestic violence, felony filing and special drug units. During her 10 years as a prosecutor, Ms. Smith tried over 100 felony jury trials. She spent five years in the Domestic Violence Unit and Special Assault Unit where she handled hundreds of cases involving physical and sexual abuse of children and adults.

LEGAL ACTIVITIES

- > Consistent commitment to pro bono work and services for victims of domestic violence and sexual assault

PERSONAL INSIGHT

Shelby Smith was born and raised in Seattle, and graduated from Garfield High School—which also boasts Quincy Jones and Jimi Hendrix as alums. She has a passion for live music and fashion, and has never met a sport she did not enjoy competing in: while raising three daughters and practicing law, Shelby plays on competitive indoor and outdoor soccer teams, and runs at least one marathon and two half-marathons every year.



ASSOCIATE

Kiersten A. Taylor

Ms. Taylor joined the firm in 2016, bringing with her deep experience representing creditors in intersecting bankruptcy and multi-district litigation proceedings related to mass torts and pyramid schemes.

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PRACTICE AREAS

- › Personal Injury Litigation
- › Sports Concussions
- › Social Work Negligence
- › Nursing Home/Adult Family Home Negligence
- › Daycare/School Negligence
- › Civil Rights
- › Privacy Rights
- › Consumer Protection

BAR ADMISSIONS

- › Massachusetts

COURT ADMISSIONS

- › U.S. Bankruptcy Court
- › U.S. District Court for the District of Massachusetts

EDUCATION

- › J.D., Harvard Law School, June 2011
- › B.A., Yale University, May 2008

CURRENT ROLE

- › Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- › Prior to joining Hagens Berman, Ms. Taylor was an associate attorney at Brown Rudnick LLP

LEGAL ACTIVITIES

- › Boston Bar Association
- › Women's Bar Association

PERSONAL INSIGHT

In her spare time, Ms. Taylor enjoys staying active by running and doing yoga, as well as reading and cooking.



ASSOCIATE

Jessica Thompson

Jessica began her legal career at an AMLaw 100 firm representing Fortune-ranked corporations in antitrust, intellectual property and financial services industries. Though grateful for the intense training that those matters provided, Jessica is proud to now be working for the good guys.

CONTACT

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jessicat@hbsslaw.com

YEARS OF EXPERIENCE

> 8

PRACTICE AREAS

- > Commercial Litigation
- > Class Actions

BAR ADMISSIONS

- > District of Columbia
- > Maryland
- > Washington

EDUCATION

- > University of Baltimore School of Law, Baltimore, Maryland, J.D. magna cum laude, 2010
 - Honors: Class Rank 21/333; G.P.A. 3.68
 - Honors: Highest Grade in the Class Award, Evidence
 - Law Review: Staff Editor, University of Baltimore Law Review
- > University of Baltimore, Baltimore, Maryland, B.A. cum laude, 2005
 - Major: Community Studies and Civic Engagement

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP
- > Practice focuses on complex consumer protection cases, primarily within the realms of automotive and emissions litigation
- > Ms. Thompson is currently involved in many of the firm's high-profile auto cases, including litigation against General Motors for faulty ignition switches that are linked to more than 120 fatalities, and emissions-cheating cases brought against Mercedes, Fiat Chrysler and GM. She worked on the Volkswagen CleanDiesel emissions lawsuits brought on behalf of consumers and of franchise dealers.

RECENT SUCCESS

- > Conducting internal investigations on behalf of financial services company into compliance with business conduct rules such as trade allocation and trade errors
- > Defending mobile merchandiser against consumer class actions filed throughout the country alleging unauthorized charges to cell phone customers
- > Representing health insurance providers in a multidistrict antitrust suit consolidated in the Northern District of Alabama
- > Represented chemical manufacturer in trade secret and contract case against competitor. Won temporary restraining order in Michigan state court.
- > Defended international hospitality company in contract suit challenging its national sales program

EXPERIENCE

- > Crowell & Moring LLP, Washington, D.C., Associate, 2011 - 2014
- > Cadwalader, Wickersham & Taft LLP, Washington, D.C., Associate, 2011
- > Howrey LLP, Washington, D.C., Litigation Associate, 2010 - 2011
- > Howrey LLP, Washington, D.C., Summer Associate, 2009
- > Montgomery County State's Attorney's Office, Rockville, MD, Student Attorney, 2010

ACTIVITIES

- > Webinar: "Garden Leaves and Other Strategies to Protect Trade Secrets When Losing Employees," Crowell & Moring, March 28, 2013 - Present
- > Workshop: "Don't Sign that Yet!," Crowell & Moring, Washington, D.C., March 5, 2013 - Present

PUBLICATIONS

- > "The ITC Can Play a Critical Role in Combating International Trade Secret Theft," Intellectual Property Today, Jan. 20, 2012
- > Client Alerts & Newsletters:

ASSOCIATE

Jessica Thompson

- "Consensus Grows as Congress Continues to Refine Its Efforts to Create a Federal Civil Cause of Action For Certain Trade Secret Theft," Regulatory Alert (May 12, 2014)
- "Federal Trade Secret Reform Continues With Two New Attempts to Improve Protection," Regulatory Alert (July 22, 2013)
- "Supreme Court Rejects Attempt by Class Action Plaintiff to Plead Around Federal Court Jurisdiction," (Mar. 22, 2013)

PERSONAL INSIGHT

Jessica comes from a working-class Baltimore family. Though she has dutifully relearned the pronunciation of words like water (not "wooder") and wash (not "warsh"), she continues to inquire about "dem O's" and refuses to participate in the singing of "Shout" at the seventh-inning stretch. It's an abomination.



ASSOCIATE

Mark Vazquez

During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

CONTACT

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BAR ADMISSIONS

> Illinois

CLERKSHIPS

- > Hon. John Z. Lee, Northern District of Illinois
- > Hon. Jesse G. Reyes, Illinois Appellate Court, First District

EDUCATION

- > DePaul University College of Law, J.D., summa cum laude, 2012
- > Editor, DePaul Law Review
- > University of Chicago, B.A., 2006

CURRENT ROLE

- > Associate, Hagens Berman Sobol Shapiro LLP

EXPERIENCE

- > Mark comes to Hagens Berman with a variety of clerkship experience, having clerked for both Judge John Z. Lee at the federal trial level and Justice Jesse G. Reyes at the state appellate level.
- > During law school, Mark served as an editor for the DePaul Law Review, graduated from the top of his class, and earned the CALI Excellence for the Future Award in all five of his legal writing and trial advocacy courses.

PUBLICATIONS

- > **People v. Kladis and the Illinois Courts' Treatment of Evidence Spoliation by Law Enforcement**, Illinois State Bar Association Criminal Justice Newsletter, Vol. 56, No. 1 (August 2012)

PERSONAL INSIGHT

An avid musician, Mark has been playing bass and guitar for various rock, blues, jazz, and country acts since he was in grade school. You can frequently hear him alongside his father at bar association events throughout Chicago—that is, should you be able to hear anything in a crowded room full of lawyers.

EXHIBIT 2D

COTCHETT, PITRE & McCARTHY, LLP

ATTORNEYS AT LAW

BURLINGAME | LOS ANGELES | NEW YORK
WWW.CPMLEGAL.COM

FIRM RESUME

WHO WE ARE

Cotchett, Pitre & McCarthy, LLP based on the San Francisco Peninsula for over 45 years, engages exclusively in litigation and trials. The firm's dedication to prosecuting or defending socially just actions has earned it a national reputation. With offices in Burlingame, Los Angeles and New York, the core of the firm is its people and their dedication to principles of law, work ethic and commitment to justice.

Most clients are referred by other lawyers, who know of the firm's abilities and reputation in the legal community. We are trial lawyers dedicated to achieving justice.

WHAT WE DO

CONSUMER FRAUD CASES

In re: Lenovo Adware Litigation

USDC, Northern District of California

CPM is Co-Lead Counsel in the Lenovo Adware Litigation related to surreptitiously installed malware on Lenovo computers. The complaint alleges that the adware violates privacy laws by intercepting users' behavioral data, including browsing history and electronic communications.

In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation

USDC, Eastern District of Virginia

CPM is Co-Lead Counsel in the Lumber Liquidators case filed in the Eastern District of Virginia. The class action was filed against Lumber Liquidators alleging that their Chinese-manufactured laminate wood flooring products emit unsafe and dangerous levels of formaldehyde.

Credit Counseling Industry Suit names Chase, Money Management International and Others

USDC, Central District of California

CPM filed a consumer fraud case against JP Morgan Chase & Co., Chase Manhattan Bank USA, Money Management International (also known as Consumer Credit Counseling Service) and Money Management By Mail, Inc. for fraudulent "debt counseling" and debt collections in the subprime credit industry.

Anastasiya Komarova v. MBNA America Bank, N.A.; National Credit Acceptance, Inc.

San Francisco Superior Court

In a rare jury trial against a credit card collection agency, a San Francisco jury ruled in favor of a young woman who was the victim of an abusive campaign to force her to repay a debt she never incurred. Anne Marie Murphy and Justin T. Berger, two Associates at CPM represented Anastasiya Komarova, who was awarded \$600,000 from National Credit Acceptance, Inc. in 2008. Komarova had been subjected to nearly a year of hostile telephone calls to her work place and a spurious arbitration proceeding, all over a bogus credit card debt and despite the fact that she repeatedly told the agency she never had an account with the credit card company in question. In issuing its verdict, the San Francisco Superior Court jury described National Credit Acceptance's conduct as "outrageous." The verdict is believed to be one of the largest verdicts in the country by a sole plaintiff alleging credit abuse.

Hidden Wireless Telephone Fees

San Mateo County Superior Court

CPM filed a class action lawsuit against AT&T Wireless, Sprint and Cingular Wireless for illegally charging subscribers for services, including "local number portability" fees, even though the services are not available. The case went to the Court of Appeal and is now back in the Superior Court.

In re: Hewlett-Packard Inkjet Printer Litigation

USDC, Northern District of California

CPM represented consumers who have been deceived by inaccurate low-on-ink warnings on Hewlett-Packard Inkjet Printers. The low-on-ink warnings appear even when there is a substantial amount of ink remaining in the ink cartridges, thereby misleading consumers into unnecessarily buying expensive ink cartridges.

Rich v. Hewlett-Packard

USDC, Northern District of California

CPM represented consumers in a class action lawsuit against Hewlett-Packard, which has designed its printers to use color ink even when printing in black and white. Hewlett-Packard does not disclose this design to consumers, who are forced to buy expensive color ink cartridges even when they only print simple black and white documents.

Citigroup

San Francisco County Superior Court

CPM filed a consolidated class action on behalf of mortgage “packing” and “flipping” victims. Nationwide class certification for settlement purposes, and final approval of settlement, 2003.

Ameriquest

San Mateo County Superior Court

CPM filed a “Bait and Switch” class action on behalf of mortgage borrowers. Class certified for all purpose in 2003. Settlement finally approved in 2005.

Northern Trust Bank of California

Los Angeles County Superior Court

CPM filed a class action on behalf of beneficiaries of fixed-fee trusts charged excess trustee fees over a 21 year period. Class certification for settlement purposes and final approval of settlement, 2005.

Old Republic

Wisper v. Old Republic Title Co.

Verges v. Old Republic Title Co.

San Francisco County Superior Court

CPM was Lead and liaison counsel in consolidated consumer class action against title company for unfair business practices regarding fee overcharges and “cost avoidance” relationships with banks. Class certified for all purposes. Verdict of \$14 million in 2001.

Household Lending

USDC, Northern District of California

CPM filed a nationwide class action on behalf of predatory lending victims. Class certification for all purposes, 2003. Final approval of settlement, 2004.

Fairbanks Capital Corp.

USDC, District of Massachusetts

CPM filed a nationwide class action against mortgage loan servicing company for charging various improper fees, costs and charges. Class certification for settlement purposes and final approval of settlement, 2004.

Massachusetts General Life Ins. Co.

Santa Clara County Superior Court

CPM filed a “vanishing premium” class action on behalf of life insurance policyholders. Class certified for all purposes, 1999.

Commonwealth Life Ins. Co.

Alameda County Superior Court

CPM filed a consumer fraud class action against provider of reverse mortgages to elderly consumers. Class certified on Business and Professional Code Violation for all purposes.

Transamerica HomeFirst, Inc.

San Mateo County Superior Court

69 Cal. App. 4th 577 (1999)

CPM filed a consumer fraud class action against provider of reverse mortgages to elderly consumers. Class certified on Business and Professional Code Violations for all purposes.

Stewart Title Co. of California

San Mateo County Superior Court

CPM represented 115 individual plaintiffs in 81 consolidated cases arising from pyramid scheme fraud relating to fractionalized deeds of trust.

In re Louisiana-Pacific Corp. Inner-Seal OSB Trade Practices

Agius v. Louisiana-Pacific Corp.

USDC, Northern District of California

CPM filed a nationwide product defect/Lanham Act class action on behalf of owners and operators of building and homes with defective and improperly certified oriented strand board wood sheathing. (Class certified and settlement finally approved, 1998).

Executive Life

Los Angeles County Superior Court

CPM filed an action by Insurance Commissioner on behalf of failed insurance company (Filed April 1991); also filed as a class action. (Settled, 1994/95).

Goodyear Tire & Rubber Co.

USDC Southern District of California

CPM filed a class action on behalf of franchisees for unfair business practices. (Settled, 1996).

First Capital Holdings

San Diego County Superior Court

CPM filed a class action on behalf of policy holders of failed insurance company. (Settled, 1992/93).

Fidelity Federal Bank

USDC, Central District of California (1993)

824 F. Supp. 909

9th Circuit Court of Appeals (1996)

91 F. 3d 75

CPM filed a class action on behalf of adjustable rate mortgage borrowers.

In re: Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability

Los Angeles County Superior Court

USDC, Eastern District of Pennsylvania

CPM filed a consumer fraud and product liability individual actions on behalf of approximately 100 individuals.

Prop. 103

Calfarm Ins. Co. v. Deukmejian

48 Cal. 3d 805 (1989)

CPM filed a lawsuit on behalf of Ralph Nader and his organization regarding Proposition 103 (rate controls on insurance carriers).

SECURITIES AND DERIVATIVE CASES

In re Medical Capital Securities Litigation

USDC, Central District of California

CPM was Co-Lead Counsel for noteholders who invested in Medical Capital, a receivable company that turned out to be a Ponzi scheme. After Plaintiffs prevailed on several motions to dismiss, Bank of New York Mellon agreed to pay \$114 million to resolve the actions. Shortly thereafter, and on the eve of trial, Wells Fargo agreed to pay \$105 million dollars to resolve the actions. The combined \$219 million recovery represents one of the largest recoveries against indenture trustees in United States history and the largest Ponzi recovery in California history. (Settled, 2013).

In re BP Securities Litigation

USDC, Southern District of Texas

CPM is Co-Lead Counsel for investors who purchased American Depositary Receipts ("ADRs") issued by BP, and suffered damages following the Gulf of Mexico explosion and oil spill. Plaintiffs allege that BP and its senior executives falsely touted BP's safety and risk management practices relating to its deep sea drilling operations.

Lehman Brothers Litigation

USDC, Southern District of New York

CPM was Liaison Counsel and represented San Mateo County, Monterey County, the cities of Auburn, San Buenaventura, Burbank, and Zenith Insurance Company in a securities action relating to their investment losses in Lehman Brothers. CPM, on behalf of its clients, was the only firm to obtain monetary recoveries from the individual defendants themselves and one of the first to pursue claims against Ernst & Young, LLP. (Settled, 2014).

