

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

In Re: LIQUID ALUMINUM SULFATE ANTITRUST LITIGATION	Civil Action No. 16-md-2687 (JLL) (JAD)  <b>DECLARATION OF MANUEL J. DOMINGUEZ IN SUPPORT OF APPLICATION FOR <u>ATTORNEYS' FEES AND EXPENSES</u></b>
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Manuel J. Dominguez, declares as follows:

1. I am a Partner with the law firm of Cohen Milstein Sellers & Toll, PLLC (“CMST”), one of the counsel for the direct purchaser class in this action. In such capacity, I am fully familiar with the facts contained herein based upon my personal knowledge and the books and records kept in the ordinary course of CMST’s business. I submit this declaration in support of Class Counsel’s application for an award of attorneys’ fees in the above-captioned action (the “Action”), as well as for reimbursement of expenses incurred by CMST relating to the Action.
2. CMST originally filed a complaint in this matter on behalf of the City of Lorain. CMST was appointed by the court to serve on the Plaintiff Steering Committee (“PSC”).
3. As a member of the PSC, CMST was asked by Lead Counsel, James Cecchi, to participate in several assignments. CMST was asked to be part of the team of firms whose primary responsibility was drafting Direct Purchaser Plaintiff’s (“DPP”) consolidated amended complaint (“CAC”). Along with drafting allegations for the CAC, CMST was asked to coordinate with experts, attend the evidentiary proffer made by General Chemical, the ACPERA applicant, attend regular meetings with other members of the team, conduct factual research and review documents.

4. CMST was also asked to work with a team of firms responsible for evaluating potential class representatives. CMST's responsibilities regarding this assignment were to review DPP documents and invoices, interview potential class representatives and their counsel and assess potential candidates for the role DPP class representative.

5. CMST was also responsible for preparing its client, City of Lorain, for the class representative interview. Along with interviewing City of Lorain current and former employees CMST was also responsible for collecting documents and preparing the client questionnaire for the class representative evaluation committee.

6. CMST was also asked by lead counsel to participate in document review which included coding documents produced by defendants and third parties, and preparing documents produced by class representatives for production.

7. The schedule attached hereto, as Exhibit A, is a summary indicating the amount of time spent by each attorney and professional support staff employee of CMST who was involved in the Action, and the lodestar calculation based on CMST's current billing rates. For personnel who are no longer employed by my firm, the lodestar calculation is based upon the billing rate(s) for such personnel in his or her final year of employment at CMST. The schedule was prepared from contemporaneous daily time records regularly prepared and maintained by CMST. These records can be made available upon request. Time associated with preparing this application for fees and reimbursement of expenses has not been included in this request.

8. The hourly rates for the attorneys and professional support staff of CMST included in Exhibit A are the same as the regular rates that would be charged for their services in non-contingent matters and/or which have been accepted by other courts in antitrust litigation.

9. The total number of hours expended on this Action by CMST during the Time Period is 2,243.40. The total lodestar for my firm for that period is \$828,303.00.

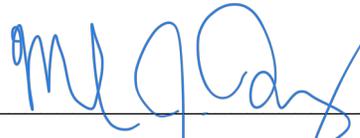
10. CMST's lodestar figures are based upon the firm's billing rates, which rates do not include charges for expense items. Expense items are billed separately, and such charges are not duplicated in CMST's billing rates.

11. As detailed in the schedule attached hereto as Exhibit B, CMST has incurred a total of \$5,293.52 in unreimbursed expenses in connection with the prosecution of this Action.

12. The expenses incurred in this Action are reflected on the books and records of CMST. CMST's books and records are prepared from expense vouchers, check records, and other source materials and are an accurate record of the expenses incurred.

13. For purposes of informing the court of CMST's standing, attached hereto as Exhibit C, is a brief biography of the firm.

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



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Manuel J. Dominguez

Dated: March 20, 2019

**Exhibit A**

**Cohen Milstein Sellers & Toll, PLLC**

**Summary of Reported Hours and Current Rates**

**April 8, 2016 through March 1, 2019**

<b>Timekeeper</b>	<b>Position</b>	<b>Hours</b>	<b>Current Rate</b>	<b>Lodestar</b>
Manuel Dominguez	Partner	141.60	\$820	116,112.00
Tracey Kitzman	Counsel	16.20	\$690	11,178.00
David A. Young	Partner	105.40	\$630	66,402.00
Hiba Hafiz	Associate	0.30	\$475	142.50
John A. Bracken	Staff Attorney	25.00	\$420	10,500.00
Christina Copenhaver	Contract Attorney	609.90	\$405	247,009.50
Alex Noronha	Paralegal	0.80	\$300	240.00
Jay Clayton	Paralegal	22.30	\$300	6,690.00
Andrew S. Hill	Contract Attorney	1,311.60	\$280	367,248.00
Ali Szemanski	Paralegal	10.30	\$270	2,781.00
<b>TOTAL</b>		<b>2,243.40</b>		<b>\$828,303.00</b>

