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18 *Interim Co-Lead Counsel for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**
SAN JOSE DIVISION

21 IN RE: APPLE INC. DEVICE
 PERFORMANCE LITIGATION

Case No. 5:18-md-02827-EJD

22 **DECLARATION OF MARK J.**
DEARMAN IN SUPPORT OF NAMED
 23 **PLAINTIFFS' MOTION FOR FINAL**
APPROVAL OF PROPOSED
 24 **SETTLEMENT AND FOR ATTORNEYS'**
FEES EXPENSES, AND SERVICE
AWARD

24 This Document Relates to:

25 ALL ACTIONS

26 Judge: Hon. Edward J. Davila
 Courtroom: 4, 5th Floor
 27 Date: December 4, 2020
 Time: 10:00 a.m.

1 I, MARK J. DEARMAN, declare as follows:

2 1. I am a member of the law firm of Robbins Geller Rudman & Dowd LLP. I have
3 personal knowledge of the matters stated herein, and, if called upon, I could and would
4 competently testify thereto.

5 2. I submit this declaration in support of Named Plaintiffs' Motion for Final Approval
6 of Proposed Settlement and for Attorneys' Fees, Expenses, and Service Awards ("Motion").

7 3. On May 15, 2018, I was appointed by the Court as Chair of the Apple Device
8 Performance Litigation Plaintiffs' Executive Committee ("PEC") (ECF No. 99). My primary role
9 included the responsibility to work with co-lead counsel Joseph W. Cotchett and Laurence D. King
10 ("Co-Lead Counsel"), to ensure that Plaintiffs' pretrial preparation was conducted effectively,
11 efficiently, and economically.

12 4. In furtherance of my appointment and coordination with Co-Lead Counsel, I
13 attended weekly leadership calls where status and strategy, along with the status of assignments
14 and the delegation of assignments to Plaintiffs' counsel, was addressed. My Firm hosted a website
15 (<https://www.appleperformancelitigation.com/>) where Court orders and other case materials were
16 made available to Plaintiffs' counsel to avoid duplicative PACER charges. We assisted with the
17 retention of an ESI vendor, document review, and document review management, as well as with
18 law and briefing on issues ranging from 12(b)(6) topics to possible coordination with state
19 Attorneys General. I also attended the hearing on the motion to dismiss and multiple case
20 management conferences.

21 5. In order to carry out my responsibilities, starting on May 25, 2018, I prepared and
22 circulated a memorandum explaining to counsel on the PEC and Plaintiffs' Steering Committee
23 ("PSC") the acceptable guidelines for recording of time and expenses and the proper method and
24 format in which to submit their monthly time and expenses ("Memorandum" attached hereto as
25 Exhibit 1). I also circulated the Court-ordered billing protocol (ECF No. 148) ("Billing Protocol").

26 6. On a monthly basis, starting in May 2018, PEC and PSC firms submitted to me
27 detailed billing records, along with a summary of those records by timekeeper and by task code.

28

1 Pursuant to the Billing Protocol, the submissions were reviewed to confirm that they accorded with
2 the Billing Protocol and the Memorandum. When appropriate, we corresponded with Plaintiffs’
3 counsel regarding deficiencies in their reports and necessary corrective actions. These letters, of
4 which samples are attached as Composite Exhibit 2, requested more detailed descriptions,
5 identified where too many lawyers had worked on a given task, or simply confirmed that certain
6 entries were not common benefit work. As a result of these efforts, Plaintiffs’ counsel diligently
7 worked to follow Billing Protocol requirements and were careful to follow the Billing Protocol
8 and Memorandum. Of course, I was always available to discuss whatever issues or questions that
9 Plaintiffs’ counsel raised.

10 7. On a quarterly basis, starting in May 2018, I also provided the Court, *in camera*,
11 with a report that included a summary of time by firm, with hours and fees incurred by month and
12 a timekeeper summary by task code. I submitted seven quarterly reports. All of these reports
13 incorporated any adjustments that were made to the submissions during the review and vetting
14 process.

15 8. In addition to my real-time review of time and expenses on a monthly basis, and
16 my quarterly reporting to the Court, I continued to review of the relevant time and expense records
17 for each PEC and PSC firm in connection with the filing of this declaration. This process resulted
18 in the additional reduction of lodestar in some cases, and the adjustment of hourly rates for
19 document reviewers.¹ In reviewing the monthly and quarterly reports, I did not attempt to arrive
20 at any particular amount of lodestar, or lodestar reduction, or to reach any preconceived multiplier
21 or percentage of fund. Instead, my sole aim was to ensure compliance with this Court’s Billing
22 Protocol and the mandates of the Court’s order appointing Class Counsel.