In re Homestore.com, Inc. Securities Litigation

USDC, Central District of California

CPM was Lead Counsel in a securities fraud class action representing CALSTRS against Homestore.com, Inc., its senior officers and directors, its auditors, and other companies who engaged in fraudulent "roundtripping" transactions, increasing revenues by false accounting methods. In 2004 the court approved a settlement in which Homestore agreed to reform its corporate policies and pay approximately \$93 million in stock and cash. In 2011, CPM obtained a jury verdict against a Homestore executive for securities fraud. (Jury Verdict, 2011).

HL Leasing Ponzi Scheme

Fresno County Superior Court

CPM obtained a jury verdict for \$46.5 million against the top two senior officers of HL Leasing, Inc. for their involvement in a Ponzi scheme. The jury verdict came three days after the court had entered a directed verdict for \$114 million against HL Leasing, Inc., Heritage Pacific Leasing and Air Fred, LLC for a Ponzi scheme in which over 1200 victims lost approximately \$137 million. (Jury Verdict, 2011).

Monterey County/ San Buenaventura / WaMu

USDC, Western District of Washington

CPM represented Monterey County and the City of San Buenaventura relating to their investment losses in Washington Mutual. Defendants allegedly deceived investors relating to their underwriting and exposure to subprime losses, and engaged in misleading accounting practices. (Settled, 2011).

Pay By Touch Litigation

San Francisco County Superior Court

CPM represented investors, including the Getty family trusts, in a securities action against UBS Securities and former executives of Pay By Touch alleging fraud and negligent misrepresentation. (Settled, 2011).

California State Teachers' Retirement System v. Qwest Communications

San Francisco County Superior Court

CPM represented CalSTRS in a securities action against Qwest Communications International, Inc., its securities underwriters, its senior officers and directors, and its auditor, Arthur Andersen arising out of the fraud executed by Qwest's senior officers. The litigation strategy resulted in a \$46.5 million settlement for CalSTRS alone, compared to the entire \$400 million class

settlement. CalSTRS' individual settlement is approximately 11.6% of the total class settlement. CalSTRS also recovered over 50% of its actual damages, compared to a 6% class recovery. This is an exceptional settlement in a securities litigation and became the subject of securities panel discussions. (Settled, 2007).

California State Teachers' Retirement System v. AOL Time Warner

Los Angeles County Superior Court

CPM represented CalSTRS in a securities action against AOL Time Warner, its securities underwriters, its senior officers and directors and its auditor, Ernst & Young ("E&Y") alleging violations of state and federal securities law. CalSTRS was able to recover \$107.4 million in settlement, representing 80% of its losses and over 7 times what it would have recovered if it had remained a member of the Class. Our firm's participation in the CalSTRS/AOL Time Warner litigation was also at the cutting edge of California securities law development. We obtained a ruling from the Los Angeles Superior Court holding that the Supreme Court ruling in *Dura Pharmaceuticals, Inc. v. Broudo*, 544 U.S. 336 (2005) did not apply to actions brought under the California securities laws. We also were one of the first firms to litigate the issue of reliance as it relates to index investing, an issue of significant importance to all pension funds. This litigation demonstrates our firm's commitment to fighting to ensure that federal and state securities laws are able to protect injured investors and preserve the integrity of America's securities markets. (Settled, 2007).

Worldcom

The Regents of the University of California v. Salomon Smith Barney, Inc., et al.

USDC, Southern District of New York

CPM represented the Regents of the University of California in an individual securities action WorldCom, Inc., its underwriters and its officers and directors, including Bernard Ebbers, relating to a massive multibillion accounting fraud which resulted in the bankruptcy of one of the largest telecommunications companies in the United States. Regents had invested in WorldCom securities prior to the Class Period and would have recovered nothing from the settlement. This was one of the first cases to successfully bring a holder's claim under California's blue sky laws, as recognized by the California Supreme Court in *Small v. Fritz* (2003) 30 Cal.4th 167. (Settled, 2006).

Oracle Derivative Litigation

USDC, Northern District of California

CPM was Co-Lead Counsel for investors in a shareholder derivative complaint on behalf of Oracle Corporation against certain members of its Board of Directors and certain senior officers for breach of fiduciary duty and abuse of control relating to the over-billing of the US government for software products.

In re Novellus Systems, Inc. Litigation

Santa Clara County Superior Court

CPM was Co-Lead Counsel in a class action representing the Louisiana Municipal Police Employees' Retirement System against Novellus' Board of Directors for alleged breaches of their

fiduciary duties arising from a merger with Lam Research Corporation. CPM alleged that the merger was for inadequate consideration and was arrived at through an unfair process that did not adequately safeguard the interest of Novellus shareholders. (Settled, 2012).

In re Mutual Funds Investment Litigation

USDC, District of Maryland

CPM was Lead Counsel in a securities fraud class action filed against Janus mutual funds for allowing select investors to make substantial profits at the expense of other investors. The suits were filed in September 2003 and accuse the funds of allowing “market timing” and “late trading” by its largest customers resulting in millions of dollars of losses to other shareholders. (Settled, 2010).

In re Genentech/Roche Shareholder Litigation

San Mateo County Superior Court

CPM was Co-Lead Counsel in a class action alleging several defendants breached their fiduciary duty relating to a proposed buy-out offer of Genentech by its largest and controlling shareholder, Roche Holdings. (Settled, 2009).

Merrill Lynch Class Action

USDC, Southern District of New York

CPM represented former First Republic Bank shareholders in a securities class action against Merrill Lynch & Co., which is accused of hiding billions of dollars of losses related to subprime mortgages while the companies' merger was pending. Defendants allegedly misled First Republic shareholders about its finances as they considered Merrill's \$1.8 billion takeover of the company. (Settled, 2009).

In re Apple Computer Inc. Derivative Litigation

USDC, Northern District of California

CPM was Lead Counsel in a derivative action on behalf of Apple relating to backdating of stock options granted to various executives. The action alleged violations of federal and California state securities statutes, and resulted in Settlement of cash and novel corporate governance reform. (Settled, 2008).

Madoff Litigation

New York State Supreme Court

CPM represents investors in a securities action naming individuals and entities who are alleged to be liable in the \$65 billion Ponzi Scheme perpetrated by Bernard Madoff. Plaintiffs allege that Defendants, JP Morgan and the Bank of New York as well as accounting firm KPMG LLP and their international counterparts, KPMG UK and KPMG International were primary players responsible for the fraud. Partners Joseph Cotchett and Nancy Fineman were the first and only attorneys to interview Bernard Madoff in prison.

American Continental Corp./Lincoln Sav. & Loan

794 F. Supp. 1424, UDSC, District Court of Arizona

CPM represented shareholder and bondholder victims of Charles Keating in a securities class action, and related insurance coverage litigation, including lengthy jury trial. (Largest jury verdict against an individual defendant in American history – \$3.5 billion against Keating and others.) (Jury Verdict).

Technical Equities Litigation

Abelson v. National Union

Santa Clara County Superior Court

CPM represented hundreds of individual plaintiffs in a fraud litigation, and subsequent insurance coverage and insurance bad faith litigation, and included three lengthy jury trials and three court trials. (Largest verdict in California for 1991).

Bily v. Arthur Young & Co.

3 Cal. 4th 370 (1992)

CPM represented shareholders in a professional negligence action against Arthur Young & Co. for materially misleading financial statements. Seminal case in California discussing auditor liability to shareholders.

In re Federal Home Loan Mortgage Corp. (Freddie Mac) Securities Litigation

USDC, Southern District of New York

CPM was Lead Counsel in securities class action against Freddie Mac executives alleging that they misrepresented material facts regarding Freddie Mac's business prior to government conservatorship. The losses suffered by the Class of preferred shareholders exceed \$6 billion. (Settled).

Diversified Lending Group

Los Angeles County Superior Court

CPM represents investors in a securities action involving a multi-hundred million dollar fraudulent investment scheme perpetrated by Diversified Lending Group, Inc., Applied Equities, Inc. Bruce Friedman, and Diane Cano. (Settled).

In re Informix Derivative Litigation

Smurthwaite v. White

San Mateo County Superior Court

CPM was Lead Counsel in consolidated shareholder derivative actions against corporate officers, directors and accountants relating to accounting fraud. (Settled, 2000).

In re Sybase Derivative Litigation
Alameda County Superior Court
Krim v. Kertzman

Alameda County Superior Court

CPM was Lead Counsel in consolidated shareholder derivative actions against corporate officers and directors. (Settled, 2000).

CBT Group Litigation
Durrett v. McCabe

San Mateo County Superior Court

CPM represented holders of American Depository Shares in a derivative litigation against officers and directors of CBT Group PLC for accounting fraud and insider trading. (Settled, 2000).

Orange County Securities Litigation
Smith v. Merrill Lynch

Orange County Superior Court

CPM represented debt securities holders of Orange County and its investment pool participants in a securities class action. (Settled, 1997).

Acclaim Securities Litigation

Campbell v. Petermeier, et al.

Alameda County Superior Court

Campbell v. Acclaim Entertainment, Inc., et al.

USDC, Eastern District of New York

CPM represented investors in a securities class action arising from a stock swap merger. (Settled, 1997).

In re Pilgrim Securities Litigation

USDC, Central District of California

CPM represented investors in a mutual fund fraud class action. (Settled, 1997).

West Valley Litigation

Knight v. Rayden

Santa Clara County Superior Court

CPM represented real estate limited partnership investors in a securities class action. (Settled, 1996).

In re Oak Technologies Securities Litigation

Santa Clara County Superior Court

CPM served as Co-Lead Counsel for investors in a securities class action for insider trading and abuse of control. (Settled).

In re HomeFed Securities Litigation

USDC, Southern District of California

CPM represented bankrupt S&L as plaintiff in action against former S&L officers, directors and accountants for mismanagement and breach of fiduciary duty. (Settled).

Giorgetti v. BankAmerica Corp.

San Francisco County Superior Court

CPM represented shareholders in a class action for failure to pay control premium in connection with merger between Bank of America and NationsBank Corp. (Settled).

Harmsen v. Smith

693 F. 2d 932 (9th Cir. 1982)

586 F. 2d 156 (9th Cir. 1978)

542 F. 2d 496 (9th Cir. 1976)

CPM represented shareholders of United States National Bank, San Diego in a securities class action against C. Arnholt Smith and other officers, directors, and insiders. Multi-million dollar jury verdicts upheld on appeal. The first securities class action tried on both liability and damages to a jury.

J. David Dominelli Litigation

Rogers & Wells v. Superior Court

175 Cal. App. 3d 545 (1986)

CPM represented hundreds of clients in investor fraud litigation in San Diego County Superior Court including a lengthy jury trial.

PUBLIC ENTITY CASES

People of the State of California v. Atlantic Richfield, et al. ("Lead Paint Litigation")

Santa Clara County Superior Court

CPM represented the People of the State of California alongside ten California Cities and Counties in a public nuisance action in the Complex Department of Santa Clara County Superior Court. The six defendants included the largest historical manufacturers of lead-based paint and lead pigments in the country. The case was initially filed in March of 2000, and was finally brought to trial in the summer of 2013. The Lead Paint Litigation is considered one of the largest representative public nuisance actions in the country ultimately resulting in a judgment for the People in the amount of \$1.15 Billion.

LIBOR-Based Financial Instruments Antitrust Litigation

USDC, Southern District of New York

CPM represents the Counties of San Mateo and San Diego, the Cities of Richmond and Riverside, East Bay Municipal Utility District, and other public entities who invested in financial instruments that were tied to the London Interbank Offered Rate, or LIBOR. LIBOR is the world's benchmark rate used for setting interest rates on a wide range of financial instruments, from car and home loans to municipal derivatives. LIBOR is set daily based on the borrowing costs reported by members of the British Bankers' Association. The complaints allege that the member banks conspired to suppress LIBOR, both to reduce the amounts they were required to pay on LIBOR-linked transactions, and to increase their perceived strength in the market. Plaintiffs invested significant sums in financial instruments, such as interest rate swaps and corporate securities, the rates of return of which were tied to LIBOR, and earned less on those investments as a result of the alleged suppression of LIBOR.

Municipal Derivative Investment Antitrust Litigation
USDC, Southern District of New York

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts ("GICs") and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM's investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

Municipal Bond Insurance Antitrust Litigation
San Francisco County Superior Court

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

San Francisco Unified School District
Sacramento County Superior Court

CPM filed a consumer fraud and negligence case against a Fortune 250 energy company in a scheme to defraud the district in connection with an energy contract to upgrade schools and help the district save in energy costs. (Settled in June of 2004 for \$43.1 million)

National Gas Anti-Trust Cases I, II, III, & IV
San Diego Superior Court

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation
County of San Mateo v. Kimberly-Clark Corp.

San Francisco County Superior Court

CPM served as the Public Entity Co-Liaison Counsel, and filed an antitrust class action on behalf of public entity consumers of commercial sanitary paper products for an alleged price-fixing conspiracy among producers. This case settled for approximately \$2,250,000.

Judicial Counsel of California
USDC, Northern District of California

CPM successfully defended the Chief Justice of the State of California and the Judicial Counsel of California in an action brought by the National Association of Securities Dealers (NASD) to invalidate California's Ethics Standards for Neutral Arbitrators by demonstrating that the 11th Amendment bars federal actions against these state actors.

Federal Energy Regulatory Commission (FERC)
United States Court of Appeals, 9th Circuit

CPM represented the California State Senate, the California State Assembly, and the City of Oakland in an action against FERC. Petitioned the Court to issue a writ of mandamus to compel FERC to take action to ensure just and reasonable rates for energy in California and the Western states.

Central Sprinkler County of Santa Clara v. Central Sprinkler Corp. Santa Clara County Superior Court Hart v. Central Sprinkler Corp.

Los Angeles County Superior Court

CPM filed a consumer class action against manufacturer of automatic fire suppression sprinklers for product defects and consumer fraud. (Class certified and settlement finally approved, 1999). 193 Cal. App. 3d 802 (1987). Class action for antitrust and unfair business practices.

ANTITRUST CASES

Auto Parts Antitrust Litigation

USDC, Eastern District of Michigan

CPM is co-lead counsel on behalf of consumers against manufacturers of auto parts, including bearings, fuel senders, heater control panels, safety systems, instrument control clusters and wire harnesses, for a world-wide conspiracy to fix prices for those parts for use in cars and trucks.

Webkinz Litigation, Nuts for Candy v. Ganz Inc., et al.

USDC, Northern District of California

CPM was lead counsel representing a proposed class of persons or entities in the United States who ordered Webkinz from Ganz Inc. on the condition that they also order products from Ganz's "core line" of products. The complaint alleged that Ganz conditioned the purchase of its popular Webkinz plush line toy with a minimum \$1,000 purchase of non-Webkinz "core" line products in violation of federal antitrust laws. On September 17, 2012, Hon. Richard Seeborg of the Northern District of California approved a class action settlement on behalf of a class of small business retailers against Ganz Inc. for alleged antitrust violations where customers were required to purchase unwanted products as a condition to purchasing Ganz's popular Webkinz Toy. (Settled, 2012).