**Exhibit B**

**Cohen Milstein Sellers & Toll, PLLC**

**Summary of Expenses**

**April 8, 2016 through March 1, 2019**

<b>In-House Duplicating</b>	0.60
<b>Long Distance Telephone (Internal)</b>	45.85
<b>FedEx/Overnight Mail</b>	26.14
<b>Complaint Filing Fee</b>	612.00
<b>Other Court Fees</b>	1,962.00
<b>Computer Research</b>	402.82
<b>Travel</b>	2,244.11
<b>Other</b>	-
<b>TOTAL EXPENSES</b>	<b>\$5,293.52</b>

**EXHIBIT C**

**COHENMILSTEIN**

## About the Firm

**Cohen Milstein Sellers & Toll PLLC** fights corporate abuse, pursuing litigation on behalf of affected individuals, investors, whistleblowers, small businesses, and other institutions in lawsuits that have raised significant, challenging, and often novel issues. Cohen Milstein specializes in holding large corporations accountable for their actions, despite the fact that they often have significantly more resources at their disposal than those damaged by their misconduct.

Recognized as one of the premier firms in the U.S. handling major, complex plaintiff-side litigation, Cohen Milstein has over 90 attorneys in offices in Washington, DC; Chicago, IL; New York, NY; Palm Beach Gardens, FL; Philadelphia, PA; and Raleigh, NC. As one of the largest and most diversified plaintiffs' firms in the country, we regularly litigate complex matters across a wide range of practice areas, including:

- Antitrust
- Civil Rights & Employment
- Complex Tort Litigation
- Consumer Protection
- Employee Benefits / ERISA
- Ethics and Fiduciary Counseling
- Human Rights
- Public Client
- Securities Litigation & Investor Protection
- Whistleblower/False Claims Act

Cohen Milstein is consistently lauded as one of the most successful plaintiffs' firms in the country. *Forbes* has called us a **"class action powerhouse,"** while *Inside Counsel* has dubbed us **"[t]he most effective law firm in the United States for lawsuits with a strong social and political component."**

In 2019, nine Cohen Milstein lawyers were named among the **"Lawdragon 500 Leading Lawyers in America."** In 2018, *Law360* named Cohen Milstein **"Practice Group of the Year"** in two categories: **Consumer Protection** and **Environmental**. Cohen Milstein also had the distinct honor of being named the 2018 **"Winner"** of *The National Law Journal's* **"Elite Trial Lawyer"** in four categories: **Consumer Protection, Counterterrorism, Immigration, and Financial Products,** as well as having three partners named **"Winner"** of its **"Elite Women of the Plaintiffs Bar"** award. In 2017, *Law360* named Cohen Milstein **"Practice Group of the Year"** in **"Privacy,"** and in 2016, *Law360* also named Cohen Milstein **"Practice Group of the Year"** in two categories: **Competition** and **Class Actions**. Similarly, in 2016, *The National Law Journal* named Cohen Milstein a **"Winner"** in two of its **"Elite Trial Lawyers"** categories: **Antitrust** and **Class Actions**.

In addition, our individual lawyers are regularly recognized as leaders in their respective areas of law in leading peer-reviewed industry rankings, such as ***Law360 MVP, Lawdragon 500, Chambers, Legal 500, Best Lawyers in America, Benchmark Litigation, Martindale-Hubbell, Super Lawyers,*** among others.