23 9. I also asked each of the PEC and PSC firms that submitted time and expenses in
24 accordance with the Billing Protocol to prepare declarations (“Declaration(s)”) in support of their
25

26 ¹ The billing protocol set document review at \$350.00 per hour. During the additional review
27 of time and expenses, it was discovered that a document reviewer billed at a rate in excess of the
28 \$350.00. While that was incorrectly included in one of the reports furnished to the Court, it has
now been corrected.

1 time and expense submissions. Attached hereto as Exhibits 3-39 are true and correct copies of the
2 PEC and PSC firm Declarations, each accompanied by two exhibits: (1) Exhibit A is lodestar
3 calculation using the most recent reported hourly rate for each timekeeper; and (2) Exhibit B is a
4 calculation of total expenses by category.

5 10. As reflected in the Declarations, the total lodestar reported for the period from May
6 15, 2018 through July 31, 2020 for Co-Lead Counsel, the PEC, and the PSC is \$32,415,420.50.²
7 Attached as Exhibit 40 is a chart that lists total hours and lodestar by firm.

8 11. Attached hereto as Exhibit 41 is a compilation of Class Counsel's unreimbursed
9 expenses totaling \$1,460,057.40 from May 15, 2018 through July 31, 2020, in connection with the
10 prosecution of this Action. Attached as Exhibit 42 is a chart listing total expense by category.
11 These expenses were advanced by Class Counsel on a contingent basis. These expenses are
12 supported by each firm's separate declaration (*see, infra*, at Exhibits 3-39). The total also reflects
13 the total contributions by Class Counsel to the Litigation Fund established to finance the joint
14 prosecution of this litigation, with a credit of unused funds currently remaining in the Litigation
15 Fund, as described in Exhibit D to the Declaration of Laurence D. King in Support of Named
16 Plaintiffs' Motion for Final Approval of Proposed Settlement, and for Attorneys' Fees, Expenses,
17 and Service Awards, filed herewith. With the credit of unused funds applied, the total expenses
18 sought total \$891,949.02.

19 12. In addition to the post consolidation and appointment time, the PEC and PSC firms
20 provided me with reports for work performed before the May 15, 2018 consolidation order. While
21 I did not review and vet these pre-consolidation reports in the same fashion as the other
22 submissions, the information is provided to the Court for purposes of completeness and to advise
23 the Court of the significant amount of work counsel performed prior to consolidation. The total
24

25
26 ² For some of the firms, there are variations between the amounts reported to the Court and
27 amounts reported in the Declarations, primarily due to adjustments for misclassified time or rates.
28 In addition, the Declarations calculate each firm's lodestar based on the timekeeper's most recently
reported rates to the Court.

1 for this pre-consolidation work, from inception to consolidation on May 14, 2018, is
2 \$3,694,141.75.

3 I declare under the penalty of perjury under the laws of the United States that the foregoing
4 is true to the best of my knowledge.

5 Executed on August 26, 2020, in Boca Raton, Florida.

6
7 ROBBINS GELLER RUDMAN
& DOWD LLP
8 MARK J. DEARMAN

9 

10 _____
MARK J. DEARMAN

11 120 East Palmetto Park Road, Suite 500
12 Boca Raton, FL 33432
13 Telephone: 561/750-3000
561/750-3364 (fax)
mdearman@rgrdlaw.com

14
15 *Chair, Plaintiffs' Executive Committee*

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Joseph W. Cotchett, attest that concurrence in the filing of this document has been obtained from the other signatory. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 26th day of August 2020, at Burlingame, California.

/s/ Joseph W. Cotchett

Joseph W. Cotchett

EXHIBIT 1



Atlanta
Boca Raton

Chicago
Manhattan

Melville
Nashville

Philadelphia
San Diego

San Francisco
Washington, DC

Mark Dearman
MDearman@rgrdlaw.com

MEMORANDUM

CONFIDENTIAL WORK PRODUCT

TO: Members of the Executive Committee and Steering Committee and All Timekeepers at Your Respective Firms

**FROM: Chair of the Executive Committee
Mark Dearman, Robbins Geller Rudman & Dowd LLP**

**CC: Co-Lead Class Counsel
Joseph Cotchett and Mark Molumphy (Cotchett, Pitre & McCarthy LLP
Laurence King and David Straite (Kaplan Fox & Kilsheimer LLP)**

DATE: May 25, 2018

**RE: *In re: Apple Inc. Device Performance Litig.*
Billing protocol – PLEASE READ CLOSELY**

Although the Court's May 18, 2018 text order (Dkt. No. 102), requests the submission of a billing protocol, and many of us have had the opportunity to previously work with one another, we felt it good practice to elaborate on the procedures and practices that will ensure the efficient management of this MDL. It is important that all plaintiffs' counsel on this case follow the same consistent, standard, and accurate billing practices. Time keeping has both a substantive and procedural component: We must only bill for time that is justifiably billed to the case (and that we would feel comfortable requesting payment from a fee-paying client), and we must document that time contemporaneously accurately, and completely so that the Court and/or our clients can understand the work that we have done. At the direction of Co-Lead Counsel, the following billing protocols are now in place. Please forward this memo to all timekeepers at your firm.