In re Transpacific Passenger Air Transportation Antitrust Litigation

USDC, Northern District of California

CPM is the court-appointed Co-Lead counsel for a proposed class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transpacific routes. Plaintiffs have settled with Japan Airlines for \$10 million.

In re: Plasma Derivative Protein Therapies Antitrust Litigation

USDC, Northern District of California

CPM is lead counsel for indirect purchasers in this antitrust class action alleging price-fixing in the market for the life-saving blood products albumin and immunoglobulin.

Freight Forwarders Antitrust Litigation

USDC, Eastern District of New York

CPM is Co-Lead Counsel for Direct Purchasers of Freight Forwarding services in the United States and filed a complaint alleging that the major providers of Freight Forwarding conspired to fix the prices of such services in violation of U.S. federal antitrust law (15 U.S.C. § 1). The action has already led to multiple settlements for the benefit of the class.

In re Cathode Ray Tube (CRT) Antitrust Litigation

USDC, Northern District of California

CPM is an Executive Committee Member and represents a class of direct purchaser plaintiffs against manufacturers of cathode ray terminals ("CRT") whose prices were artificially raised, maintained or stabilized at a supra-competitive level by defendants and their co-conspirators. Settlements amounting to \$79.5 million have been reached with four of the defendants.

In re Static Random Access Memory (SRAM) Antitrust Litigation

USDC, Northern District of California

The Court appointed CPM as sole Lead Counsel for direct purchaser plaintiffs of Static Random Access Memory ("SRAM") chips. CPM successfully secured a \$77 million settlement on behalf of plaintiffs. Important legal rulings were reached on cutting edge issues such as the extent to which the United States antitrust laws apply to foreign conduct, standing of class representatives and the proper showing for class certification. (Settled, 2011).

In re Dynamic Random Access Memory (DRAM) Antitrust Litigation

USDC, Northern District of California

CPM served as chair of the Discovery Committee in a multidistrict litigation arising from the price-fixing of DRAM, a form of computer memory. Shortly before the scheduled trial, class counsel reached settlements with the last remaining defendants, bringing the total value of the class settlements to over \$325 million.

In re Lithium Batteries Antitrust Litigation

USDC, Northern District of California

The Court appointed CPM as Co-Lead Counsel on behalf of direct purchasers of lithium-ion rechargeable batteries that defendants allegedly conspired to fix the price on.

Municipal Derivative Investment Antitrust Litigation

USDC, Southern District of New York

Along with co-counsel, CPM represents Los Angeles and numerous public entities who purchased Guaranteed Investment Contracts ("GICs") and other derivative investments. GICs and derivative investments are purchased from financial institutions, insurance companies, and others through a competitive bidding process overseen by brokers. They are purchased when public entities issue tax-exempt municipal bonds to raise funds to finance public works projects and have funds that are not immediately needed for the project. CPM's investigation has uncovered, and the complaints allege, that the competitive bidding process is a sham as securities sellers and brokers in the derivative investment market have engaged in a conspiracy to allocate the market and rig the bidding process in violation of antitrust law and common law.

In re Digital Music Antitrust Litigation

USDC, Southern District of New York

CPM was appointed to the Steering Committee in this class action brought on behalf of all persons who paid inflated prices for music sold as digital files.

E&J Gallo Winery v. EnCana Energy Services, et al.

USDC, Eastern District of California

CPM successfully represented E. & J. Gallo Winery in an antitrust action against natural gas companies for manipulating energy prices, which led to the 2000-2001 California energy crisis, in which energy companies not only gouged the State of California and its residents of billions of dollars but led to rolling blackouts throughout California. E. & J. Gallo Winery is one of the largest natural gas users in the State of California and it suffered millions of dollars in losses. CPM's aggressive prosecution of this case resulted in the case settling on the eve of trial for a

substantial sum. CPM's efforts led to the landmark Ninth Circuit opinion on the filed rate doctrine at *E. & J. Gallo Winery v. EnCana Corporation*, 503 F.3d 1027 (9th Cir. 2007).

Kopies, Inc, et al. v. Eastman Kodak Co.

USDC, Northern District of California

CPM was appointed Co-Lead counsel, and successfully prosecuted an antitrust class action on behalf of copier service firms against parts manufacturer for illegal tying of products and services. CPM successfully reached a \$45 million settlement with Kodak on behalf of plaintiffs.

Municipal Bond Insurance Antitrust Litigation

San Francisco County Superior Court

CPM represents Los Angeles and numerous public entities who issued tax-exempt municipal bonds to raise funds to finance public works projects and were compelled to purchase insurance for those bond issuances. When a public entity issues bonds, its credit rating determines the interest it will pay to bond holders. To reduce the interest rate, public entities have had to purchase bond insurance to improve their credit worthiness (despite an historical default rate of less than 0.1 percent). CPM's investigation has uncovered and the complaints allege that the bond insurance companies violated antitrust law and common law by conspiring to maintain a dual credit rating system that discriminates against public entities (versus private corporations), causing public entities to pay unusually high premiums to purchase unnecessary bond insurance, and failure of the bond insurance companies to disclose they made risky investments in the subprime market that has led to the downgrading of the bond insurers' own credit ratings.

In re International Air Transportation Surcharge Antitrust Litigation

USDC, Northern District of California

CPM served as Co-Lead Counsel for a class of purchasers who paid fuel surcharges illegally charged by defendants on long-haul passenger flights for transatlantic routes. Plaintiffs secured settlements on behalf of the class with Defendants Virgin Atlantic Airways, LTD and British Airways Plc worth approximately \$204 million. (Settled, 2009).

In re Optical Disk Drive (ODD) Antitrust Litigation

USDC, Northern District of California

CPM is a member of the executive committee in this multidistrict litigation alleging a conspiracy that manufacturers of optical disk drives ("ODD") fixed prices of ODD's sold directly to plaintiffs in the United States. Plaintiffs have reached a \$26 million settlement with the HLDS defendants.

Air Cargo Shipping Services Antitrust Litigation

USDC, Eastern District of New York

CPM, along with co-counsel, is the court-appointed lead counsel for a proposed class of U.S. indirect purchasers of international air freight services. The case alleges that the providers of international air freight services conspired to fix the prices of such services, including fuel surcharges. The case names almost forty international air freight carriers as defendants. The claims of the United States indirect purchasers is brought under the antitrust laws and consumer protection laws of various U.S. states. The Court granted approval to a settlement with defendants

Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines, Ltd. (Settled, 2009).

Toyota Motor Sales USA, Inc.

Livingston v. Toyota Motor Sales USA, Inc.

USDC, Northern District of California

CPM filed an antitrust class action under Sherman Act by purchasers of Toyota vehicles for secret rebates. (Settled, 1997).

Hip And Knee Implant Marketing Litigation

USDC, Northern District of California

CPM, with co-counsel, has filed two complaints on behalf of proposed classes of persons who underwent hip or knee implant surgery. The complaints allege that the major manufacturers of hip and knee implants have engaged in a pervasive kickback scheme, using phony consulting agreements with orthopaedic surgeons, to improperly funnel money to doctors and hospitals in return for choosing the manufacturer's device during surgeries. This scheme artificially raised the costs of hip or knee implants paid for by members of the proposed class in violation of state antitrust and consumer protection laws.

In re Commercial Tissue Products Public Entity Indirect Purchaser Antitrust Litigation

County of San Mateo v. Kimberly-Clark Corp.

San Francisco County Superior Court

CPM filed an antitrust class action on behalf of class of public entity consumers of commercial sanitary paper products against alleged price-fixing conspiracy among producers. (Appointed co-lead counsel for public entity class, 1998).

Dry Creek Corporation v. El Paso Corporation

San Diego County Superior Court

CPM filed an antitrust action against El Paso for withholding natural gas from California in order to drive up prices, which was successfully resolved on behalf of the Plaintiff.

In re Hydrogen Peroxide Antitrust Litigation

USDC, Eastern District of Pennsylvania

CPM filed an antitrust class action for conspiracy to fix prices of hydrogen peroxide manufactured and sold by defendants who were engaged in an alleged price-fixing conspiracy.

In re Intel Corporation Microprocessor Antitrust Litigation

USDC, District Court of Delaware

CPM represents entities against Intel Corporation for antitrust violations relating to monopolization. CPM has been active in assisting lead counsel with discovery.

National Gas Anti-Trust Cases I, II, III, & IV

San Diego Superior Court

CPM represented eleven public entities and others for the reporting of false information by non-core natural gas retailers to published price indices to manipulate the natural gas market during the

California energy crisis. CPM successfully prosecuted this case, concluding in approximately \$124 Million in settlements.

Bathroom Fittings Cases

USDC, Northern District of California

CPM was a member of the Executive Committee in an antitrust class action for a conspiracy to fix prices of Bathroom Fitting manufactured by defendants participating in an alleged price-fixing conspiracy.

Magazine Paper

San Francisco County Superior Court

CPM filed an antitrust class action for price-fixing conspiracy against magazine paper products International Paper Co., MeadWestvaco Corporation, Norse Skog, Stora Enso, Sappi Limited, S.D. Warren Company and others.

Foundry Resins

USDC, Southern District of Ohio

CPM filed an antitrust class action for conspiracy to fix prices of resins manufactured by Ashland Inc., Ashland Specialty Chemical Company, Borden Chemical Inc., Delta HA, Inc., HA International LLC.

In re Automotive Refinishing Paint Cases

Alameda County Superior Court

CPM was appointed Co-Liaison Counsel in an antitrust class action for conspiracy to fix the price of auto paint by manufacturers engaged in an alleged price-fixing conspiracy. The class was certified in 2004.

In re Methionine Antitrust Litigation

USDC, Northern District of California

CPM was appointed Co-Lead Counsel in this antitrust class action against several methionine manufacturers involved in a conspiracy to fix the prices of and allocate the markets for methionine. This case settled for \$107 million.

In re Citric Acid Antitrust Litigation

USDC, Northern District of California

CPM served as Co-Lead Counsel in an antitrust class action against the five largest sellers of citric acid in the United States, who conspired to raise and fix the price of citric acid at artificially high levels. Co-Lead counsel successfully certified the class in October 1996. Co-Lead Counsel also reached approximately \$86.5 million in combined settlements with defendants Archer Daniels Midland Co., Hoffmann-La Roche Inc., Jungbunzlauer, Inc., Haarmann & Reimer Corp., and Cerestar Bioproducts B.V.

In re Beer Antitrust Litigation

USDC, Northern District of California

CPM was appointed Co-Lead counsel in an antitrust class action on behalf of specialty beer brewers against Anheuser-Busch, Inc. for attempt to monopolize U.S. beer industry by denying access to distribution channels.

In re Sodium Gluconate Antitrust Litigation

USDC, Northern District of California

CPM served as Lead Counsel in an antitrust class action against defendants who allegedly price fixed sodium gluconate, and industrial cleaning agent. CPM successfully certified the class, and reached a settlement on behalf class plaintiffs in the amount of \$4,801,600.

PRODUCT LIABILITY CASES

In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation

USDC, Central District of California

CPM was Co-Lead counsel in a class action against Toyota Motor Corporation and its U.S. sales and marketing arms, Toyota Motor Sales, U.S.A., Inc. and Toyota Motor North America, Inc. United States District Judge James V. Selna appointed Frank M. Pitre as Co-Lead Counsel for the Economic Loss Committee in the Toyota sudden unintended acceleration litigation. The MDL involves more than 200 lawsuits divided into two groups: those seeking losses on behalf of consumers and others who have lost value on their Toyotas, and those seeking damages for people who have been injured or killed in a Toyota. (Settled, 2012 - \$1.3 billion).

Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation

USDC, Northern District of California

CPM was co-lead trial counsel in the In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability Litigation, which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its pain killers Bextra & Celebrex.

Vioxx Product Liability Litigation

USDC, Northern District of New York

CPM represents a number of individuals who suffered medical injuries such as heart attacks and strokes after taking the prescription drug Vioxx. The drug was withdrawn from the market by its manufacturer and distributor, Merck & Co., Inc., after evidence emerged linking the drug to heart attacks, strokes, sudden cardiac death and other serious cardiovascular risks.

Sharper Image Corporation v. Consumers Union of United States

USDC, Northern District of California

CPM was successful in defending under California's Anti-SLAPP statute of product disparagement claim brought by Sharper Image relating to reviews of Sharper Image's Ionic Breeze air cleaner published in Consumer Reports.

Isuzu Motors Ltd. v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against non-profit consumer testing organization. Jury verdict for Consumers Union after a two-month jury trial.

Suzuki Motor Corp. Japan v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against nonprofit consumer testing organization. Summary judgment in favor of defendants was granted in May 2000.

Diet Drug Litigation

Los Angeles County Superior Court

USDC, Eastern District of Pennsylvania

CPM represented approximately 100 individuals in consumer fraud and product liability individual actions.

Rhonda Albom, et al. v. Ford Motor Company/Firestone Tires

Los Angeles Superior Court

CPM represented a young child and her mother who were injured when their Ford Explorer veered out of control and rolled over in Half Moon Bay, California. The case was one of several against Ford Motor Company and Firestone Tires consolidated before the Superior Court of Los Angeles.

Swine Flu Immunization Products Litigation

Adleson v. United States

USDC, Northern District of California (1981)

523 F. Supp. 459

USDC, District of Columbia (1980)

89 F.R.D. 695

MDL actions for product liability.

Bausch & Lomb Contact Lens Solution Product Liability Litigation

USDC, District of South Carolina

CPM represents individuals who sustained serious eye injuries as a result of the use of the contact lens solution ReNu with MoistureLoc. The product was withdrawn from the market by its manufacturer and distributor, Bausch & Lomb, after it was associated with fungal keratitis (a rare type of eye infection).

Dephlia Davis, et al. v. Actavis Group, et al.

USDC, Northern District of California

CPM represented individuals who were injured or killed after injecting the drug Digitek, which was formulated and distributed by the manufacturers and suppliers at a level more than double the FDA prescribed maximum.

Trawick v. Parker-Hammifin, et al.

Monterey County Superior Court

CPM successfully prosecuted a product liability claim against the manufacturer and supplier of a defective rubber hose coupling installed on a forklift which failed and killed a construction foreman at the Monterey Plaza Hotel.

Austin Hills, et al. v. S & G Ragsdale Equipment Co., LLC, et al.

Napa County Superior Court

CPM represented the Hills family in a product liability/negligence claim against the parties responsible for the defective operation of a truck/trailer hitch system which caused a 5 ton trailer with drilling equipment to disengage, then swerve into the opposing lane of traffic killing Erika Hills, a resident of Napa.

Munoz, et al. v. Bayer Corporation, et al.

San Joaquin County Superior Court

CPM successfully represented multiple individuals who were killed or injured after ingesting the drug Baycol, which was promoted by Bayer Pharmaceutical without alerting users of a severe muscle adverse reaction known as rhabdomyolysis.

In re Cable News Network and Time Magazine "Operation Tailwind" Litigation,

Sheppard v. Cable News Network, Inc.

USDC, Northern District of California

CPM represented Vietnam veterans in an action against Time and CNN who falsely reported to have committed war crimes in Laos.