## Recent Awards & Recognition

- In 2019, nine Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Lawyers in America.”**
- In 2018, *Law360* named Cohen Milstein **“Practice Group of the Year”** in two categories: Consumer Protection and Environmental.
- In 2018, *Law360* named three partners MVP in the respective practices, including: Theodore J. Leopold as **Law360’s Environmental MVP**, Andrew N. Friedman as **Law360’s Cybersecurity and Privacy MVP**, and Kalpana Kotagal as **Law360’s Employment MVP**.
- In 2018, *The National Law Journal* named Cohen Milstein winner of **“Elite Trial Lawyer of the Year”** in four categories, including Consumer Protection, Counterterrorism, Immigration, and Financial Products, and finalist in five other categories, including Antitrust, Civil Rights, Disability Rights, Employment Rights, and Racial Discrimination.
- In 2018, *The National Law Journal* named Kalpana Kotagal, Betsy A. Miller, and G. Julie Reiser – **“Elite Women of the Plaintiffs Bar.”**
- In 2018 the *Daily Business Review* named Stephan A. LeClainche and Diana L. Martin as one of its **“Most Effective Lawyers”** for Medical Malpractice and Pro Bono, respectively.
- In 2018, A Better Balance presented Kalpana Kotagal with **“A Better Balance: The Work & Family Legal Center’s Distinguished Public Service Award.”**
- In 2018, the American Antitrust Institute honored Sharon K. Robertson with its **“Outstanding Antitrust Litigation Achievement Award.”**
- In 2018, the NAACP honored Cohen Milstein with its **“Foot Soldier in the Sand Award,”** in recognition of the firm’s outstanding commitment to providing pro bono legal services.
- In 2018, *The Best Lawyers in America* recognized eleven Cohen Milstein attorneys as among the **Best Lawyers in America (2019)**, in their respective areas of law.
- In 2018, *The Best Lawyers in America* singled out and named Joseph M. Sellers **“The Best Lawyers in America 2019, Labor Law Lawyer of the Year – Washington, D.C.”**
- In 2018, *The Best Lawyers in America* singled out and named Milstein’s Leslie M. Kroeger **“The Best Lawyers in America 2019, Mass Tort Litigation / Class Actions “Lawyer of the Year – West Palm Beach, FL.”**
- In 2018, *Palm Beach Illustrated* named seven Cohen Milstein Attorneys to its **“Top Lawyers” List.”**
- In 2018, *Benchmark Litigation* named four Cohen Milstein attorneys to its **“40 & Under Hot List.”**
- In 2018, *Florida Trend* named five Cohen Milstein attorneys to its list of **“Florida’s Legal Elite.”**
- In 2018, Lawdragon 500 named five Cohen Milstein attorneys to **“Leading Plaintiff Employment Lawyers.”**
- In 2018, *Crain’s* named Carol V. Gilden one of Chicago’s **“Notable Women Lawyers.”**
- In 2018, Harvard Law School named Kalpana Kotagal a **“Wasserstein Fellow.”**
- In 2018, *Chambers USA Women in Law* honored Kalpana Kotagal with its **“Outstanding Contribution to the Community in Advancing Diversity Award.”**

- In 2018, the *New York Law Journal* named Sharon K. Robertson to its list of “**New York Rising Stars.**”
- In 2018, *The Legal 500: Guide to the US Legal Profession* listed Cohen Milstein’s **Antitrust, Employment Disputes, and Securities Litigation** practices among its “**Leading Practices.**”
- In 2018, the *Daily Business Review* named Leslie M. Kroeger a “**Distinguished Leader.**”
- In 2018, *Law360* named Steven J. Toll a 2018 “**Titan of the Plaintiffs Bar.**”
- In 2018, Leslie M. Kroeger was sworn-in as President-Elect to the Florida Justice Association.
- In 2018, Lawdragon named seven Cohen Milstein attorneys to the 2018 “**Lawdragon 500,**” an annual list of the **500 Leading Lawyers in America.**
- In 2018, Theodore J. Leopold was recognized as an “**Energy and Environmental Trailblazer**” by *The National Law Journal*.
- In 2018, *Super Lawyers* recognized 20 Cohen Milstein attorneys as “**2018 Super Lawyers**” and 12 Cohen Milstein attorneys as “**Super Lawyer Rising Stars.**”
- In 2017, *Law360* named Cohen Milstein a “**Practice Group of the Year: Privacy.**”
- In 2017, Steven J. Toll was named a *Law360* “**MVP – Class Action.**”
- In 2017, the *Daily Business Review* named Theodore J. Leopold a “**Most Effective Lawyer of 2017: Class Action.**”
- In 2017, Joel Laitman, Christopher Lometti, Betsy Miller, and Victoria Nugent were named *The National Law Journal’s* “**Plaintiffs’ Lawyers Trailblazers.**”
- In 2017, *The Best Lawyers in America* recognized seven Cohen Milstein partners as among the “**Best Lawyers in America**” for their respective practices of law.
- In 2017, *Law360* named Cohen Milstein partners, S. Douglas Bunch and Kalpana Kotagal as “**Rising Stars.**”
- In 2017, *The Legal 500* named Cohen Milstein a **Leading Firm** in “Antitrust: Civil Litigation / Class Actions” and “Dispute Resolution: Securities Litigation – Plaintiff.”
- In 2017, *The Legal 500* named Richard A. Koffman to its “**Legal 500 Hall of Fame.**”
- In 2017, *Legal 500* named Sharon K. Robertson and Brent W. Johnson as “**Legal 500 Next Generation Lawyer**” in the area of Antitrust: Civil Litigation/Class Actions.
- In 2017, *Super Lawyers* named Brent W. Johnson as a “**Rising Star**” and a “**Top Rated Antitrust Litigation Attorney in Washington, DC.**”
- In 2017, *Super Lawyers* named Leslie M. Kroeger, Stephan A. Le Clairche, and Theodore J. Leopold “**Florida Super Lawyers**” and Nicholas C. Johnson and Adam J. Langino “**Florida Rising Stars.**”
- In 2017, the Coalition for Independent Living Options Inc. presented Michael Dolce a Special Acknowledgment Award for his “**Commitment to Ending Sex Crimes against People with Disabilities.**”
- In 2017, Adam J. Langino was elected American Association for Justice’s Newsletter Chair for the Product Liability Section.
- In 2017, *Florida Trend* named Manuel J. Dominguez a “**Legal Elite.**”
- In 2017, Nicholas C. Johnson was elected President of the F. Malcolm Cunningham, Sr. Bar Association.