AVOID OVER-STAFFING AND OVER-BILLING

1. The general rule is that Executive Committee members may seek assistance from up to one junior attorney and one paralegal from their firms. Each committee is staffed with *two chairs*, so there is generally no reason to involve more than three timekeepers from any firm. If additional resources are needed, we have our "reserve group" of court-approved firms on the Steering Committee, and of course Co-Lead Counsel will have flexibility to approve additional timekeepers if appropriate for the needs of the case.

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2. Steering Committee members may similarly seek assistance from one additional junior attorney and a paralegal. As noted above, if some tasks require additional resources, we should first try to involve other members of the Steering Committee before adding additional timekeepers from your firm.

3. Work will be assigned to specified individuals or firms by Co-Lead Counsel or the Executive Committee Chair *and each billing entry must indicate who specifically assigned the tasks*. This extra data point is a new development but increasingly common in other cases and Judge Davila will hold us to our commitment to do so here. For tasks that involve multiple committee members, Mark Dearman will have additional administrative authority to distribute work fairly.

4. Although it may be necessary to have more than a minimal number of people on periodic conference calls so that the core group litigating the case is up to speed and can take on new assignments, or to assist with very important briefs such as class certification or summary judgment, with those exceptions, the general rule should be that any calls involving your committee be limited to one Executive or Steering Committee member. In the first couple of weeks while we get organized two committee members have been invited to various calls but this practice will become less common going forward.

5. It is neither necessary nor appropriate for all lawyers appointed to leadership positions to attend hearings or status conference with the Court. Going forward, our policy is that no one other than Co-Lead Counsel shall attend. Typically, the Court arranges for lawyers to participate in hearings and conferences telephonically, so there should not generally be a compelling reason for in-person appearances. Of course, there may be good reasons to depart from this policy, such as when a lawyer is particularly knowledgeable about a matter to be taken up with the Court. Decisions to depart from the policy will be made by Co-Lead Counsel on a hearing by hearing basis.

6. We will not bill the class for more than two attorneys at any deposition. Decisions to depart from the policy will be made by Co-Lead Counsel.

7. It is the stated goal of Co-Lead Counsel to avoid using contract lawyers in this case unless circumstances change. There are enough firms involved in this case to staff any sized document review with current associates and staff attorneys – and if additional document reviewers are needed, they should be hired as proper employee associates or staff attorneys.

8. As a general rule, no work performed or expenses incurred prior to consolidation (05/15/2018) may be billed to the Class unless: (1) it is work conducted for the common benefit; and (2) it is reported to the Executive Committee Chair by June 15, 2018, and approved by Co-Lead

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Counsel or the Executive Committee Chair. For example, work performed and expenses incurred in connection with briefing and attending the hearing on transfer and consolidation is not common benefit work.

9. It is inappropriate for all committee members to remain up to speed on all details of the litigation, and the Court would never approve of time for this many attorneys reviewing all documents in this case. If you are reviewing for a reason (*i.e.*, to revise and edit, or to prepare for a hearing, conference call, or deposition), so state. If you are reviewing only to gain general familiarity (*i.e.*, reviewing defendant's reply brief when you will not be arguing at the hearing) please review very quickly, and only bill for the time it takes to gain **general familiarity**, not to read and analyze the document in depth. For example, if you are not working on discovery issues, you do not need to review the motion to compel briefs and responses.

10. Do not bill an inordinate amount of time reviewing/responding to email: If you send a long substantive response, or send a long substantive email, bill for the time it takes to draft. If you just glance at an email and delete it, or respond "OK" or "thanks," do not bill for that review. If you must read and respond to several emails throughout the day, it is acceptable to bill .1 or .2 (depending on the amount of time actually spent) for "Review and respond to emails throughout day on..." or "Exchange emails with co-counsel on [and list all the topics]."

11. Do not bill for leaving a voicemail.

12. Do not bill time for communication with administrative staff (except for very lengthy substantive conversations, such as training staff on document review protocols or other supervisory matters).

13. Do not bill attorney time for administrative tasks that could be handled by a secretary or paralegal, such as organizing files.