QUI TAM CASES

Medical Laboratories Medi-Cal Fraud Case

Sacramento County Superior Court

CPM represented a whistleblower, Chris Riedel, who owns a lab company, Hunter Laboratories of Campbell, California. The California Attorney General's office joined the case in late 2008. The lawsuit alleged that, despite state law requiring that California's Medi-Cal program receive the lowest price for lab services, Quest Diagnostics, the largest lab in California, and LabCorp, the second largest, routinely billed California prices far above what it was charging others. The case settled in 2011, recovering \$301 million in taxpayer money from the lab defendants, including \$241 million from Quest Diagnostics, Inc. The \$241 million settlement is the largest False Claims Act recovery in California history, and the largest single-state False Claims Act settlement ever in United States history.

California ex rel. Richardson v. Ischemia Research & Education Foundation

San Francisco Superior Court

CPM filed a Qui Tam California False Claims Act case against research foundation for failure to pay direct and overhead costs in clinical drug studies to its host university. (Settled, 1997)

United States v. Columbia HCA

USDC, Northern District of California

CPM filed a Qui Tam False Claims Act litigation against healthcare provider for false billing.

United States v. Tenet Healthcare Corporation

USDC, Central District of California

CPM filed a Qui tam False Claims Act litigation against healthcare provider for false claims for payment.

BUSINESS CASES

Humboldt Creamery Litigation

Humboldt County Superior Court

CPM is representing the Liquidating Trustee of Humboldt Creamery, LLC in a lawsuit filed against the company's former Chief Executive Officer, Richard Ghilarducci, its Chief Financial Officer, Ralph A. (Tony) Titus and its independent auditor, Frank X. Gloeggler alleging financial fraud. Defendants are alleged to have had manipulated financial data by creating different sets of financial statements for different purposes and inflating revenue.

Siller v. Siller Brothers, Inc.

Sutter County Superior Court

CPM successfully represented a minority shareholder in a dissolution proceeding and trial establishing a value for his corporate interest at more than double that of the court appointed appraisers.

Olympus v. Taisei Construction

Santa Clara County Superior Court

CPM represented the owner of the prestigious Calistoga Ranch Resort in an action for fraudulent overbilling against Taisei Construction.

ENVIRONMENTAL AND TOXIC CASES

Lawsuit Against Caltrans to Protect Ancient Redwoods

USDC, Northern District of California

San Francisco County Superior Court

CPM filed an environmental action against Caltrans challenging Caltrans' approval of a controversial highway widening and realignment project alleging that they violated the California Environmental Quality Act in approving the project.

Cosco Busan Oil Spill

Tarantino, et al. v. Hanjin Shipping Co., Ltd., et al.

San Francisco County Superior Court

Loretz, et al. v. Regal Stone, Ltd., et al.

USDC, Northern District of California

CPM is co-lead counsel for settlement and litigation classes of San Francisco Bay fishermen economically injured by the November 7, 2007 Cosco Busan oil spill. (Partially Settled, 2010).

Californians for Native Salmon Litigation

221 Cal. App. 3d 1419 (1990)

Representative action regarding approval of timber harvest plans.

Avila Beach Environmental Litigation

Poist v. Unocal Corporation

San Luis Obispo County Superior Court

CPM represents owners of interest in timeshares in cost-side towns in an environmental toxic class action arising out of petroleum contamination and remediation efforts.

Cambria Community Services District/Chevron Litigation

San Luis Obispo County Superior Court

CPM represented Cambria Community Services District against Chevron for a leak which contaminated the town's drinking water supplies with MTBE. The firm was successful in securing a settlement for Cambria which permitted it to insure that alternate water sources were available for the community.

Santa Maria Valley Litigation

Story, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

Span, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

Adelhelm, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

Chabot, et al. v. Unocal Corporation, et al.

Santa Barbara County Superior Court

CPM represented homeowners and families living in Santa Maria, California, an old oil field which was the setting of the film *There Will be Blood*. When production in the oil field tapered off, residential communities were constructed atop the old oil fields – and on top of the waste which the oil companies left behind. The firm has been successful in providing remedies to these families, who have been able to leave behind their polluted homes and communities and restart their lives.

Burbank Litigation

USDC, Central District of California

CPM represented homeowners for nuisance arising from environmental remediation efforts at site of massive toxic contamination.

Voisinet Litigation

Voisinet, et al. v. Unocal, et al.

San Luis Obispo County Superior Court

CPM represented home developers for nuisance and fraud arising out of petroleum contamination.

Bridgestone/Firestone Litigation

Dower, et al. v. Bridgestone/Firestone North American Tire, LLC, et al.

USDC, Northern District of California

CPM represented homeowners for toxic groundwater contamination released from the Crazy Horse Sanitary Landfill in Salinas, California.

AVIATION CASES

Asiana Flight 214 Crash

USDC, Northern District of California

CPM is currently representing several passengers who were aboard Asiana Airlines Flight 214 that crashed and caught fire while landing at San Francisco International Airport on July 6, 2013.

Tesla Plane Crash Litigation

San Mateo County Superior Court

CPM is representing victims of the February 17, 2010 crash of the Cessna 310R aircraft that took off from the Palo Alto Municipal Airport and collided with power lines, then crashed into multiple homes, narrowly missing a day care center. All three people killed in the plane crash were Tesla engineers.

Alaska Airlines Litigation

USDC, Northern District of California

CPM represented the survivors of one of the victims of crash of Alaska Airlines Flight 261 on January 31, 2000 off the coast of California.

Singapore Airlines Litigation

Thomas v. Singapore Airlines

USDC, Central District of California

CPM represented victims of the October 31, 2000 crash of a Singapore Airlines passenger jet in Taiwan in which 83 people were killed and dozens injured.

Montoya v. Bell Helicopter

USDC, Northern District of Texas

CPM represented the wife and children of the executive and against the helicopter manufacturer and the French company, which supplied the component parts. This case involved pursuit of a claim for product liability in the design of the engine shroud incorporated into a Bell helicopter, which crashed in the jungle of New Guinea killing a Chevron executive.

PSA Flight 1771 Litigation

Los Angeles County Superior Court

CPM represented victims of the December 7, 1989 air crash of a PSA jetliner near San Luis Obispo. The case was unique due to the focus on breaches of security by the airline and airport security, which permitted a disgruntled former airline employee to by-pass security with a gun later used to kill the pilot and crew during flight.

CONSTRUCTION CASES

Delgado vs. City of Millbrae, et al.

Santa Clara County Superior Court

CPM served as co-lead counsel in a successful 5-year battle against various engineers and contractors responsible for a hillside failure during the winter storms of 2001–2002.

ELDER ABUSE CASES

San Mateo County Public Guardian (Muhek) v. Miller

San Mateo County Superior Court

CPM filed an action on behalf of senior citizen against care giver who took life savings.

Santa Clara Public Guardian (McCulla) v. Walia

Santa Clara County Superior Court

CPM filed an action against the companies, real estate brokers and others as a result of \$1.4 million in fraudulent loans to a senior citizen.

Alameda Public Guardian (Bowie) v. First Alliance Mortgage

Alameda County Superior Court

CPM filed an action against lenders for allowing loans to be placed on senior citizen's home by a third party.

Melder v. Pacific Grove Convalescent Hospital

Monterey County Superior Court

CPM filed an action against nursing home for alleged inappropriate sexual behavior by employee.

Rodriguez v. Res-Care, Inc. et al.

San Mateo County Superior Court

CPM filed an elder abuse case against ResCare on behalf of a victim who suffered second and third degree burns when she was put in a shower for 20 minutes with scalding, 130 to 135-degree temperature water. The suit also seeks punitive damages and funding for future care. The case settled in 2008.

Gogol v. Mills-Peninsula Health Services d/b/a Mills-Peninsula Skilled Nursing

San Mateo Superior Court

In July 2012, CPM won a \$1,844,400 jury verdict after a two week trial on behalf of an 86 year old resident of San Mateo County who was injured in a nursing home. The jury also made a finding of clear and convincing evidence of recklessness, oppression, fraud or malice for an additional award of attorneys' fees and punitive damages. Ms. Gogol was recovering from a hip replacement at defendant's nursing home when she was dropped, breaking her recently replaced hip. She was placed back in bed without the injury being reported. Due to her cognitive impairment she had no memory of how her injury occurred. She received treatment only after a

family member discovered her injuries. The case settled before the punitive damage phase of the trial.

Pauline B. Reade v. Fetuu Tupofutuna, et al.

San Mateo County Superior Court

CPM and The Legal Aid Society of San Mateo County provided *pro bono* representation to a 89 year old elderly widow, Pauline Reade, who was bilked out of nearly \$600,000. Ms. Reade faced foreclosure on her Pacifica home after a scam contractor tricked her into signing loan documents with various banks and mortgage entities. The action was filed to stop the sale against various individuals and entities involved in the loan transaction, including, RBS Financial Products, Inc., Deutsche Bank National Trust Co., GMAC Mortgage, LLC, Mortgage Electronic Registration Systems, Inc. Executive Trustee Services, Paul Financial, Fetuu Tupoufutuna and Mohammed Ali George.

Snyder v. Menon et al.

Marin County Superior Court

Action against lender, title company and individuals for fraud and elder abuse based upon the fraudulent inflation of the purchase price of a property the Plaintiffs sought to purchase.

Shekhter v. Greengables Villa Care Home et al

Alameda County Superior Court

Action for elder abuse against adult care facility for neglect and physical abuse in connection with the care of 94 year old woman.

Platon v. A&C Health Care Services

Santa Clara County Superior Court

Action for elder abuse and negligence against adult care facility for neglect and physical abuse of 91 year old resident.

Foroudian v. Wilson et al.

San Mateo County Superior Court

Action for fraud and elder abuse against title company, hard money lenders, plaintiffs' son and his ex-girlfriend for fraud and elder abuse resulting in Foroudians incurring \$2M in debt for the benefit of defendants. The Plaintiffs recovered their funds.

Shook v. LaFarre

San Mateo Superior Court

CPM represented a family in a dispute about the estate of long time San Francisco resident Rudolph R. Cook. CPM alleged that the defendant Cyrus LaFarre, a neighbor of Mr. Cook's, had duped Mr. Cook into amending his estate plan and giving his money to Mr. LaFarre. After Mr. Cook passed away, the family learned that Mr. LaFarre claimed that he had been left the majority of Mr. Cook's estate and had been named as the trustee of Mr. Cook's trust. The amendment to Mr. Cook's long time estate plan purported to give most of Mr. Cook's \$2M estate to the defendant. The jury unanimously determined that Mr. LaFarre had committed financial elder abuse and breach of fiduciary duty.

Richter et al. v. CC-Palo Alto, Inc.

USDC, Northern District of California

CPM is pursuing a class action and creditor derivative case on behalf of the 500 residents of the Vi-Palo Alto, a Continuing Care Retirement Community (CCRC). Among CPM's clients (the proposed class representatives) are a retired Nobel Prize winner, doctor, World War II journalist and a unique collection of accomplished South Bay senior citizens. The facility is located on Stanford land. The lawsuit is believed to be the first of its kind in the Bay Area challenging a CCRC's financial practices. The complaint alleges that \$190 million dollars was "up-streamed" from the Palo Alto facility to its corporate parent in Chicago, thus leaving the senior citizen residents financially vulnerable. Those funds were to be returned to the senior citizens when they moved out, or returned to their families when they passed away. The complaint alleges that the Chicago company has refused to return the money to Palo Alto.

Kofman v. Alexy Pitt et al.

San Mateo Superior Court

On February 14, 2017 CPM obtained a \$1,295,579 dollar judgment on behalf of an elderly Bay Area resident who was the victim of financial elder abuse.

EMPLOYMENT CASES

Shephard v. Lowe's HIW, Inc.

USDC Northern District of California

Cotchett, Pitre & McCarthy, along with Block & Leviton filed a lawsuit against Lowe's HIW, Inc. ("Lowe's") on June 15, 2012 alleging that Lowe's misclassified all California installers as independent contractors in violation of California law. The Honorable Jeffrey S. White granted Plaintiff's Motion for Class Certification in August 2013, certifying the class of California installers and appointing Block & Leviton and Cotchett, Pitre & McCarthy as class counsel. The Firms successfully achieved a \$6.5 million settlement on behalf of the class of California installers, which was preliminarily approved on June 25, 2014 and is awaiting final approval.

Avery v. Integrated Healthcare Holdings, Inc.

Orange County Superior Court

CPM served as co-lead counsel in a class action lawsuit filed against the IHHI chain of hospitals in Southern California. CPM represented registered nurses and respiratory therapists who were not paid overtime wages in accordance with state law. The case settled for \$14.5M in 2013, and the court granted final approval of the settlement in August 2014.

Los Angeles Times / Zell

USDC, Northern District of Illinois

CPM represents current and former journalists of the Los Angeles Times in a lawsuit filed against Sam Zell, the Tribune Company and others for a breach of their fiduciary duties, violating ERISA, improper valuation and misuse of employee pension fund assets and conflicts of interest. Other allegations include that Tribune Company employees, who technically own the company through the Tribune ESOP, have been and continue to be damaged by the go-private transaction and by the

subsequent mismanagement and self-dealings of Tribune executives, including Sam Zell, the result of which has been to diminish the value and the products of the employee-owned company.

Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.

Alameda County Superior Court

CPM represented a class of Hispanic newspaper carriers whose labor is exploited by the ANG Newspaper Group, a conglomerate news-media company. The class seeks damages for violations of the California Labor Code and Unfair Competition Laws.

In re: Wachovia Securities, LLC, Wage and Hour Litigation

USDC Central District of California

CPM was designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against Wachovia Securities, LLC, on behalf of more than 10,000 current and former stock brokers who were not paid in accordance with state and federal law.

In re: AXA Wage and Hour Litigation

USDC Northern District of California

CPM was appointed co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits filed against the AXA family of insurance companies on behalf of more than 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

Shrager v. Advanced Equities Inc. ("AEI") et al.

San Francisco County Superior Court

CPM represented an employee of a broker dealer in state court litigation over harassment and compensation claims.

Sullivan v. Advanced Equities Inc. ("AEI")

FINRA Arbitration

CPM successfully represented an employee in FINRA arbitration. The FINRA panel found that the employer had falsely accused the employee of violations of company policy and had fraudulently induced the employee to join the company, and awarded both compensatory and punitive damages. This is one of many examples of cases CPM has handled before FINRA.

PUBLIC INTEREST / HUMAN RIGHTS CASES

Lawsuit Filed Regarding Confiscated Armenian Lands

USDC, Central District of Los Angeles

CPM filed a class action on behalf of Armenians seeking compensation for confiscated properties and belongings as a result of the Genocide of 1915-1923. The lawsuit targets the Central Bank of Turkey and the Ziraat Bank as financial instruments of the Turkish Government. Defendants are alleged to selling and deriving income from real estate and personal property that was owned by hundreds of thousands of Armenians who were killed during the Genocide.

WWII Filipino Veterans Compensation

De Fernandez et al. v. US Dep't of Veterans Affairs, et al.

USDC, Northern District of California

CPM filed a class action on behalf of United States WWII Filipino Veterans, and their service organizations, challenging decisions by the VA to deny benefits to such veterans according to criteria that are arbitrary, capricious and impossible to satisfy.

State Buildings Litigation

Epstein et al. v. Schwarzenegger et al.

San Francisco Superior Court

CPM represented taxpayers against the Schwarzenegger Administration to stop the sale of California's public buildings, which would have cost California's taxpayers billions of dollars. CPM was successful in obtaining an emergency temporary stay of the sale from the Court of Appeal. While the stay was in place Governor Brown took office and cancel the sale.