- In 2017, Leslie M. Kroeger was elected Treasurer to the Florida Justice Association.
- In 2017, *South Florida Legal Guide* named Theodore J. Leopold as a **“Top Lawyer,”** and Diana L. Martin and Adam Langino a **“Top Up and Comer.”**
- In 2016, *Law360* selected Cohen Milstein as a **“Competition Practice Group of the Year”** and a **“Class Action Practice Group of the Year.”**
- In 2016, Women in Wealth Awards selects Carol V. Gilden Selected as **“Best in Securities Litigation Law - Illinois & Excellence Award for Investor Protection Law.”**
- In 2016, Richard A. Koffman was named a *Law360* **“MVP – Competition Law.”**
- In 2016, Martha Geer was selected as a **“North Carolina Leaders in the Law Honoree.”**
- In 2016, the Washington Lawyers’ Committee for Civil Rights and Urban Affairs named Cohen Milstein a recipient of its **“Outstanding Achievement Award.”**
- In 2016, for the eighth consecutive year, Cohen Milstein was recognized by *The Legal 500* as one of the leading plaintiff class action antitrust firms in the United States.
- In 2016, Agnieszka Fryszman, Joel Laitman, Chris Lometti, Kit Pierson, Joe Sellers and Steve Toll were named to the **2016 Lawdragon 500 Leading Lawyers in America.**
- In 2016, *Law360* named Julie Goldsmith Reiser one of the **“25 Most Influential Women in Securities Law.”**
- In 2016, Cohen Milstein is named to *The National Law Journal’s* **“Plaintiffs Hot List”** for the fifth time in six years.
- In 2016, *Law360* named Cohen Milstein as one of the top firms for female attorneys.
- In 2015, *Law360* named Cohen Milstein as the sole plaintiffs’ firm to be selected in two **“Practice Groups of the Year”** categories and one of only five class action firms recognized.
- In 2015, Cohen Milstein was named an **“Elite Trial Lawyer Firm”** by *The National Law Journal* for the second year in a row.
- In 2015, Steven J. Toll named a *Law360* **“MVP – Securities Law.”**
- In 2015, Cohen Milstein was selected as a **“Most Feared Plaintiffs Firm”** by *Law360* for the third year in a row.
- In 2015, Richard Koffman was named, for the fifth consecutive year, in *The Legal 500* **“Leading Lawyers”** in **“Litigation - Mass Tort and Class Action: Plaintiff Representation – Antitrust.”**
- In 2015, Theodore J. Leopold, Leslie M. Kroeger, and Stephan A. LeClainche were selected as **“Florida Super Lawyers”** and Adam J. Langino was selected as a **“Florida Rising Star.”**
- In 2015, Andrew Friedman, Agnieszka Fryszman, Karen Handorf, Kit A. Pierson, Julie Reiser, Joseph M. Sellers, Daniel A. Small, Daniel S. Sommers, Steven J. Toll and Christine E. Webber were selected as **“Washington DC Super Lawyers.”**
- In 2015, Laura Alexander, Monya Bunch, S. Douglas Bunch, Johanna Hickman, Kalpana Kotagal, and Emmy Levens were selected as **“Washington DC Rising Stars”** by *Super Lawyers*.
- In 2015, for the fourth time in five years, Cohen Milstein was selected to *The National Law Journal* **“Plaintiffs’ Hot List.”**
- In 2015, Carol V. Gilden was selected as **“Pension Funds Litigation Attorney of the Year in Illinois”** for the second year in a row by the Corporate INTL Legal Awards.

## Antitrust

Cohen Milstein is widely respected as one of the preeminent plaintiffs' antitrust practices in the United States, often involved in landmark antitrust class actions. We have received numerous accolades for our work in antitrust litigation, including:

- *The National Law Journal*, "Finalist – Elite Trial Lawyers – Antitrust" (2018)
- *The National Law Journal*, "Winner – Elite Trial Lawyers – Antitrust" (2016)
- *Law 360*, "Competition Practice Group of the Year" (2016)
- *Legal 500*, "Leading Plaintiff Class Action Antitrust Firm" (2010 – 2018)
- *National Law Journal*, Plaintiffs' Hot List (2011 – 2013, 2015 – 2016)
- *Law360*, "Most Feared Plaintiffs Firm" (2013-2015)

We focus predominantly on national antitrust class actions, including litigating (and winning) class action jury trials and appeals. We gladly take on – and defeat – formidable opponents, which have included such giants as Dow Chemical, Apple, and The Walt Disney Company.

### Our Clients:

Our clients include pension funds, businesses, and individuals. Our class action experience spans all industries, including agriculture, automotive parts, chemicals, oil and gas, financial services, health care, high tech, media and entertainment, pharmaceuticals, and many others.