GENERAL RULES TO FOLLOW WHEN BILLING

1. The best practice is to record time spent on a task immediately after performing it, or no later than the end of the day. (If you are traveling, email your secretary or jot it down.) In accordance with the Court's order, no time should be submitted if it was not recorded within one week of when the work was performed.

2. Bill in 0.1 increments (6 minutes). Larger increments, such as 0.25 (15 minutes), are unacceptable in the Ninth Circuit. If you or your staff are not used to billing in 0.1 increments, distribute charts with minute equivalencies for reference.

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3. Avoid block billing where possible. Rather than listing a half-dozen events and assigning 1.5 to them collectively, separately designate time for each separate task. Only very closely related tasks should be billed together. For example, it is acceptable to have one time entry for “research and draft brief” or one entry for “review email from opposing counsel and respond to same” but it is not acceptable to have one time entry that includes time for both drafting a brief and exchanging email with opposing counsel. The Ninth Circuit has affirmed district courts’ decisions deducting time for block billing. If inappropriate block billing is employed, the Executive Committee Chair will likely return the time report for revision.

4. Always include subject matter. References to “phone call,” “review documents,” “legal research,” “attend meeting,” “review email,” standing alone, are insufficient.

5. Always list other participants on telephone calls or in meetings, either by title (*i.e.*, “opposing counsel,” or, preferably, by name). If there are large team conference calls or meetings, we can designate one person to list all participants in the billing record, and others can then record “phone call with team.” It may not be possible or desirable to list all recipients of emails, but try to specify the general group (*i.e.*, “exchange email with opposing counsel re:...,” “exchange email with EC re:...,” or “exchange email with Larry King re:...”).

6. At the end of any call or meeting with somebody, confirm with that person or team the time to be billed. If it is a team conference call, or other call with a number of participants, the person chairing the meeting, or the chair’s designee, should state the amount of time at the end of the call, or send an email out thereafter. Do this not only for calls and meetings with attorneys from other firms, but also for meetings with attorneys in your own firm. If you join a call late, or get off a call early, please state (partial) in your time records, so as to avoid confusion about how long the call or meeting lasted.

7. Use a consistent naming convention—preferably first initial and last names, *i.e.*, “teleconf with A. Tadler re: ESI protocol.” Using initials or only first names or using a mixture of these makes it confusing to understand the entry and to compare entries between firms.

8. Use descriptive and detailed summaries. When describing the documents you are working on, instead of writing “review order” or “review stipulation,” provide more details by specifying the subject or date of those documents (*e.g.*, stipulation to continue rule 16 conference). If you do an in-depth and long review of a document, list why (*e.g.*, in preparation for a deposition) or at least list further descriptive words (*e.g.*, review and analyze). Similarly, when describing your actions, avoid using phrases like “work on x” or “follow up on y,” as these do not make clear what you actually did (instead use words like review, draft, analyze, annotate, research, etc.).

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9. The Excel spreadsheet that will be circulated with this protocol is to be used when submitting time and expenses. In order to assist us in the submission of a motion of attorneys' fees and expenses upon the successful completion of this case, we are requiring the use of standardized billing codes. The appropriate billing code is to be inserted in the ledger column corresponding with the tasks which are being performed. For example, if you are reviewing documents in the Tier 1 review, in a separate ledger column on the Excel spreadsheet, you will need to insert 320, and then in the appropriate ledger column for the task description, you will need to provide a descriptive and detailed summary of the task.

10. Check spelling and grammar and avoid abbreviations (that may make sense to you alone, or to you and other plaintiffs' counsel, but not to the Court).

11. You may not bill for time spent doing time reports.

SUBMISSION OF TIME AND VERIFICATION

1. Executive Committee and Steering Committee members (on behalf of themselves and their firms) will internally provide time and cost records to the Chair of the Executive Committee on a monthly basis on the schedule in paragraph 3 below. This internal circulation will take place on a monthly basis *irrespective of how often we submit time and expense information to the Court*. Submissions must be made using the accompanying Time and Expense Monthly Reports. Time and expenses not timely submitted using these reports will not be considered. Please transmit your monthly time and expense reports electronically in PDF and Excel format to appletime@rgrdlaw.com, not to Mark Dearman directly. If you have questions regarding the reports, please contact Patricia Puerto, either by email PPuerto@rgrdlaw.com or by telephone 561-750-3000.

2. Each monthly time and expense submission must include the Time and Expense Reports in both a single Microsoft Excel workbook format (.xls) and PDF (.pdf) format. This means that each monthly submission email will consist of one PDF file and one Excel file, within which there will be four tabs: Monthly Time Report, Monthly Time Report Summary, Monthly Expense Report, and Supplemental Expense Report. Submissions must be made using the attached Time and Expense Reports. Time and expenses not submitted using these Reports will not be considered.