Surfrider Foundation v. Martins Beach 1 LLC et al.

San Mateo Superior Court

CPM successfully represented Surfrider Foundation to restore public access to Martin's Beach. The Complaint alleged that the owners of Martin's Beach, who purchased the property in 2008, unlawfully erected a barrier preventing access to Martin's Beach road, without a permit required by the California Coastal Act.

FIRST AMENDMENT CASES

Sharper Image Corporation v. Consumers Union of United States

USDC, Northern District of California

CPM successfully defended under California's Anti-SLAPP statute of product disparagement claim brought by Sharper Image relating to reviews of Sharper Image's Ionic Breeze air cleaner published in Consumer Reports.

Kendall-Jackson Winery v. E.J. Gallo Winery

USDC Northern District of California

9th Circuit Court of Appeals (1998)

150 F. 3d 1042

CPM represented defendant in trade dress and unfair business practice litigation. (Judgment and verdict for defendant after jury trial).

Isuzu Motors Ltd. v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against non-profit consumer testing organization. Jury verdict for Consumers Union after a two-month jury trial.

Suzuki Motor Corp. Japan v. Consumers Union of the United States, Inc.

USDC, Central District of California

CPM represented defendant publisher of Consumer Reports in defamation/product disparagement litigation brought by auto manufacturer against nonprofit consumer testing organization. Summary judgment in favor of defendants was granted in May, 2000.

In re Cable News Network and Time Magazine “Operation Tailwind” Litigation
Sheppard v. Cable News Network, Inc.

USDC, Northern District of California

CPM represented Vietnam veterans against Time and CNN who falsely reported to have committed war crimes in Laos.

PERSONAL INJURY CASES

San Bruno Pipeline Explosion

San Mateo County Superior Court

CPM filed multiple actions on behalf of victims of the PG&E pipeline explosion which occurred in San Bruno. The natural gas-fed fire killed eight people and injured dozens more, and destroyed or damaged several dozen homes.

Murillo, et al. v. National Railroad Passenger Corporation, et al.

Contra Costa County Superior Court

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation (“Amtrak”), Union Pacific Railroad Company and the State of California Department of Transportation.

Manlapaz, et al. v. Bills Trucking, et al.

Santa Clara County Superior Court

CPM represented the family of a woman who was killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

Gonzalez v. Oil Can Henry’s International

Monterey County Superior Court

CPM successfully represented a four-year-old child who suffered brain damage after being struck and run over by a driver at an oil change service shop which failed to properly control vehicle and pedestrian safety in conjunction with its promotion of quick service.

Balcony Collapse

San Francisco County Superior Court

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996.

In re MGM Grand Hotel Fire Litigation

570 F. Supp. 913 USDC, District of Nevada

MDL consolidated litigation by personal injury wrongful death claims in the mammoth fire that destroyed the MGM Grand in Las Vegas, Nevada.

Carnaham v. State of California

Fresno County Superior Court

CPM filed an action against the State of California and more than 100 separate defendants on behalf of scores of individuals killed or injured in a severe dust storm on I-5 over the Thanksgiving weekend in 1991.

Hyman v. Nahi

Orange Count Superior Court

CPM represented victims of balcony collapse against landlord and termite company in a case involving slum landlord conditions.

Walton v. Samuels

Los Angeles County Superior Court

CPM filed an action for lung injury victims arising out of a four-alarm apartment fire in a major disaster in Los Angeles.

Malhotra v. Nathan

San Francisco County Superior Court

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996 in San Francisco.

In re Diet Drug Litigation

Los Angeles County Superior Court

In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Products Liability Litigation
USDC, Eastern Division of Pennsylvania

CPM filed consumer fraud and product liability individual actions on behalf of approximately 100 individuals.

Adleson v. United States

USDC, Northern District of California

523 F. Supp. 459 (1981)

MDL actions for product liability of the Swine Flu Immunization Program out of Washington, D.C.

INSURANCE CASES

Dupell v. Massachusetts General Life Ins. Co.

Santa Clara County Superior

CPM filed “vanishing premium” class action on behalf of life insurance policyholders. Class certified for all purposes, 1999.

Prop. 103 Litigation

Calfarm Ins. Co. v. Deukmejian

48 Cal. 3d 805 (1989)

Litigation regarding Proposition 103 (rate controls on insurance carriers) on behalf of Public Citizen.

INTELLECTUAL PROPERTY CASES

Kendall-Jackson Winery v. E&J Gallo Winery

USDC, Northern District of California

150 F. 3d 1042 (9th Cir. 1998)

CPM represented defendant in trade dress and unfair business practice litigation. (Judgment and verdict for defendant after jury trial.)

MP3.Com Copyright Cases

USDC, Southern District of New York

CPM filed multiple cases alleging that MP3.Com committed copyright infringement. Issues of infringement and damages.

Dolores Huerta et al v. Corbis Corporation

USDC, Northern District of California

CPM represented defendant Huerta, muralists Susan Kelk Cervantes and Juana Alicia, and the United Farm Workers Union of America against Internet retailer Corbis for the illegal sale of copyrighted and trademarked images.

WAGE AND HOUR CASES

Cynthia Sotelo, et al. v. MediaNews Group, Inc., et al.

Alameda County Superior Court

CPM represented a class of Hispanic newspaper carriers whose labor is exploited by the ANG Newspaper Group, a conglomerate news-media company. The class seeks damages for violations of the California Labor Code and Unfair Competition Laws.

In re: Wachovia Securities, LLC, Wage and Hour Litigation

USDC, Central District of California

CPM has been designated co-lead plaintiffs' counsel by a federal judge in a collection of lawsuits against Wachovia Securities, LLC, on behalf of over 10,000 current and former stock brokers who were not paid in accordance with state and federal law.

In re: AXA Wage and Hour Litigation

USDC, Northern District of California

CPM has been appointed co-Lead Plaintiffs' Counsel by a federal judge in a collection of lawsuits against the AXA family of insurance companies, on behalf of over 7,000 current and former financial sales representatives who were not paid in accordance with state and federal law.

LaParne, et al. v. Monex, et al.

USDC, Central District of California

CPM represents current and former sales representatives in a federal lawsuit against Monex, a commodities trading company based in Southern California, for failure to pay overtime, failure to provide meal and rest breaks, and other violations of state and federal law.

WRONGFUL DEATH CASES

Murillo, et al. v. National Railroad Passenger Corporation, et al.

Contra Costa County Superior Court

CPM successfully represented the family of an elderly couple who were killed by an Amtrak train while their car was trapped at a dangerously designed grade railroad crossing in Crockett, California in an action against the National Railroad Passenger Corporation (“Amtrak”), Union Pacific Railroad Company and the State of California Department of Transportation.

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CPM represented the family of a woman who was killed after being crushed by a semi-truck with two dirt hauling trailers while she was crossing the street near a construction site in Mountain View, California.

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CPM represented victims of balcony collapse against landlord and termite company in a case involving slum landlord conditions.

Malhotra v. Nathan

San Francisco County Superior Court

CPM represented 13 victims of personal injuries and wrongful death arising out of Franklin Street balcony collapse in 1996 in San Francisco.

OUR ATTORNEYS

PARTNERS

JOSEPH W. COTCHETT

As stated by the National Law Journal, Joseph W. Cotchett is considered by plaintiffs and defense attorneys alike to be one of the foremost trial lawyers in the country. He has been named one of the 100 most influential lawyers in the nation for the past 15 years.

As reported in the San Francisco / Los Angeles Daily Journal, he is “considered one of the best trial strategists in the state” who built a career out of representing the underdog against powerful interests. He is a fearless litigator and once tried two cases at the same time (one in the morning and one in the afternoon) and won them both in San Diego Superior Court in 1984. His clients range from corporate giants to groups like Consumers Union – but the issue must be correct for Cotchett. In 2003, the San Francisco Chronicle rated him as one of the best in the Bay Area, saying, ***“The Burlingame attorney has had a star career that’s not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiffs’ lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.”*** Cotchett consistently has been named one of the most influential lawyers in California, and has been named by the legal press as one of the top 10 trial attorneys in the state and has been listed in every edition of Best Lawyers in America since its inception.

During his 45-plus year legal career, he has tried more than 100 cases to verdict, and settled hundreds more, winning numerous jury verdicts, ranging from multi-million dollar malicious prosecution jury verdicts to several defense verdicts in complex civil cases. He successfully negotiated a multi-million dollar settlement in a qui tam suit on behalf of the University of California and hundreds of millions of dollars in antitrust, securities and major fraud cases. In the 1980s, Cotchett won mammoth judgments and settlements for investors in white-collar fraud cases, with jury verdicts of more than \$200 million arising out of the collapse of the Technical Equities Corp. in San Jose. He is known nationally as the lead trial lawyer for 23,000 plaintiffs in the Lincoln Savings & Loan Association/American Continental Corp. downfall in 1990 involving Charles Keating and others. He won one of the then largest jury verdicts, \$3.3 billion. He obtained nearly \$300 million in settlements from lawyers, accountants and other professionals caught up in the scandal in a jury trial in Tucson, Arizona.

He has represented both the National Football League and teams since the early 1980s in various legal actions. As counsel for E. & J. Gallo Winery, he won a defense jury verdict in a celebrated trade dress infringement case involving a wine produced by Gallo and the firm regularly represents Gallo in numerous matters.

In recent years, Cotchett has taken on major corporate entities and Wall Street. He and the firm are involved in litigation resulting from nearly every major corporate scandal including Enron, Worldcom, Global Crossing, Homestore.com, Qwest, Montana Power Company, Lehman, Bank

of America, Goldman Sachs and numerous others on behalf of private investors and public pensions. The firm has represented the California Public Employees' Retirement System, California State Teachers' Retirement System, and the University of California Board of Regents, along with numerous political subdivisions of the state, such as counties, cities and districts.

In 2000, he served as trial counsel for Consumers Union, successfully defending the watchdog consumer group in a product disparagement and defamation suit. Isuzu Motors of Japan had sued Consumers Union for disparagement to the 1995-96 Trooper, claiming millions in damages. Following an eight-week trial, a jury ruled in favor of Consumers Union. Trial Lawyers for Public Justice honored Cotchett as "Trial Lawyer of the Year Finalist" in 2000 in honor of his "outstanding contribution to the public interest" through his work for Consumers Union. Also in 2000, Consumer Attorneys of California gave Cotchett its "Presidential Award of Merit." In 2004, he was the lead trial counsel for Consumers Union in a product defamation suit. The suit was dismissed in what was considered a major victory for a free press and the First Amendment.

Cotchett is involved in extensive pro bono work. In one such case, he brought a lawsuit against the United States Navy on behalf of 8,600 Amerasian children in the Philippines who were left in villages after the closing of the Subic Bay Naval Base. The case ended in a settlement giving direct U.S. aid to the children fathered by U.S. servicemen and a television documentary on the subject. He regularly takes on pro bono causes including environmental and public policy matters and the firm represents and advises several Native American groups.

In 2002, Cotchett successfully represented the Chief Justice of the California Supreme Court and the individual judges and members of the Judicial Council, in litigation brought against them by the New York Stock Exchange and the National Association of Securities Dealers. The two Wall Street forces had filed suit against the Judicial Council challenging the State of California on establishing guidelines for arbitrators who hear complaints from investors in the state.

Cotchett received his B.S. in Engineering from California State Polytechnic University, San Luis Obispo in June 1960, being named an Outstanding Graduate, and his J.D. from Hastings College of Law at the University of California in June 1964. In June 2002, Cotchett received an Honorary Doctor of Laws from Cal Poly and The California State University Board of Trustees. In May 2006, Cotchett received an Honorary Doctor of Letters from Notre Dame de Namur University. In May 2011, Cotchett received an Honorary Doctor of Letters from the University of San Francisco. In each case, he was the graduation speaker honored by the Universities.

Following California Polytech, he served in the U.S. Army Intelligence Corps, followed by years as a Special Forces paratrooper and JAG Corps officer, in the active reserves, and retired in 1991 with the rank of Colonel. He is a member of many veteran and airborne associations having served on active duty 1960-1961. From 2001 to 2005, he served on the board of the Army War College Foundation in Carlisle, Pennsylvania. The Foundation supports the prestigious Army War College at Carlisle Barracks, the graduate school for the senior commanders of all branches of the service, including officers from foreign allies.

He has been an active member of national, state and local bar associations, including the California, New York and District of Columbia bars. He is a Fellow of the prestigious American College of Trial Lawyers and The International Society of Barristers and an Advocate in the American Board of Trial Advocates. He also is a Fellow and former board member of The International Academy of Trial Lawyers. A former Master of the American Inns of Court, he serves on various advisory boards for professional organizations.

He also has served on the Advisory Board of the Witkin Institute, the mission of which is to further B.E. Witkin's commitment to advancing the understanding of California law and improving the administration of justice.

He is the author of numerous articles and a contributing author to numerous magazines. His books include California Products Liability Actions, Matthew Bender; California Courtroom Evidence, LexisNexis; Federal Courtroom Evidence, LexisNexis; Persuasive Opening Statements and Closing Arguments, California Continuing Education of the Bar (1988); The Ethics Gap, Parker & Son Publications (1991); California Courtroom Evidence Foundations, Parker Publications (1993); and numerous law review articles. He is a prolific author of op-ed pieces and articles on public policy, environmental issues and public integrity. In 2002, he co-authored and published the book The Coast Time Forgot, a historic guide to the San Mateo County coast.

Cotchett serves on the Federal Judicial Advisory Committee that submits and reviews federal judicial nominations in California to President Obama. The committee was authorized by the Obama Administration and California's two Democratic senators, Dianne Feinstein and Barbara Boxer. Cotchett is Chair of the Boxer Committee for the Central District of California (Los Angeles) and advises statewide. Cotchett also serves on a Judicial Advisory Committee to Governor Jerry Brown on state judicial appointments.

Cotchett has lectured at numerous law schools including Harvard Law School, the University of Southern California, Georgetown Law Center, Stanford, Boalt, and his alma mater U.C. Hastings. His subjects include complex cases, evidence, trial practice and professional ethics. He also is a keynote public speaker and lecturer on contemporary subjects of law.

He has been honored by the State Bar of California by serving on the Board of Governors from 1972 to 1975. Cotchett served on the California Judicial Council from 1976 to 1980; the Board of Directors, Hastings College of Law, University of California for twelve years; California Commission on the Future of the Courts; the California Select Committee on Judicial Retirement, the California Blue Ribbon Commission on Children in Foster, the latter three appointed by the Chief Justice of California.

His civic work includes past memberships on the board of directors of the San Mateo County Heart Association; San Mateo Boys & Girls Club (Past President); Peninsula Association of Retarded Children and Adults; Bay Meadows Foundation; Disability Rights Advocates; and numerous Bay Area organizations. He formerly served as a member of the board of Public Citizen in Washington, D.C. and served on the board of Earth Justice.

In 1996, he was awarded the Anti-Defamation League's Distinguished Jurisprudence Award. The award was established to recognize individuals in the legal community who have exhibited humanitarian concerns, and whose everyday actions exemplify the principals on which the Anti-Defamation League was founded.

In 1999, Cotchett was inducted by the State Bar of California to the Litigation Trial Lawyers Hall of Fame. This award is given to professionals who have excelled as trial lawyers and whose careers exemplify the highest values and professional attainment.