We also have the distinct honor of representing not only plaintiffs, but also, in certain cases, defendants, including the Service Employees International Union, and New York Hotel & Motel Trades Council, AFL-CIO.

### Setting Precedents:

Our work has shaped the antitrust landscape and helped change industry.

- **Ground-Breaking Securities Markets Disputes** – We are one of two law firms leading three ground-breaking antitrust lawsuits involving collusion by many of the world's biggest banks in three of the world's largest securities market, including Interest Rate Swaps, Treasuries, and Stock Lending.
- **Cutting-Edge Disputes in Tech** – Our work against Apple, Google, Pixar, and other companies in the tech sector have helped mitigate uncontrolled growth and collusive behavior in this dynamic and quickly evolving industry.
- **Novel "Pay-for-Delay" Disputes** – We are one of a small handful of plaintiffs' law firms pursuing this novel area of law unique to the pharmaceutical industry, and involving patented drugs, generic drugs, and non-competition agreements.
- **Rare Litigation Involving a Sitting U.S. President** – We are litigating competitor standing issues in litigation that quite literally could change the course of U.S. history – whether President Trump is violating the Constitution's Emoluments Clauses.

We have recovered billions of dollars in damages for injured plaintiffs in some of the nation's most complex antitrust lawsuits.

- ***In re Urethanes Antitrust Litigation:*** We secured the largest trial verdict ever in a price-fixing case (\$1.06 billion – after trebling and settlement offsets).
- ***In re Animation Workers Antitrust Litigation:*** We secured final approval of \$168.5 million in settlements on June 6, 2017, yielding average awards of more than \$14,000 per class member in this certified class action involving “do not to solicit employee” agreements between many of the largest high-tech animation companies in the U.S.
- ***In re Electronic Books Antitrust Litigation:*** We secured a \$560 million settlement, including a settlement of \$450 million with Apple shortly before trial in this novel litigation, alleging Apple and five of the six biggest U.S. publishers conspired to raise the price of e-books. We litigated together with the Department of Justice and Attorneys General from 33 states and territories.

## Leadership:

We believe leadership is the result of exceptional work by a team of exceptional lawyers, who come from diverse backgrounds and work experience, but who share an appetite for intellectual rigor and the desire to help shape competition and industry for the better. As a result:

- **Court Appointments:** We have the honor of frequently being Court Appointed Lead or Co-Lead Class Action Counsel to some of the largest and most complex antitrust disputes in the United States, including all of the entries in this submission.
- **Industry Scholarship:** We are recognized for setting the bar for intellectual engagement and scholarship in this dynamic area of law. To this end:
  - We are on the advisory Board of the **American Antitrust Institute**, one of the leading “think tanks” on economics and competition; and
  - We are founders of the annual **Jerry S. Cohen Memorial Writing Award for Antitrust Scholarship**, recognized by academics and practitioners alike as a coveted award.
- **Individual Achievement:** Our antitrust lawyers, individually, are recognized among the best in the industry, including:
  - American Antitrust Institute’s Outstanding Antitrust Litigation Achievement Award (2018)
  - *Lawdragon 500* Leading Lawyers in America (2016, 2017, 2018)
  - *Who’s Who Legal: Thought Leaders – Competition* (2017, 2018)
  - *Legal 500: “Next Generation Lawyer”* (2017, 2018)
  - *Law360* Rising Stars (2018)
  - *New York Law Journal* Rising Stars (2018)
  - *Benchmark Litigation “40 & Under Hot List”*
  - *Legal 500* Hall of Fame (2017)
  - *Legal 500* Tier 1, Leading Lawyer (2017)
  - *Law360* Competition MVP (2016)
  - *Law360* Competition MVP (2014)

# COHENMILSTEIN

Most of our lawyers served as judicial law clerks. Some have served in the Department of Justice and other government agencies. Others bring decades of experience at top defense firms.

## **Judicial Recognition:**

We have also been honored to receive enthusiastic praise from the Court.

- On July 16, 2018, The Honorable Michael M. Baylson for the U.S. District Court for the Eastern District of Pennsylvania noted that plaintiffs' counsel, specifically naming Cohen Milstein, had done "**outstanding work**" in *In re Domestic Drywall Antitrust Litigation*, including surviving an extensive summary judgment motion in February 2016.
- In the July 29, 2016 Court Order, granting final approval of the settlement in *In re: Urethanes Antitrust Litigation*, Judge John W. Lungstrum for the U.S. District Court for the District of Kansas, commended plaintiffs' counsel:

*"[C]ounsel achieved incredible success on the merits of the claims. . . . Liability on these claims was far from certain, and thus the case presented a great deal of risk, as counsel was required to advance all expenses and attorney time to litigate a hard fought case against highly experienced opposing counsel hired by a defendant with ample resources. . . . **In almost 25 years of service on the bench, this Court has not experienced a more remarkable result.**"*

## Representative Matters

For decades, Cohen Milstein Sellers & Toll PLLC has represented individuals, 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 is also 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 successes include:

### Antitrust Representative Matters

- ***In re Lidoderm Antitrust Litigation, No. 3:14-md-02521 (N.D. Cal.):*** Plaintiffs allege that Endo and Teikoku, manufacturers of the Lidoderm patch, paid Watson Pharmaceuticals to delay its generic launch. The case settled on the eve of trial and on September 20, 2018, plaintiffs obtained final approval of a \$104.75 million settlement – more than 40% of plaintiffs' best-case damages estimate. This case was ranked by *Law360* as "The Biggest Competition Cases Of 2017 So Far" (July 7, 2017).
- ***In re Domestic Drywall Antitrust Litigation, No. 2:13-md-02437 (E.D. Pa.):*** Cohen Milstein served as co-lead counsel for a class of direct purchasers of drywall against drywall manufacturers for price-fixing. The court approved settlements that total more than \$190 million. The court commented that it had sided with plaintiffs because of counsel's "outstanding work," and that plaintiffs' counsel had a "sophisticated and highly professional approach." It complemented the attorneys as "highly skilled" and noted that their performance on class action issues was "imaginative." It also stated, "Few cases with no government action, or investigation, result in class settlements as large as this one."
- ***In re Animation Workers Litigation, No. 5:14-cv-04062 (N.D. Cal.):*** Cohen Milstein served as co-lead counsel representing a class of animation and visual effects workers who allege that Pixar, Lucasfilm, DreamWorks and other studios conspired to suppress their pay. The court granted final approval of \$168.5 million in settlements. To our knowledge, this is the most successful no-poach case ever filed in U.S. history, achieving an average recovery per class member of nearly \$14,000.
- ***In re Urethanes Antitrust Litigation, MDL No: 1616 (D. Kan.):*** Cohen Milstein served as co-lead counsel on behalf of a class of direct purchasers of chemicals used to make many everyday products, from mattress foam to carpet cushion, who were overcharged as a result of a nationwide price-fixing conspiracy. On February 25, 2016, Cohen Milstein reached an agreement with The Dow Chemical Company to settle the case against Dow for \$835 million. Combined with earlier settlements obtained from Bayer, Huntsman, and BASF, the Dow settlement pushed the total settlements in the case to \$974 million. The settlement was approved on July 29, 2016.
- ***In Re Electronic Books Antitrust Litigation, No. 11-md-02293 (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, the final settlement totaled more than \$560 million. The settlement resolves damages claims brought by a class of ebook purchasers and attorneys general from 33 U.S. states and territories.
- ***In re Plasma-Derivative Protein Therapies Antitrust Litigation, No. 09 C 7666 (N.D. Ill.):*** After four years of litigation, in October of 2013, CSL Limited, CSL Behring LLC, CSL Plasma, Inc. (collectively, "CSL"), and the Plasma Protein Therapeutics Association ("PPTA") agreed to pay \$64 million dollars to settle a lawsuit brought by the University of Utah Hospital and other health care

providers alleging that CSL, the PPTA, and Baxter agreed between 2003-2009 to restrict the supply of immunoglobulin and albumin and thereby increase the prices of those therapies. Two months later, Baxter International Inc. and Baxter Healthcare Corp. (collectively “Baxter”) agreed to pay an additional \$64 million to settle these claims – bringing the total recovery to the class to \$128 million.

## Other Representative Matters

- ***New Jersey Carpenters Health Fund v. Royal Bank of Scotland Group PLC et al., No. 1:08-cv-05310-DAB-HBP (S.D.N.Y.)***: On March 8, 2019, the Honorable Deborah A. Batts granted final approval to a \$165 million all-cash settlement, bringing this lawsuit, the last of 11 MBS class actions Cohen Milstein successfully handled, to conclusion. Cohen Milstein was lead counsel in this certified MBS class action.
- ***In re Anthem Data Breach Litigation, No. 15-MD-02617-LHK (N.D. Cal.)***: On August 16, 2018, the Honorable Lucy H. Koh in the U.S. District Court for the Northern District of California granted final approval to a \$115 million settlement – the largest data breach settlement in U.S. history – ending claims that Anthem Inc., one of the nation’s largest for-profit managed health care companies, put 78.8 million customers’ personal information, including social security numbers and health date, at risk in a 2015 data breach. Cohen Milstein was co-lead counsel.
- ***In re BP Securities Litigation, No. 4:10-MD-02185 (S.D. Tex.)***: Cohen Milstein represented the New York State Common Retirement Fund as co-lead plaintiff in a securities class action filed in 2010, alleging that BP injured investors by intentionally downplaying the severity of the Deepwater Horizon oil spill and preventing investors from learning the magnitude of the disaster. After successfully arguing for class certification to the district court, Cohen Milstein presented plaintiffs’ defense of that court’s decision to the U.S. Court of Appeals for the Fifth Circuit, which affirmed the class. The case settled on February 13, 2017 for \$175 million, a few weeks before trial was to begin.
- ***Moody’s Litigation***: Cohen Milstein represented the co-lead state Mississippi and represented New Jersey in the \$864 million consumer fraud settlement achieved in January 2017 by 22 states and the U.S. Department of Justice with Moody’s Corporation, Moody’s Investors Service, Inc., and Moody’s Analytics, Inc. Together with the S&P settlement, these cases against the nation’s two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- ***S&P Litigation***: Cohen Milstein represented co-lead state Mississippi in the \$1.375 billion-dollar consumer fraud settlement achieved in 2015 by 20 states and the U.S. Department of Justice with Standard & Poor’s. Together with the Moody’s settlement, these cases against the nation’s two largest credit rating agencies produced key industry reforms that provide greater transparency for consumers and that divested the credit rating agencies of more than \$2.2 billion for their conduct contributing to the national housing crisis and the Great Recession.
- ***United States of America et al., ex rel. Lauren Kieff, v. Wyeth, No. 03-1236 (D. Mass.)***: Cohen Milstein was co-lead counsel in this False Claims Act whistleblower case against pharmaceutical giant Wyeth (subsequently acquired by Pfizer), in which the whistleblowers alleged that Wyeth defrauded Medicaid, the joint federal/state healthcare program for the poor, when it reported falsely inflated prices for its acid suppression drug Protonix from 2001 through 2006 for Medicaid rebate purposes. Weeks before trial, in February 2016, in one of the largest qui tam settlements in U.S. history, Wyeth agreed to pay \$784.6 million to the U.S. government and the over 35 intervening states.