3. The first time and expense reports are due on **Friday, June 15, 2018**, and should include all qualified time and expenses incurred from inception through May 31, 2018 – understanding that you should only submit time incurred before May 14, 2018, if you are claiming it as common benefit work and are asking it to be included. Time and expense reports thereafter are to be submitted by the 15th of each month (or the first business day thereafter) for

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the preceding month (*i.e.*, the July 16, 2018, time and expense reports should include all time and expenses from June 2018). If not submitted in a timely manner, your time and expenses may not be considered for compensation absent good cause to the contrary.

4. In accordance with the Court's May 15, 2018 order (Dkt. No. 99), the Executive Committee Chair will review all billing records each month to ensure that all counsel maintain contemporaneous billing records of all time spent litigating this case, and to strike any duplicative or inefficient billing. He will return billing records and will strike duplicative/inefficient billing, and/or send requests for clarification/better statements as necessary. Judge Davila will hold us to this requirement and failure to respond to requests for clarification will result in the exclusion of the questionable time and expenses. The Chair will need to report aggregate figures to Co-Lead Counsel very quickly after the 15th of each month so it is essential that your time be submitted without delay.

5. Although counsel should submit all expenses incurred in a certain month in the submission made on the last calendar day of the month, the realities of third-party billing and credit card statement schedules may make such quick expense submission difficult in some circumstances. Thus, submissions of "supplemental" expense reports will be permitted for those expenses incurred during the previous three months that – because of circumstances outside the submitting counsel's control – could not have been submitted by the deadline. Any expenses submitted more than three months in arrears may not be considered or included in any compilation of expense calculation and may be disallowed, except for good cause shown and with the Chair's approval.

6. All Time and Expense Reports must be certified by the Executive Committee or Steering Committee member in each firm attesting to the accuracy of the submissions. This requirement may be satisfied by including such a certification along with each submission, either as a separate attachment to the email containing the submissions, or, if the submission email is sent directly by the certifying attorney, then in the body of the email containing the submissions.

HELD COSTS

"Held Costs" are those that will be carried by each attorney in this MDL. Held Costs shall be recorded and reported in accordance with the guidelines set forth herein. Held Costs shall be subject to the following limitations:

Travel Limitations

Travel expenses are not reimbursable unless approved prior to travel and if the expense comports with these guidelines. Travel expenses are a hot-button category with courts and will

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be closely scrutinized to make certain that the expense is related to an assigned task. For instance, visiting a client (a class member) to generally discuss the litigation or review documents will not be billed to the class. On the other hand, travel to meet with a class member to prepare him/her for an upcoming deposition will be billed to the class as it will be part of an assigned task. Only reasonable expenses will be reimbursed. Except in unusual circumstances approved by Co-Lead Counsel, all travel reimbursements are subject to the following limitations:

- **Airfare:** For routine domestic flights, ordinarily only the price of a refundable, changeable and convenient coach fare seat or its equivalent will be reimbursed. For international travel or transcontinental flights with a total duration exceeding four hours, business class, or if business class is not available, first class may be reimbursed at Co-Lead Counsel's discretion. Private or charter travel will not be reimbursed except in unusual circumstances, as approved by Co-Lead Counsel.
- **Hotel:** Hotel room charges for the average available room rate of a reasonable business hotel in a safe neighborhood will be reimbursed. Think Marriott, not the Four Seasons.
- **Meals:** Travel meal expenses must be reasonable. Unusually large meal expenses may be reviewed by the Executive Committee Chair or Co-Lead Counsel and disallowed.
- **Cash Expenses:** Miscellaneous cash expenses for which receipts generally are not available (*e.g.*, tips, luggage handling) will be reimbursed up to \$50.00 per trip, as long as the expenses are properly itemized.
- **Automobile Rental:** Automobile rentals must be reasonable for the date and location of the rental.
- **Mileage:** Mileage claims must be documented by stating origination point, destination, and total actual miles for each trip. The rate will be the maximum rate allowed by the Internal Revenue Service.

Non-Travel Limitations

- **Long Distance, Conference Call, and Cellular Telephone Charges:** Common Benefit long distance, conference call, and cellular telephone charges are to be reported at actual cost.