In 2000, the University of California Hastings College of Law opened the Cotchett Center for Advocacy recognizing Cotchett as one of its outstanding graduates. Chief Justice Ronald M. George of the California Supreme Court and Associate Justice Anthony Kennedy of the U.S. Supreme Court honored Cotchett as speakers at the Founder's Day dedication of the center. In November of 2006, Notre Dame de Namur University in Belmont, California dedicated the Joseph W. Cotchett Business Lab for students.

In March of 2000, Cotchett was named to the California State Parks Commission by Governor Gray Davis. The commission establishes general policies for the guidance of the Parks Department in the administration, protection and development of the 260 state parks in the system. He served as Chairperson in 2002-2003.

In 2003, Cotchett was honored by Disability Rights Advocates for his nearly 40 years of civil rights work. At a San Francisco dinner in October attended by lawyers, judges and community leaders, this was how Cotchett was described:

Joe Cotchett has been a champion for justice since his college days. As an engineering student in North Carolina, Joe challenged segregation by drinking from segregated water fountains and riding in the back of buses. Later, as a student at Cal Poly, in 1958 Joe successfully established the first integrated fraternity, which prompted the other fraternities on campus to follow suit. Joe's legal career has involved representing the underdog and doing extensive pro bono work. His civil rights commitment has been leveraged over and over by his financial support of legal fellowships. He has given a 'kick-start' to the public interest careers of the new law graduates at Trial Lawyers for Public Justice, Public Citizen, Southern Poverty Law Center and Disability Rights Advocates. Through these fellowships, Joe has helped to ensure social change through law. Joe guided DRA as a board and litigation committee member from its infancy years into the defender of disability rights it has become today.

In 2004, continuing a distinguished history of community and civic involvement, Cotchett endowed a \$7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner city and rural minority children. To honor Cotchett, the university renamed its landmark Clock Tower building the "Cotchett Education Building." The gift supports science and mathematics teacher education initiatives at Cal Poly through the University Center of Teacher Education and the College of Science and Mathematics.

In 2011, Cotchett was inducted into the prestigious American Trial Lawyer Hall of Fame for his work nationwide in civil rights, and litigation on behalf of the under-privileged in our society. In 2011, he received the Distinguished Service Award from the Judicial Council of California and named the Antitrust Lawyer of the Year by the State Bar. In April of 2011, he was honored by the California League of Conservation Voters with the Environmental Leadership Award and honored by the Consumer Watchdog with the Lifetime Achievement Award.

Cotchett and his family members are active in numerous Bay Area charitable organizations involving animals, children, women and minorities. They established the Cotchett Family Foundation that aids individuals and groups in need of assistance.

FRANK M. PITRE

Frank M. Pitre, a San Francisco native, earned his B.S., Cum Laude, in Business Administration and his J.D. from the University of San Francisco. While at USF, Pitre served a legal externship with the California Supreme Court.

Considered to be one of the outstanding trial lawyers in areas of personal injury/wrongful death, consumer fraud and commercial torts, Pitre has won millions of dollars for victims of injustice. His skill as a trial lawyer has earned him recognition among his peers who have elected him as a member of the prestigious American College of Trial Lawyers, American Board of Trial Advocates, International Academy of Trial Lawyers, International Society of Barristers, and the National Board of Trial Advocacy.

Recently, Pitre recovered the largest individual wrongful death verdict in San Diego County history, when a jury awarded \$17.4 million to the wife and three children of a high ranking U.S. Naval Officer, who was killed while riding his bike in a collision with an American Medical Response transport van. *Mazurek, et al. v. American Medical Response, et al.*, San Diego Superior Court Action No. 10-83975 May 20, 2011. As a result, he was named a finalist for the 2011 Trial Lawyer of the Year by the Consumer Attorneys of California.

Currently, Pitre serves as Co-Lead Counsel for the Economic Loss Class Plaintiffs in the nationwide Toyota Sudden Acceleration Cases, having been appointed by Federal District Court Judge James Selna. In Re: Toyota Unintended Acceleration Marketing Sales Practices and Product Liability Litigation, MDL 2151 JVS. In addition, he was appointed Plaintiffs Liaison Counsel by San Mateo Superior Court Judge Steven L. Dylina, to spearhead the coordination and prosecution of over 200 claims against PG&E arising out of the San Bruno Fire which occurred on September 9, 2010, when a natural gas pipeline exploded. In Re: San Bruno Fire Cases, JCCP Action No. 4648.

In 2009, Pitre was recognized by the National Law Journal's "Plaintiff's Hot List" for his work as co-lead trial counsel in the In Re: Bextra and Celebrex Mktg., Sales Practices & Product Liability

Litigation (MDL 1699), which culminated in Pfizer agreeing to pay \$894 million to settle consolidated injury and class action cases related to its pain killers Bextra & Celebrex.

In 2006, Pitre obtained one of the largest verdicts in Sutter County history where he obtained over \$45 million on behalf of an elderly minority shareholder who had been frozen out of participation in a lucrative family timber harvesting business. *Siller v. Siller*, Sutter County Superior Court Action No. CVCS01-1083.

He is a past president of Consumer Attorneys of California (CAOC), the 3,000-member group of lawyers dedicated to protecting and seeking justice for consumers.

Pitre served as liaison counsel and a member of the Plaintiffs Steering Committee in the Alaska Air Flight 261 air crash. In addition, he was a member of the Plaintiffs Executive Committee arising out of the Singapore Airlines Flight 006 air crash in Taiwan. Immediately prior to his committee appointments in Alaska Air and Singapore Airlines, he served as a member of the Plaintiffs Management Committee in the California Diet Drug Litigation where thousands of individuals were victimized by the diet pill combination Fen-Phen, which was condemned by the FDA for causing adverse health effects.

Pitre's numerous jury trials include a multi-million dollar wrongful death verdict in Orange County Superior Court in Santa Ana, California, against the State Department of Transportation, a highway contractor and a trucking company. The verdict, one of the largest of its kind for Orange County at the time, was affirmed on appeal, and as a result Pitre was a finalist for CAOC's Trial Lawyer of the Year award (2004).

Pitre served as co-lead trial counsel for Consumers Union, obtaining a defense verdict in favor of Consumers Union in a product disparagement case where the plaintiff, Isuzu Motors of Japan, sought damages of multi-million dollars. His work in defense of Consumers Union earned him recognition as a finalist for Trial Lawyer of the Year Award 2000.

Pitre won a multi-million dollar verdict for the victims of a high profile San Francisco balcony collapse. He also secured a significant verdict for compensatory and punitive damages before a San Francisco jury which found the defendant to have wrongfully deprived the plaintiff of her partnership interest in a successful business. In addition, he served as co-lead trial counsel with Joseph W. Cotchett for E. & J. Gallo, winning a landmark trade dress infringement case for the winery.

His notable federal class action cases include *Livingston v. Toyota Motor Sales USA, Inc.*, involving a nationwide antitrust class action under the Sherman Act by purchasers of more than three million Toyota vehicles.

His experience in mass tort cases began in 1987 with the PSA Air Crash Cases, representing numerous plaintiffs in wrongful death actions following the crash of PSA Flight 1771, where he served as a member of the Plaintiffs Steering Committee, and later as plaintiffs co-lead trial counsel for the six-week jury trial which established the defendants' liability. The success of the PSA Air

Crash Cases led to his appointment as a member of the Plaintiffs Steering Committee in *Carnahan et al. v. State of California*, which successfully resolved hundreds of claims for personal injuries and damages against more than 100 defendants.

Pitre is the author of numerous articles, including "Abuse of Process," California Tort Damages, California Continuing Education of the Bar, 1988; and "Tort Trends," The Docket, San Mateo County Bar Association, 1989-1994. He is co-author of "Jury Instructions: A Practical Approach to their Use," Civil Litigation Reporter, March, 1984; "Arguing Punitive Damages," Civil Litigation Reporter, California Continuing Education of the Bar, 1991; "Effective Opening Statements," California Litigation, Journal of The Litigation Section, California State Bar, 1991; "Jury Trial Tips: Witnesses," California Litigation, Journal of The Litigation Section, California State Bar, 1991; and "Winning Through a More Effective Direct Examination," California Litigation, Journal of the Litigation Section, California State Bar, 1991. Since 1998 he has served as the author of the Annual Supplement to "California Personal Injury Proof," published by the California Continuing Education of the Bar.

Pitre has served on the faculty of the Hastings College of Advocacy and the University of San Francisco Trial Advocacy Program. He also has served as the Co-Chair and presenter at several Masters In Trial programs sponsored by the ABOTA Foundation.

NIALL P. McCARTHY

Niall P. McCarthy, a partner at Cotchett, Pitre & McCarthy, LLP, is a graduate of the University of California at Davis and Santa Clara University School of Law. He has practiced with the firm since 1992.

McCarthy has repeatedly been selected as one of the top plaintiff attorneys in California and the United States by multiple publications, including the Daily Journal, the National Law Journal, Lawdragon Magazine and Super Lawyers Magazine. He has received a California Lawyer Magazine Attorney of the Year (CLAY) Award. From 2004 to 2014 he was selected as a Northern California "Super Lawyer" by San Francisco Magazine. McCarthy has been named a Top 100 attorney by the Daily Journal and Super Lawyers Magazine. He has the highest possible rating, AV, from Martindale-Hubbell. In 2013, McCarthy was awarded the Trial Lawyer of the Year Award by the San Mateo County Trial Lawyers Association. He has also been elected to the American Board of Trial Advocates (ABOTA).

McCarthy has represented qui tam Relators in False Claims Act cases in state and federal courts. McCarthy handled the Hunter Laboratories Litigation in which he negotiated the then largest False Claims recovery in California history, \$301 million. In the mid 1990s, he was the lead attorney in a groundbreaking case brought under the California False Claims Act on behalf of the University of California San Francisco with respect to direct and overhead costs to the university. McCarthy has extensive experience pursuing false claims cases arising out of health care fraud and other industries against the government. He coauthored the articles "Qui Tam Litigation, A Primer for the General Litigator," "Answering the Call: Attacking Healthcare Fraud with the False Claims

Act," "Recent Developments in False Claims and Healthcare Litigation," and "False Claims Act Fundamentals." He has worked with the Department of Justice and Attorneys General offices throughout the United States on False Claims cases.

McCarthy has handled many consumer fraud class actions. He has acted as Co-Lead National Class Counsel in actions against some of the largest banks and credit card companies in the country, which returned hundreds of millions of dollars to consumers. He is the author of "Home Equity Loss in California Through Predatory Lending," "Combating Predatory Lending in California," and has spoken in many forums on consumer fraud.

McCarthy also has practiced extensively in the area of elder abuse, including obtaining multi-million dollar recoveries on behalf of senior citizens in actions involving reverse mortgages. He has been retained by San Mateo County, Santa Clara County, Alameda County and Santa Cruz County to prosecute financial elder abuse cases. In addition, he has handled many notable cases against nursing homes, including well-publicized actions for the families of three victims who died at a San Mateo County nursing home during a heat wave, and an action on behalf of a developmentally disabled person who was severely burned while left unattended in a nursing home shower.

He authored "The Elder Abuse Statute: California's Underutilized Law," "Elder Abuse: Recent Legal and Legislative Developments," "Financial Elder Abuse in Real Estate Transactions Under the 2000 Revisions to the Elder Abuse Act" and "Elder Abuse Claims Not Subject to MICRA." He is a frequent speaker on elder abuse and has been featured in California Lawyer with respect to his work for seniors.

McCarthy has received many legal service awards including the Marvin Lewis Award for the Consumer Attorneys of California for guidance, loyalty and dedication, the William Nagle, Jr. Memorial Award from the San Mateo County Bar Association for innovations in the law and for professionalism, the Community Service Award from Santa Clara University School of Law for his work on behalf of consumers, the Bar Association of San Francisco's Award of Merit, the Access to Justice Award from the Lawyer's Club of San Francisco, the California Supreme Court Chief Justice's Award for Exemplary Service and Leadership, the Stanley Mosk Defender of Justice Award and the State Bar of California Presidential Award for Access to Justice.

McCarthy's other notable cases include compelling an insurance company to pay for a lifesaving bone marrow transplant for a cancer patient, and obtaining a punitive damage jury verdict in a case which unveiled a multi-state health insurance fraud. McCarthy obtained a defense award on a multi-million dollar fraud claim against his clients, and obtained a million-dollar recovery for the same clients on a cross-complaint in a year-long arbitration arising out of a failed healthcare industry merger. As co-lead counsel, he tried an action on behalf of the victims of a balcony collapse in San Francisco which resulted in a \$12 million verdict. He served as lead class counsel obtaining a \$15 million dollar verdict against Old Republic Title Co. after a trial in San Francisco Superior Court. He also obtained a substantial verdict against the government in a high profile FTCA case after a trial in federal court. He obtained a punitive damage jury verdict after trying an elder abuse case against a nursing home. In 2014, he won a unanimous jury verdict in a hotly

contested financial elder abuse trial involving the misappropriation of a senior citizen's life savings. McCarthy has tried a variety of cases in state and federal court, including class actions. He has also won multiple FINRA arbitrations.

McCarthy is a past president of the Consumer Attorneys of California and the San Mateo County Trial Lawyers. He was chairman of the Business Litigation Section of the San Mateo County Bar Association. He is currently a co-chair of the Open Courts Coalition, a diverse group of attorneys from all practice areas in California whose goal is to restore court funding. McCarthy has been an MCLE panelist on many topics including courtroom conduct, complex litigation, financial fraud, financial and physical elder abuse, the fundamentals of business litigation, Business and Professions Code 17200, predatory lending, qui tam actions, discovery for trial, trial of class actions, the Consumer Legal Remedies Act and taking effective depositions. He also is active in various Peninsula community activities, including having served as chairman of the Board of Directors of Community Gatepath, a nonprofit organization which benefits children and adults with disabilities. McCarthy received ABC 7/KGO TV's "Profiles of Excellence" Award for his work on behalf of Community Gatepath.

MARK C. MOLUMPHY

Mark C. Molumphy, a partner at Cotchett, Pitre & McCarthy, is native of the Bay Area, born in San Mateo, California.

Molumphy joined Cotchett, Pitre & McCarthy in 1993, practicing civil litigation with an emphasis on complex business disputes, securities, antitrust, insurance bad faith, and products liability. In 1996, Molumphy was presented the Community Service Award by the Jack Berman Advocacy Center of the American Jewish Congress for his work on the landmark 101 California Shooting Litigation.

Molumphy has extensive experience in consumer and investor fraud class actions and derivative actions, including *Smith v. Merrill Lynch* (Orange County Bond Litigation), *Estate of Jim Garrison v. Warner Bros. Inc.*, *Campbell v. Acclaim Entertainment, Inc.*, *In re Pilgrim Securities Litigation* and *Central Bank Litigation*. More recently, he has been involved as lead counsel in the groundbreaking Apple stock option backdating litigation, the Informix securities litigation which involved the restatement of revenues in excess of \$300 million, and on the Sybase, CBT, Rational Software, and HP derivative cases, resulting in millions of dollars recovered for the companies and their shareholders. Molumphy also negotiated multi-million dollar settlements on behalf of former shareholders of Bay Meadows Race Track and mutual fund shareholders of Janus.