- ***HEMT MBS Litigation, No. 1:08-cv-05653 (S.D.N.Y.)***: On May 10, 2016, U.S. District Judge Paul A. Crotty finally approved a \$110 million settlement in the mortgage-backed securities class action brought by investors against Credit Suisse AG and its affiliates. This settlement ends claims brought by the New Jersey Carpenters Health Fund and other investors who claimed that the offering documents for the mortgage-backed securities at issue violated the Securities Act as they contained false and misleading misstatements.
- ***RALI MBS Litigation, No. 08-8781 (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 in 2013. This global settlement marks an end to a long and complicated class action over MBS offerings that RALI and certain of its affiliates issued and sold to the New Jersey Carpenters Health Fund and other investors from 2006 through 2007. The case took seven years of intense litigation to resolve.
- ***In re: Bear Stearns Mortgage Pass-Through Certificates Litigation, No. 08-08093 (S.D.N.Y.)***: On May 27, 2015, U.S. District Judge Laura Taylor Swain finally approved a class action settlement with JPMorgan Chase & Co., which agreed to pay \$500 million and up to an additional \$5 million in litigation-related expenses to resolve claims arising from the sale of \$27.2 billion of mortgage-backed securities issued by Bear Stearns & Co. during 2006 and 2007 in 22 separate public offerings.
- ***Harborview MBS Litigation, No. 08-5093 (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. This case is one of eight significant MBS actions that Cohen Milstein has been named lead or co-lead counsel by courts and one of three that were nearly thrown out by the court, only to be revived in 2012.
- ***Countrywide MBS Litigation, No. 2:10-cv-00302 (C.D. Cal.)***: In April 2013, plaintiffs in the landmark mortgage-backed securities (MBS) class action litigation against Countrywide Financial Corporation and others, led by Lead Plaintiff, the Iowa Public Employees' Retirement System (IPERS), agreed to a \$500 million settlement. It is the nation's largest MBS-federal securities class action settlement. The settlement was approved in December 2013 and brings to a close the consolidated class action lawsuit brought in 2010 by multiple retirement funds against Countrywide and other defendants for securities violations involving the packaging and sale of MBS. The settlement is also one of the largest (top 20) class action securities settlements of all time.
- ***In re Beacon Associates Litigation, No. 09-cv-0777 (S.D.N.Y.)***: Class action settlement of \$219 million for trustees and participants in ERISA-covered employee benefit plans whose assets were lost through investments made on their behalf by Beacon Associates LLC I & II in the investment schemes of Bernard Madoff.
- ***Keepseagle v. Vilsack, No. 1:99CV03119 (D.D.C.)***: A class of Native American farmers and ranchers allege that they have been systematically denied the same opportunities to obtain farm loans and loan servicing that have been routinely afforded white farmers by the USDA. A class was certified in 2001 by Judge Emmet Sullivan, District Judge for the U.S. District Court for the District of Columbia. On April 28, 2011, the U.S. District Court granted final approval of a historic settlement of \$760 million between Native American farmers and ranchers and the USDA. The *Keepseagle* settlement agreement required USDA to 1) pay \$680 million in damages to thousands of Native Americans, to 2) forgive up to \$80 million in outstanding farm loan debt, and to 3) improve the farm loan services USDA provides to Native Americans.