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- **Shipping, Overnight, Courier, and Delivery Charges:** All claimed Common Benefit shipping, overnight, courier, or delivery expenses must be documented with bills showing the sender, origin of the package, recipient, and destination of the package. Such charges are to be reported at actual cost.
- **Postage Charges:** Common Benefit postage charges are to be reported at actual cost.
- **Telefax Charges:** Common Benefit fax charges shall not exceed \$0.50 per page.
- **In-House Photocopy:** The maximum charge for Common Benefit in-house copies is \$0.15 per page.
- **PACER: PACER charges will not be billed to the Class.** WITHOUT EXCEPTION. Each firm receives ECF notifications of all filings and those notices entitle you to one free download. In addition, Co-Lead Counsel will maintain a depository of public filings that will be available to the Executive Committee and Steering Committee members.
- **Computerized Research - Lexis, Westlaw, or Bloomberg:** Claims for Lexis, Westlaw, Bloomberg, or other computerized legal research expenses should be in the actual amount charged to the firm and appropriately allocated for these research services.
- **Meals and After-Hours Transportation:** Overtime meals and after-hours transportation are often provided to employees to enhance productivity, morale and safety, but these expenses are considered overhead, not a class expense. Meals provided during meetings with co-counsel, opposing counsel or during depositions foster collegiality and may be charged to the class if reasonable. Travel meals are discussed above.

No entry should contain more than one category of expense when practical, and no entry should have more than one expense category code assigned to it. If, on the same day, one person incurs two expenses that fall into two different categories, then there should be two separate entries for that person for that date, each with the appropriate expense description and category code.

Similarly, when practical no listed expense entry should include expenses incurred by more than one person. If multiple people incur the same expense for the same category, then generally there should be a separate entry for each person, unless a single person paid the expense for multiple people.

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Every expense entry should be as detailed and specific as reasonably practical. Descriptions such as “Filing and Service Fees,” “Service of Process,” “Plane Ticket,” “Investigation Fees,” “Hearing Transcript,” and “Deposition Services” are not sufficient. Every entry must describe the task for which the expense was incurred in enough detail to reasonably identify what the expense was, who incurred it, why it was incurred, and how it related to Common Benefit Work. For example: What was filed and on behalf of whom? Who was served with what document and on behalf of whom? What hearing transcript was requested and for what purpose? For whom was the plane ticket purchased, for air travel from where to where, on what dates of travel? (The same goes for hotels, taxis, car services, tips, meals, and any other travel-related expenses.) Expense entries without sufficient detail may be rejected at Co-Lead Counsel’s discretion.

Attorneys shall maintain receipts for all expenses. Each firm must maintain receipts to support their expense submissions in the event those receipts are requested. Credit card receipts (not the monthly statements) are an appropriate form of verification. Hotel costs must be proven with the full hotel invoice. The description of unclaimed expenses on the invoice may be redacted.

SHARED COSTS

Many expenses will be paid on a rolling basis from the Litigation Fund rather than held by each firm as a Held Cost. These expenses include expert fees, deposition costs, transcripts and translations, among many others. As a general matter, only Co-Lead Counsel should ever incur shared costs, unless PRIOR APPROVAL is granted by Co-Lead Counsel, in which case the expense may be reimbursed from the Lit Fund on a rolling basis. Likewise, no one other than Co-Lead Counsel will ever have authority to bind Co-Lead Counsel or the Class to any expense, regardless of purpose or benefit, without prior approval from Co-Lead Counsel.

PROTOCOLS FOR SUBMISSION OF TIME AND EXPENSES

Billing Rates

Billing rates must be “your customary billing rates,” not the the prevailing market rates in this District. See Pretrial Order No. 11, *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, & Prods. Liab. Litig.*, MDL 2672 (N.D. Cal. Feb. 25, 2016) (Breyer, J.) You must have some objectively verifiable proof of your customary billing rates, because the Court will likely require it.

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Format

1. In order for the Chair to maintain all time submissions in a fully sortable and searchable format, all of the time and expense submissions must be provided by submitting counsel in the following format.
2. Counsel must use the Excel forms provided as Exhibits to this memorandum. This means that each monthly submission will consist of one Excel file, within which there will be four “sheets” (marked by tabs at the bottom): “Monthly Time Report,” “Monthly Time report Summary,” “Monthly Expense Report,” and “Supplemental Expense Report.”
3. In the “Monthly Time Report,” the person who performed each task should be identified in the column called “Last Name, First Name” by their complete last name, a comma, and their complete first name (*e.g.*, Smith, John). Please do not use abbreviations or initials in this column.
4. The tasks performed should be described in detail, along with the time spent, the appropriate billing code for the tasks, and the member of the Executive or Steering Committee who assigned the task.
5. In all reports, the date must be provided in month/day/year format (*e.g.*, 10/23/14).