He served as lead counsel for a nationwide class of investors of Medical Capital, and secured one of the largest Ponzi-scheme recoveries in California history. He also served as lead counsel in the Freddie Mac preferred shareholder securities litigation, following the government's historic takeover, and as co-lead Counsel for investors of BP, relating to the losses from the Gulf of Mexico disaster. Molumphy represented numerous cities and counties in California related to their investment losses in Lehman Brothers, Washington Mutual and AIG, amongst others.

Molumphy currently serves as lead counsel in some of the most significant derivative actions in the United States, including the PG&E derivative action relating to the San Bruno explosion and fire, the JP Morgan Chase derivative action relating to JPMorgan's subprime residential mortgage-backed securities program, the Wells Fargo derivative action relating to the bank's creation of fictitious customer accounts, the Yahoo derivative action relating to two of the largest user data breaches in United States history, and the Intuitive derivative action relating to alleged insider trading and deficient reporting processes to government regulators. Molumphy also serves as lead counsel in several investor class actions filed on behalf of IPO and pre-IPO investors in companies such as Oportun, Sunrun, Alibaba and LendingClub.

He is active in community affairs. He served on the Board of Directors and as a volunteer for the Legal Aid Society of San Mateo County, which provides free legal services to low-income children, families and seniors. He also has been appointed counsel by the Federal Court as part of the court's pro bono program.

In September 2007, the Parca Auxiliary honored Molumphy and Cotchett, Pitre & McCarthy with "Parca's Angel Award." Molumphy and Neil Swartzberg accepted the award in recognition of the law firm's donations to Parca Organization, a private nonprofit association that serves people with developmental disabilities and their families in the Bay Area. Molumphy expressed hope that other law firms and companies will be encouraged to give back to the community with this example.

Molumphy is a frequent speaker on complex litigation and co-authored "Punitive Damages: How Much Is Enough?" Civil Litigation Reporter, CEB, 1998. He also has appeared as a panelist on programs, including "Strategic Tips For Successfully Propounding and Opposing Written Discover," "Punitive Damages: Maximizing your Client's Success or Minimizing Your Client's Exposure," "Developments in Class Action Litigation," and "FDA 2009 - Key Issues Facing Life Sciences Companies."

PAUL N. "PETE" McCLOSKEY

Paul N. "Pete" McCloskey, Jr., a principal at Cotchett, Pitre & McCarthy, is considered to be one of the country's great trial lawyers, as well as a great public servant and war hero.

A renowned attorney who has tried over 100 jury trials, McCloskey began his law career as Deputy District Attorney for Alameda County, and then as the founding partner in the law firm of McCloskey, Wilson & Mosher, which evolved into the firm of Wilson, Sonsini, Goodrich & Rosati.

During his law career, McCloskey served as President of the Palo Alto Bar Association, President of the Conference of Barristers of the State Bar of California and as a Trustee of the Santa Clara Bar Association.

McCloskey received his B.A. from Stanford University and his J.D. from Stanford Law School. He has written four books and has taught legal ethics and political science at Stanford and Santa

Clara Universities. His books include: Guide to Professional Conduct for New Practitioners, California State Bar (1961); The U.S. Constitution, BRL (1961); Truth and Untruth: Political Deceit in America, Simon & Shuster (1971); and The Taking of Hill 610, Eaglet Books (1992), describing his service in Korea.

Following Stanford University, he joined the Marine Corps as an officer and served in the Korean War. While in the Marine Corps section, McCloskey commanded a reserve rifle company at San Bruno, California from 1953 to 1960. A recipient of the Navy Cross for extraordinary heroism, the Silver Star for bravery in combat and two Purple Hearts, McCloskey was a platoon leader and company commander. He retired from the Reserve with a rank of Colonel.

McCloskey served from 1967 to 1983 in the U.S. House of Representatives and was re-elected seven times representing the San Francisco Peninsula and Silicon Valley. He served six years as Congressional Delegate to the International Whaling Conference, and as Congressional Advisor to the Law of the Sea Treaty Delegation. An ardent environmentalist, he was co-chair of the first Earth Day in 1970 with Senator Gaylord Nelson. In 1972, he ran for President on an anti-Vietnam War platform against Richard Nixon. One of McCloskey's enduring legacies is his co-authorship of the 1973 Endangered Species Act. After serving in Congress for 15 years, McCloskey returned to private practice, taking on tough complex cases.

He has served as a Trustee for the Monterey Institute of International Studies, the Population Action Institute, and the U.S. Marine Corps Academy in Harlingen, Texas. Appointed by President George H. W. Bush and elected its first chairman, McCloskey served on the U.S. Commission on National and Community Service from 1990 to 1992.

McCloskey served on the Advisory Council to the American Land Conservancy. He has been at the forefront in helping Afghanistan and Iraq war veterans receive college educations upon their return from duty. He serves on the Board of Advisors of The Fund for Veterans' Education. A film was done on the life and times of Pete McCloskey entitled, American Maverick. The film is narrated by the late Paul Newman who said, "Pete McCloskey has spent his life fighting for peace" and "without doubt he will always be leading from the front."

ROBERT B. HUTCHINSON

Robert Hutchinson heads up the Cotchett, Pitre & McCarthy Los Angeles office. Mr. Hutchinson is a veteran trial lawyer having tried over 30 jury trials in Federal and State courts and numerous complex arbitrations and court trials. In 2000 he won a \$ 4.9 million verdict for a client who lost his right leg above the knee, believed to be the largest verdict to that time for that type of injury in the State of California.

Mr. Hutchinson successfully argued the case of *Vanhorn v. Torti* (2008) 45 Cal 4th 322 before the California Supreme Court and secured a multi-million dollar settlement for client.

Mr. Hutchinson specializes in Personal Injury trial practice, emphasis in product liability, Consumer Protection, Securities Fraud and Consumer Class Actions.

NANCI E. NISHIMURA

Nanci E. Nishimura is a partner at Cotchett, Pitre & McCarthy, LLP where she practices civil litigation focusing on antitrust, business litigation and consumer class actions. Ms. Nishimura received a B.A. in Psychology and M.A. in International Relations from the University of Southern California. Following a career in the United States and Japan as a business development and marketing consultant, she received her J.D. from the Columbus School of Law at the Catholic University in Washington, D.C. She worked at the Overseas Private Investment Corporation, the International Trade Commission and served as a Legislative Analyst to Senator Daniel Inouye.

Ms. Nishimura's experience in civil and criminal appellate litigation includes First and Fourth Amendment and civil rights. She wrote the brief on the merits and appeared before the United States Supreme Court in *Hanlon v. Berger*, 526 U.S. 808 (1999). She co-authored, "An Invasion of Privacy: The Media's Involvement in Law Enforcement Activities," 19 Loy. L.A. Ent. L.J. 313 (1999). Published cases, among others, include *Berger v. CNN Inc.*, 188 F.3d 1155 (9th Cir. 1999); *Ayeni v. Mottola*, 35 F.3d 680 (2d Cir. 1994), cert. denied, 514 US 1062 (1995), aff'g *Ayeni v. CBS Inc.*, 848 F. Supp. 362 (E.D.N.Y. 1994); *Brunette v. Humane Society of Ventura County*, 294 F.3d 1205 (9th Cir. 2002); *Aquila, Inc. v. Superior Court*, 148 Cal. App. 4th 556 (2007); *Regents of University of California v. Superior Court*, 165 Cal. App. 4th 672 (2008).

She was appointed by Governor Jerry Brown to the 11 member Commission on Judicial Performance (2011-2015); formerly served on the State Bar Judicial Nominees Evaluation Commission (JNE) for the 2005-2008 term; on the Board of Governors and first Vice President for the California Women Lawyers (District 3). She is also a member of the San Mateo and Los Angeles County Bar Associations, Consumer Attorneys of California, Association of Trial Lawyers of America, and the American Bar Foundation. She is a frequent lecturer for California Women Lawyers, and past member of the LACBA Litigation Section Trial Practice Inn of Court.

Ms. Nishimura is on the Board of Trustees of the California Science Center Foundation, a joint state-private facility created to promote science education throughout California, and past

president of the Board of Directors of The MUSES of the California Science Center Foundation. She is a frequent speaker to promote science and math education in California. In addition, she is on the Board of Trustees of the Asian Art Museum in San Francisco; the Rotary Club of San Mateo; and the creator of Storytime for Children with Abby Rabbit, an interactive reading and development program for children.

JUSTIN T. BERGER

Justin T. Berger is a partner at Cotchett, Pitre & McCarthy, where he focuses on false claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.

Berger has been recognized as one of the top young litigators in California. In 2012, Justin was included in The Recorder's "Lawyers on the Fast Track," as one of the top 50 attorneys in California with less than 10 years of practice. Also in 2012, Berger received a California Lawyer Magazine Attorney of the Year (CLAY) Award, along with Niall McCarthy. From 2009 to 2012, Justin has been selected as a Northern California "Rising Star" by Northern California Super Lawyers and San Francisco Magazine. In 2008, Berger was selected as a finalist for the 2008 Consumer Attorney of the Year Award by the Consumer Attorneys of California, for his work on Komarova v. National Credit Acceptance. In 2011, Berger was again selected as a finalist for Consumer Attorney of the Year along with Niall McCarthy, for their work in recovering a record \$300 million on behalf of the State of California in a case brought under the California False Claims Act.

Berger received his Bachelor of Arts from Yale University, graduating Cum Laude, with Honors in the Major. He received his J.D. from the University of California, Berkeley School of Law (Boalt Hall). At Boalt, Justin was a member of the California Law Review and the LAS-ELC Workers' Rights Clinic. In addition, through Boalt's International Human Rights Law Clinic, Justin served on the trial team that successfully prosecuted the case Yean and Bosico v. Dominican Republic before the Inter-American Court of Human Rights.

Following law school, Justin clerked for U.S. District Court Judge Susan Illston of the Northern District of California.

Prior to law school, Berger served for two years as a United States Peace Corps Volunteer in Ecuador. Berger also served for a year as an AmeriCorps VISTA volunteer at Casa Cornelia Law Center, a non-profit immigration law firm in San Diego. Berger is fluent in Spanish.

Berger is the President of the San Mateo County Barristers, and is active in the Northern California Peace Corps Association. Berger is a member of the San Mateo County Bar Association, Consumer Attorneys of California, American Business Trial Lawyers, and the San Mateo County Trial Lawyers Association.

ANNE MARIE MURPHY

Anne Marie Murphy is a partner at Cotchett, Pitre & McCarthy LLP, where she practices civil litigation focusing on complex commercial litigation, class actions, consumers' rights and elder abuse (including both financial abuse and nursing home abuse).

Ms. Murphy received her Bachelor of Arts in Science & Technology from Vassar College. She received her J.D. from the Georgetown University Law Center. While attending Georgetown, she worked as a Legislative Assistant in the U.S. Senate.

After graduating from law school, she practiced law in San Francisco, handling a caseload ranging from complex commercial litigation to regulatory approvals of mergers and acquisitions of regulated utilities. She also worked on a pro bono basis for the AIDS Legal Referral Panel.

In *Komarova v. National Credit Acceptance, Inc.* Ms. Murphy, along with Justin T. Berger of Cotchett, Pitre & McCarthy LLP, obtained a jury verdict against a credit card collection agency following a two week trial in January 2008. The jury found for the plaintiff both on her intentional infliction of emotional distress and California Fair Debt Collection Practices Act claims, resulting in both a compensatory and punitive damages award. On appeal, several important issues of first impression were decided in the Plaintiff's favor, as reflected in the published decision: *Komarova v. National Credit Acceptance, Inc.*, 175 Cal. App. 4th 324 (Cal. App. 1st Dist. 2009).

Ms. Murphy has practiced extensively in the area of elder abuse, handling many notable cases against nursing homes. Ms. Murphy has also acted as co-lead counsel in a number of consumer class actions which have returned millions of dollars to consumers across the country. Ms. Murphy has tried a number of cases to verdict.

Ms. Murphy is a member of Consumer Attorneys of California, the American Association for Justice, the San Mateo County Bar Association, the San Mateo Trial Lawyers Association, and is a lifetime member of California Women Lawyers.

Ms. Murphy serves on the Board of Directors of Consumer Attorneys of California (CAOC) and has been Co-Chair of the Donald L. Galine Tahoe Seminar since 2010. She also Co-Chaired CAOC's Class Action Seminar for several years. Ms. Murphy was elected to the CAOC Board of Governors in 2009 and again in 2010. In 2010, Ms. Murphy was appointed to serve on the Board of Directors of CAOC, she was then elected to the Board of Directors in 2011 and every year following. Ms. Murphy is the former Chair of the CAOC Women's Caucus.

In 2010, Ms. Murphy was appointed as a Commissioner on the California Commission on Access to Justice. The Commission plays a vital role in bringing together the three branches of government, judges, lawyers and civic and business leaders to find long-term solutions to the chronic lack of legal assistance available to low-income and vulnerable Californians. Ms. Murphy continues to serve on the Commission.

Ms. Murphy previously served on the Board of Directors of the State Bar of California, California Young Lawyers Association (CYLA) (2009 -2011); as well as the Board of Directors of the San Mateo County Barristers (2008-2009).

Ms. Murphy has provided frequent commentary on consumer rights issues, including binding mandatory consumer arbitration, and has appeared on local as well as national news broadcasts including ABC 7 On Your Side (Cable 7), View From The Bay, and Good Morning America (ABC). Ms. Murphy's articles include: "Same Road, Different Stops" (Elder Abuse Litigation), The Docket, San Mateo County Bar Association, Volume 49, No. 1, Jan/Feb 2013. Ms. Murphy's speaking engagements include: Panelist: "Elder Abuse Litigation," San Mateo County Bar Association, 2011; "Elder Abuse Litigation," State Bar of California Annual Convention, 2010; "Handling Cases Involving Physical and Financial Elder Abuse," CYLA, State Bar of California Webinar, 2010; "Winning Cases in Securities Arbitration," State Bar of California Annual Convention, 2010; "Securities Arbitration," CYLA, State Bar of California Webinar 2010; "Winning Trials through Motions in limine," 2010; Moderator, "Preparing for Trial," Consumer Attorneys of California, 2011; Moderator, "CSI Effect" CAOC Tahoe 2012; Panelist, "Financial Elder Abuse Litigation: Assessing, Preparing and Presenting Claims", Legal Assistance for Seniors ("LAS") 2012 Annual Conference; "Credit Counseling Class Actions and the CROA", CAOC Beaver Creek Conference 2012; Elder Abuse Litigation: Getting To Verdict Or Settlement In Tough Economic Times And Checklists For Settlement," CAOC 51st Annual Convention 2012; "Ethical Issues in Lawyer Communications," San Mateo County Bar Association 2013; "Elder Abuse Litigation: Sharpening Skills in Physical and Financial Abuse Cases" LAS 2013 Annual Conference; "PAPANTONIO: THE CONSERVATIVE WAR ON CONSUMER PROTECTIONS (VIDEO)," broadcast, Ring of Fire, August 4, 2013; "Is Major League Baseball the ONLY Business to Have an Antitrust Exemption?" Santa Clara University, September 27, 2013; "Ethical Issues Emerging From The Patient-Client Relationship" CAOC Annual Convention, San Francisco, November 16, 2013; Co-Chair/Moderator CAOC 2014 Class Action Seminar; Co-Chair/Moderator CAOC Political Training, May 5, 2014; "Cy Pres in Class Action Settlements: How to Do It Right and Benefit Legal Service", Impact Fund Webinar, July 28, 2014; Moderator, "Dos and Don'ts in the Courtroom" CAOC 53rd Annual Convention, San Francisco November 14, 2014; "CCRC Litigation" California Advocates for Nursing Home Reform (CANHR) Annual Convention, Monterey, November 21, 2014; "Elder Law and Continuing Care Retirement Communities (CCRCs)" CAOC Hawaii Seminar, December 1, 2014; Co-Chair CAOC/SFTLA/BASF 2015 Class Action Seminar, February 10, 2015. "Continuing Care Retirement Communities: Current Developments," California Advocates for Nursing Home Reform (CANHR) Annual Convention, November 2015; "Amendments to the Federal Rules of Civil Procedure," CAOC 2015 Hawaii Seminar, November 30, 2015; CAOC Class Action and Mass Torts 2016 Seminar, San Francisco, Co-Chair and Moderator; "Why aren't more female lawyers making it to trial?." SFTLA, January 7, 2016; "Trial Skills: The Ins And Outs Of Handling Witnesses (Roundtable Discussion)," CAOC 2016 Sonoma Seminar, Moderator; Co-Chair of the CAOC 2016 Sonoma Seminar; "Continuing Care Retirement Communities: Continuing Care Contracts/Frequently Asked Questions" CANHR Webinar, April 20, 2016; Presentation to CANHR CCRC Panel, April 30, 2016; Litigating in Probate Versus Civil Court: Factors to Consider, Legal Assistance for Seniors Conference, May 17, 2016; Transparency in Supply Chains

Litigation: Plaintiff, Defense and Human rights perspectives, July 28, 2016, Sponsored by the California State Bar Antitrust, UCL and Privacy Law Section; Elder Abuse a Growing Epidemic, CAOC Annual Convention, San Francisco, November 12, 2016; Continuing Care Retirement Communities (CCRC) Litigation, Plenary Session, CANHR Annual Conference, Monterey, November 19, 2016; “Litigating Human Rights Cases Under the UCL,” CAOC Hawaii Seminar, Maui, November 28, 2016; “Litigating Human Rights Class Actions,” CAOC/SFTLA Class Action Seminar, San Francisco, February 7, 2017; Preparing for the First Day of Trial, SFTLA Seminar, February 21, 2017; Elder Abuse Roundtable, SFTLA, May 9, 2017.