## Manuel J. Dominguez, Partner

Palm Beach Gardens, FL

t: 561.833.6575

f: 561.515.1401

[jdominguez@cohenmilstein.com](mailto:jdominguez@cohenmilstein.com)

### Practice Areas

- Antitrust

### Admissions

- Florida

### Education

- Florida State University, J.D., 1995
- Florida International University, B.A., 1991

**Manuel J. (“John”) Dominguez** is a Partner at Cohen Milstein and a member of the Antitrust practice group. Mr. Dominguez specializes in complex, multi-district antitrust litigation, representing individuals and businesses harmed by anticompetitive business practices. Mr. Dominguez also plays a significant role in identifying and investigating potential antitrust violations for the practice group.

Mr. Dominguez has been litigating complex antitrust, securities, and consumer cases for more than 20 years, and has served as lead counsel and handled numerous high-profile, high-stakes cases during that time. His efforts have enabled aggrieved businesses and consumers to recover hundreds of millions of dollars.

A hands-on litigator, Mr. Dominguez currently represents plaintiffs in litigation alleging price-fixing and monopolistic practices in the medical products, finance and other industries. These cases include:

- **Automotive Parts Antitrust Litigation:** Cohen Milstein represents direct purchasers of Bearings, Mini-Bearings, IG coils, Power Window Motors, Valve Timing Control Devices and other automotive parts in a series of antitrust class action lawsuits accusing manufacturers and suppliers of price-fixing and bid-rigging conspiracies. These cases, being litigated in the Eastern District of Michigan in Detroit, stem from the largest antitrust investigation in the history of the U.S. Department of Justice, with over \$1 billion in fines and multiple criminal indictments. *Bearings* is the first matter currently being considered for certification by the court. Mr. Dominguez has significant responsibilities in these cases, including leading discovery efforts against defendants, briefing and assisting experts. Settlements in several of these cases have recovered more than \$500 million for direct purchaser plaintiffs.
- **Liquid Aluminum Sulfate Antitrust Litigation:** In this action it was alleged that the manufacturers of Aluminum Sulfate, a product used by municipalities for water treatment, conspired to allocate customers, rig bids and fix prices. Mr. Dominguez was appointed by the court to serve on the Plaintiffs’ Steering Committee. As part of his responsibilities he has been responsible for selecting class representatives and working on the consolidated amended complaint. Thus far, this case has resulted in the preliminary approval of settlements for direct purchaser plaintiffs of more than \$10.7 million in cash and up to \$13.5 million from the sale of defendant’s assets resulting from the company’s dissolution or acquisition.

In addition to antitrust class action litigation, Mr. Dominguez continues to be involved in significant non-class and non-antitrust class actions, including winning a significant motion to dismiss in a non-class action antitrust action brought on behalf of doctors and practice groups against a major insurance company and hospital in Florida in *Omni Healthcare, Inc. v. Health First, Inc.* The case presented and argued issues of first impression for the middle district of Florida. Mr. Dominguez was also involved in cutting-edge data privacy breach litigation against AOL for allegedly unlawfully collecting internet search data of millions of users and making their private information available for public downloading. In addition, Mr. Dominguez litigated a highly significant securities matter that settled for hundreds of millions of dollars involving Symbol Technologies Inc., a barcode technology maker that intentionally overstated its revenues through premature revenue recognition, improper consignments arrangements and channel stuffing.

Mr. Dominguez began his career as an Assistant Attorney General in the Attorney General of the State of Florida's Department of Economic Crimes. In that role, he represented the State of Florida in prosecuting corporations and business entities for alleged violations of Florida's RICO, antitrust and Unfair and Deceptive Trade Practices Act statutes. Following his service as an Assistant Attorney General, Mr. Dominguez entered private practice, litigating and trying numerous cases involving unfair trade practices and other alleged violations of state and federal consumer protection statutes. In 2000, he joined a premier class action firm focused on antitrust and securities litigation; there, he rose to be one the heads of the firm's antitrust practice group.

Mr. Dominguez also has been at the forefront of exploring ways to develop and apply e-discovery to the law—authoring white papers and presenting on e-discovery amendments to the Federal Rules of Civil Procedure. He also participated in The Sedona Conference® Working Group 1, the legal industry's vanguard e-discovery standards organization.

Mr. Dominguez formerly served as the Chair of the Antitrust, Franchise & Trade Regulation Committee of the Florida Bar's Business Law Section. He previously served as the Vice Chair of that committee and was a member of the Executive Council of Florida Bar's Business Law Section. He is also co-author of an article that appeared in the *Florida Bar Journal*, "The Plausibility Standard as a Double Edge Sword: The application of Twombly and Iqbal to Affirmative Defenses" (Vol. 84, No. 6).

Mr. Dominguez is recognized as a "Legal Elite" by *Florida Trend* (2017-2018) and named a *Palm Beach Illustrated* "Top Lawyers" (2018).

Mr. Dominguez received a B.A. from Florida International University, and earned his J.D. from the Florida State University Law School, graduating with honors. In law school, he was a member of the *Transnational Journal of Law and Policy*.