Deadlines -- REMINDER

As noted above, time submissions shall be made to the Executive Committee Chair on a monthly basis, by deadlines and in accordance with the guidelines set forth herein. The first submission is due on **June 15, 2018**, and should include all time and expense from inception of work on your cases through May 31, 2018. After this first submission, each monthly submission should include all time and expenses incurred from the first to the last day of the preceding month. Once again, if you are seeking to be compensated for pre-consolidation work as set forth above, you must include the relevant time and expenses in your first submission and detailed reasons for the request(s). Failure to include pre-consolidation time and expenses will be understood as your decision not to seek such reimbursement.

EXHIBIT 2

**Robbins Geller
Rudman & Dowd LLP**

Atlanta
Boca Raton

Chicago
Manhattan

Melville
Nashville

Philadelphia
San Diego

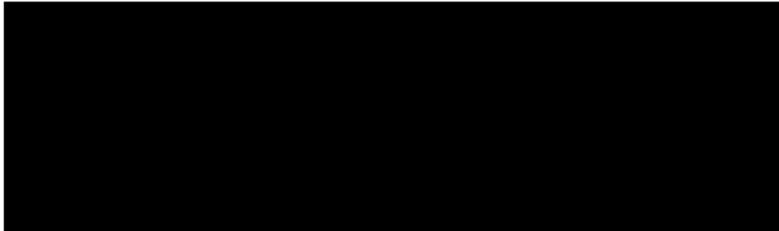
San Francisco
Washington, DC

Mark Dearman
MDearman@rgrdlaw.com

CONFIDENTIAL ATTORNEY WORK PRODUCT



VIA EMAIL



Re: *Apple Device Performance Litigation*



Thank you for your time and expense report for the period of August 1, 2018 – August 31, 2018. Pursuant to the Court’s Order appointing our structure and CMO 3 (ECF No. 148), we are all tasked to work with Co-Lead Counsel to assure an effective, efficient, and economical litigation. To that end, I have been ordered to conduct a continuous review of Time and Expense (“T/E”) reports to avoid duplicative and unreasonable expenditures of time and expense. While this isn’t the most glamorous role, it was clearly a factor Judge Davila considered in selecting our structure.

In reviewing your T/E report (and most others), we have noticed a few areas where some modification in future submissions would be in all of our best interests. We would like you to take another look at:

_____ Improper category codes. Please use the most appropriate category for each task. Legal research should be billed to the category that best captures the purpose of the research, *i.e.* research to draft the complaint, should be billed to “Pleadings,” not “Analysis/Strategy.” “Analysis/Strategy” includes meetings between, or among, Co-Lead Counsel and the PEC and/or the PSC and discussions between, or among, Participating Counsel in order to coordinate efforts and discuss status and strategy.

_____ No “Approved By” listed, or incorrect “Approved By.” (Many of you have left this blank or included the Chair of a PEC committee.) Please follow up with the PEC Committee Chair and identify the Co-Lead or Chair of the PEC who approved the assignment. For items like reviewing orders and correspondence, please list Mark Dearman for “Approved By,” if reviewing for general familiarity. Please keep in mind that you shouldn’t have several members of your firm billing to review every order, email, and other correspondence. In the future, failure to identify who approved the task will require you to resubmit in order for your time to be considered.

Page 2

Block billing. Please separate block billed entries and include an appropriate category code for each entry. For Plaintiff vetting, please break out time by each potential plaintiff. In the future, block billing will require you to resubmit in order for your time to be considered.

No aggregate time and fees at end of T/E report. Please aggregate all time keeper time and fees at the end of each report. Please aggregate time and fees per time keeper for each report.

Uncertified T/E report. Please have counsel certify the T/E report. In the future, failure to certify your T/E report will require you to resubmit in order for your time to be considered.

Need more fulsome description of work. Please describe the work, pursuant to our guidelines, including listing subject matter, purpose of the task (if not self-evident) and participants in the matter. See [REDACTED] 8/1/18.

Outdated version of T/E report form. Please use the latest version of the T/E report form. (See attached.)

Appropriate Level. Please remember to push down work to the most appropriate member of your firm who can handle the task.

Spelling/Grammar. Please be sure to run a spell check and spell names correctly, including Co-Leads and Judge Davila.

Duplicate Entries. Please do not bill for the same task twice.

Improper amount of time per task. Please be sure that you billed only a reasonable amount of time for each task.

Improper number of time keepers per task. Please limit the number of time keepers for each task to a reasonable number. The fewer, the better.

Improper billing for reviewing and editing T/E reports. Please note that the idea is we are billing as if we have a paying client and typically paying clients are not billed for reviewing and preparing bills; that time is written off.

Non-billable time. Please do not bill for non-billable time.