Ms. Murphy is involved in a number of community organizations in the Bay Area. Among other community activities, Ms. Murphy served on the Board of Directors of Seven Tepees Youth Program for a number of years, including as board Secretary. Seven Tepees is a non-profit serving promising urban youth in San Francisco, which provides comprehensive services to youth from 5th to 12th grade, including mentoring, academic support and college and career counseling. Ms. Murphy now serves on the Advisory Board.

In 2015 Ms. Murphy joined the Board of Directors of California Advocates for Nursing Home Reform (“CANHR”). CANHR is one of the largest and most respected non-profits in the country devoted to the protection of senior citizens. For the past 30 years, CANHR has educated and supported consumers and advocates regarding the rights of California seniors, through direct advocacy, community education, legislation and litigation.

In 2008, Ms. Murphy was selected as a finalist for the 2008 Consumer Attorney of the Year Award by CAOC. In 2009, 2010, 2011 and 2012 Ms. Murphy was selected as a Northern California “Rising Star” by Northern California Super Lawyers and San Francisco Magazine. In 2013 and every year since Ms. Murphy has been selected as a Northern California “Super Lawyers” by Northern California Super Lawyers and San Francisco Magazine. In 2016 she was named to Super Lawyers’ Top 100 Northern California Attorneys.

In May 2015, the Daily Journal named Ms. Murphy in its Top Women Lawyers edition as one of the “100 leading women lawyers in California.” Also in 2015 Ms. Murphy was named as one of the 25 top Plaintiff attorneys by the Daily Journal in its inaugural list of 25 top Plaintiff attorneys.

ADAM J. ZAPALA

Adam J. Zapala is a partner at Cotchett, Pitre & McCarthy, LLP, where he focuses on antitrust, false claims act litigation, consumer protection and class actions generally.

Mr. Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. While at Hastings, Mr. Zapala received awards for best moot court brief, the Pro Bono Publico award, most outstanding student in Group Advocacy and Systemic Reform, and Excellence for the Future Award in Pre-trial Practice.

Previously, Mr. Zapala worked at Davis, Cowell & Bowe, LLP. in San Francisco, where he represented labor unions, Taft-Hartley Pension and Health & Welfare funds, employees and consumers in complex litigation, arbitration and NLRB proceedings. While at DCB, Mr. Zapala served as trial counsel in countless arbitrations on behalf of labor unions and employee benefit funds. He has argued cases before the California First, Third, and Sixth District Court of Appeal.

Mr. Zapala also previously served as a staff attorney with Bay Area Legal Aid, where he focused on representing indigent clients in a wide variety of civil litigation matters. While there, Mr. Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Mr. Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation.

Mr. Zapala also has legislative and policy experience, working on Capitol Hill as a policy aide for Senator Ron Wyden (D-Oregon) in Washington D.C.

Mr. Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, Mr. Zapala became a four-time Academic All-American, a four-time All-American, and Captain of the Stanford Men's Soccer Team. In 2001, he was drafted in the Major League Soccer ("MLS") Super Draft by the Dallas Burn (now FC Dallas).

ALEXANDRA P. SUMMER

Alexandra P. Summer (Alexa) is a partner at Cotchett, Pitre & McCarthy, LLP, where she represents clients in securities, financial fraud, shareholder rights, and corporate governance matters and business and consumer class actions.

Ms. Summer brings her trial experience to every aspect of litigation, from the investigation to filing to motions, discovery, and trial itself. She has been recognized for her commitment to her clients and ability to move their cases forward in litigation to reach the best possible outcome for their interests as expeditiously as possible.

Prior to joining the firm, Ms. Summer was an Assistant United States Attorney in the Northern District of California, San Francisco, in the Organized Crime Drug Enforcement Task Force Section of the Criminal Division. As an AUSA, Ms. Summer was responsible for numerous felony criminal cases including violations of drug-trafficking statutes, violent crimes, wire fraud, money laundering, and obstruction of justice. Ms. Summer received consistent praise from her law enforcement partners, and was recognized by her leadership as "invaluable to the unit" and received awards for outstanding performance. Ms. Summer has been recognized by district judges for excellent trial performances and litigation management.

Prior to serving as an Assistant United States Attorney, Ms. Summer worked as an associate for two large firms in San Francisco. In these positions Ms. Summer represented clients in commercial litigation, consumer class actions, and criminal defense and government enforcement matters.

Ms. Summer clerked for Judge William Alsup, U.S. District Court for the Northern District of California, San Francisco. Ms. Summer was responsible for all criminal and securities cases, as well as half of all other non-intellectual property civil cases assigned to Judge Alsup.

Ms. Summer received her J.D. from Columbia Law School, with honors. While at Columbia, she interned for Judge Robert Sack, U.S. Court of Appeals for the Second Circuit, in New York. She also interned for the U.S. Attorney's Office for the Southern District of New York and the Legal Aid Society. Ms. Summer received her undergraduate degree from Harvard College, with honors in her fields of Sociology and History of Art and Architecture.

SENIOR ASSOCIATES

ALEXANDER BARNETT

Alex Barnett is a senior associate at Cotchett, Pitre & McCarthy where he specializes in class actions involving: antitrust and securities law violations; consumer fraud; negligent product design and manufacture; wage and overtime disputes; civil rights violations; and violation of environmental laws. He also handles mass tort litigation.

Representative class action cases include: *Turner v. General Electric Company*, No. 2:05-CV-186-FtM-33DNF (M.D. Fla.) (claims by purchasers of allegedly defective General Electric refrigerators); *Staton v. IMI South, LLC*, No. 03-CI-588 (Ky. Cir. Ct.) (claims by purchasers of defective concrete for repair of home foundations and flatwork); *In re Bridgestone/Firestone Inc., ATX, ATX II and Wilderness Tires*, MDL No. 1373 (S.D. Ind.) (claims by purchasers of allegedly defective tires), *Gori v. Merck & Co., Inc.*, No.: 04L1254 (claims by purchasers of Vioxx for refund of purchase price); and *Harman v. Lipari* (claims for medical monitoring for residents of neighborhood bordering a Superfund site in New Jersey). Mr. Barnett also has represented individuals injured by pharmaceutical products such as Redux and Pondimin, Baycol, Serzone, and Vioxx. In addition, Mr. Barnett served as counsel for the cities of Boston, Los Angeles, Philadelphia and San Francisco against the handgun industry and as counsel for the City of Milwaukee in a case against the lead pigment industry.

Mr. Barnett has served as a lecturer on class actions, serving as a Panel speaker at the First Annual National Class Actions Symposium (Osgoode Hall Law School, Toronto, Canada) and the Third Annual Class Actions for Non-Class-Action Lawyers - Growing Your Business by Understanding the Basics and Recognizing Opportunities.

Prior to entering private practice, Mr. Barnett served as the Executive Director of the International Association of Jewish Lawyers and Jurists ("IAJLJ"), American Section, an organization dedicated to promoting human rights and the rule of law.

Before his tenure at the IAJLJ, Mr. Barnett served as the Democratic Party nominee for the New York State Assembly in New York's 17th Assembly District.

ERIC BUESCHER

Eric Buescher is a senior associate at Cotchett, Pitre & McCarthy, where he focuses on consumer fraud, elder abuse, false claims litigation and employment litigation. Mr. Buescher received his Bachelor of Arts in Political Science, with a focus on International Relations from Duke University. After graduating, Mr. Buescher worked as a researcher in Washington, DC assisting law firms with complex research projects for active litigation matters.

Subsequently, Mr. Buescher received his J.D. from Georgetown University Law Center. While at Georgetown, Mr. Buescher was a member of the Georgetown Journal on Law and Public Policy

and published an article regarding Fifth Amendment takings as they relate to affordable housing and the Department of Housing and Urban Development titled "Home Robbery: Congress and HUD's Taking of Private Property in Affordable Housing." 7 Geo. J.L. & Pub. Pol'y 571 (2009).

Mr. Buescher is a member of San Mateo Trial Lawyers Association and Consumer Attorneys of California.

ELIZABETH TRAN

Elizabeth Tran is a senior associate at Cotchett, Pitre & McCarthy, LLP. She focuses her practice on antitrust law and complex litigation.

Ms. Tran received her B.A. in Economics and Political Science, with a concentration in Public Policy, from Boston University. At BU, she interned and studied abroad in London and Sydney during her third year.

Ms. Tran received her J.D. from the University of California, Hastings College of the Law. At UC Hastings, she was a super regional semifinalist in the Jessup International Law Moot Court Competition. She also received honorable mentions for both best brief and best oral advocacy in Moot Court. Ms. Tran served as a judicial extern for the Honorable A. James Robertson II in San Francisco Superior Court and as a teaching assistant for both Legal Writing & Research and Moot Court. She studied international business law at Bocconi University in Milan for a semester.

In law school, Ms. Tran mentored underserved high school students on preparing for college. While awaiting bar results, she served as a graduate fellow at Bay Area Legal Aid, where she advocated for the rights of disadvantaged people to health and disability benefits.

Ms. Tran has national and state legislative experience. She interned for U.S. Representative Neil Abercrombie (D-Hawaii; now Governor of Hawaii) in Washington, D.C. and State Representative Scott Nishimoto (D-Hawaii) in Honolulu.

Ms. Tran grew up in Honolulu and graduated from 'Iolani School, but she has been actively laying roots in the Bay Area. She enjoys the food scene in San Francisco, the hiking trails in Marin, and volunteering for the family law section of the Bar Association of San Francisco.

ASSOCIATES

STEPHANIE D. BIEHL

Stephanie D. Biehl is an associate at Cotchett, Pitre & McCarthy, LLP, where she practices in numerous areas, including financial litigation, labor and employment disputes, business and consumer litigation, and other complex civil litigation.

Ms. Biehl received her J.D. from the University of California, Hastings College of the Law. She earned her concentration in Civil Litigation and Alternative Dispute Resolution and attained Cum Laude honors. While attending UC Hastings, Ms. Biehl had the honor of being a judicial extern for Senior United States District Judge Charles R. Breyer for the Northern District of California. Also during her time at UC Hastings, Ms. Biehl served as an Executive Editor for the Hastings Business Law Journal. Additionally, Ms. Biehl devoted much of her time in law school to the nationally renowned UC Hastings Trial Team. While on the Trial Team, Ms. Biehl completed a number of trial competitions, where she and her teams received awards in both criminal law and civil law competitions, including the Finalist Award in the 2015 National Ethics Trial Competition.

Before law school, Ms. Biehl attended Notre Dame de Namur University (NDNU) where she received her B.S in Business Administration and her B.A. in Spanish Studies. Ms. Biehl graduated Summa Cum Laude, as the valedictorian of her class. She also had the honor of being the Undergraduate Commencement Speaker and receiving the Belmont Student Community Service and Leadership Award from the City of Belmont.

Among other organizations, Ms. Biehl is a member of San Mateo Trial Lawyers Association and Consumer Attorneys of California. Ms. Biehl also volunteers as the Chair of the Board for the Success Through Education Program (STEP). STEP is a non-profit organization that works with the County of San Mateo and local agencies to reduce recidivism rates by providing recently-incarcerated individuals with assessment, educational training, vocational training, counseling, internships, scholarships, and mentoring.

TAMARAH PREVOST

Tamarah Prevost is an associate at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including employment law, securities litigation, consumer protection, false claims act litigation, and other complex civil matters.

Ms. Prevost received her J.D. from Santa Clara University School of Law. While at Santa Clara, Ms. Prevost was named the Best Oral Advocate in the Semi Final Round of Santa Clara Law's Honors Moot Court Competition, and her article was published in the Santa Clara Journal of International Law. She received the CALI Award for her "Leadership for Lawyers" class and maintained a heavy involvement in the Women and Law Association, which included her planning a fundraiser to benefit victims of domestic violence.

During law school, Ms. Prevost was a legal extern for the Honorable Justice Nathan Mihara of the Sixth District Court of Appeal and a Research Assistant to Lisa Kloppenberg, Dean of Santa Clara University School of Law.

Ms. Prevost is active in her community, and currently serves on the Board of Directors for the Digital Moose Lounge, a non-profit organization that serves as the first point of contact for Canadians new to the Bay Area. Prior to law school, Ms. Prevost lived in Vancouver, British Columbia and obtained her Bachelor of Arts degree with First Class Honors from Simon Fraser University and was actively involved in the Rotary Club of New Westminster. She also lived in Puerto Viejo, Costa Rica and volunteered at a non-profit organization committed to alleviating poverty for the indigenous population.

EMANUEL TOWNSEND

Emanuel B. Townsend is an Associate at Cotchett, Pitre & McCarthy, LLP where he focuses on false claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.

Emanuel received his Bachelor of Arts in American Studies from the University of California, Santa Cruz, graduating Cum Laude, with Honors in the Major. Emanuel received his J.D. from the University of California, Hastings College of the Law.

While at UC Hastings, Emanuel had the honor of externing for United States District Court Judge Susan Illston of the Northern District of California. Additionally, while at UC Hastings, Emanuel won the Witkin Award and the Cali Award for being the top student in Legal Writing and Research. Emanuel also worked throughout law school as a law clerk here at Cotchett, Pitre & McCarthy, LLP.