Where necessary, we have included a list of comments that more fully describe the concerns with your submission. If we didn't include a comment section, please remain mindful of the above

Robbins Geller
Rudman & Dowd LLP

[REDACTED]

Page 3

referenced issues. If you have any questions, please do not hesitate to contact me or Patty Puerto at ppuerto@rgrdlaw.com.

Comments:

Please review block billing. See [REDACTED] 8/2/18, 8/3/18, 8/6/18, 8/8/18, 8/9/18, 8/13/18, 8/23/18, 8/24/18, 8/27/18, 8/28/18, 8/29/18, 8/31/18; [REDACTED] 8/6/18, 8/9/18.

Please resubmit. Please save resubmission file as "August 2018 Resubmit 1."

Thank you,



MARK DEARMAN

MJD/jd

cc: Co-Lead Counsel
Appletime@rgrdlaw.com
[REDACTED]

**Robbins Geller
Rudman & Dowd LLP**

Atlanta
Boca Raton

Chicago
Manhattan

Melville
Nashville

Philadelphia
San Diego

San Francisco
Washington, DC

Mark Dearman
MDearman@rgrdlaw.com



VIA EMAIL



Re: *In Re: Apple Inc. Device Performance Litigation Monthly Time Reports*



Your August 2018 report has several spelling errors. Please review and revise them. Also, your second entry of August 6 needs some clarity.

Please resubmit as soon as possible as we have a report due to the Court next week.

Regards,

A handwritten signature in blue ink, appearing to read 'Mark Dearman', written over a light blue horizontal line.

MARK DEARMAN

cr

**Robbins Geller
Rudman & Dowd LLP**

Atlanta
Boca Raton

Chicago
Manhattan

Melville
Nashville

Philadelphia
San Diego

San Francisco
Washington, DC

Mark Dearman
MDearman@rgrdlaw.com

[REDACTED]

VIA EMAIL

[REDACTED]

Re: *In Re: Apple Inc. Device Performance Litigation Monthly Time Reports*

[REDACTED]

In your August 2018 report, you indicate in the Description of Work category that a request to appear telephonically was drafted and edited. If that request related to the motion to dismiss hearing, that time is non-billable and you need remove the time and resubmit. If it relates to something else, please let me know.

Please resubmit as soon as possible as we have a report due to the Court next week.

Regards,



MARK DEARMAN

CF

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MDearman@rgrdlaw.com

CONFIDENTIAL ATTORNEY WORK PRODUCT

[REDACTED]

VIA EMAIL

[REDACTED]

Re: *Apple Device Performance Litigation*

[REDACTED]

Thank you for your time and expense report for the period of July 1, 2018 – July 31, 2018. Pursuant to the Court’s Order appointing our structure and CMO 3 (ECF No. 148), we are all tasked to work with Co-Lead Counsel to assure an effective, efficient, and economical litigation. To that end, I have been ordered to conduct a continuous review of Time and Expense (“T/E”) reports to avoid duplicative and unreasonable expenditures of time and expense. While this isn’t the most glamorous role, it was clearly a factor Judge Davila considered in selecting our structure.

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Robbins Geller
Rudman & Dowd LLP

Page 2

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_____ Uncertified T/E report. Please have counsel certify the T/E report. In the future, failure to certify your T/E report will require you to resubmit in order for your time to be considered.

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_____ Spelling/Grammar. Please be sure to run a spell check and spell names correctly, including Co-Leads and Judge Davila.

_____ Duplicate Entries. Please do not bill for the same task twice.

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Robbins Geller
Rudman & Dowd LLP



Page 3

Non-billable time. Please do not bill for non-billable time. Paralegal doing secretarial work – non-billable.

Where necessary, we have included a list of comments that more fully describe the concerns with your submission. If we didn't include a comment section, please remain mindful of the above referenced issues. If you have any questions, please do not hesitate to contact me or Patty Puerto at ppuerto@rgrdlaw.com.

Comments:

Please list the reporting period in the applicable column of your submission.

Please place entries in chronological order

You have two entries for review of CMO 3- one on July 3 and another on July 6. Please delete one of the entries.

You also have an entry for review of a change of address on July 23. We are not going to submit time for that type of activity. Please delete that entry.

Please resubmit.

Thank you,

A handwritten signature in blue ink, appearing to read 'Mark Dearman', with a long horizontal flourish extending to the right.

MARK DEARMAN

MJD/jd

Attachment

cc: Co-Lead Counsel

Appletime@rgrdlaw.com



EXHIBIT 3

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF MARK C.
MOLUMPHY IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Mark C. Molumphy, declare as follows:

2 1. I am a partner at the law firm of COTCHETT, PITRE & MCCARTHY LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, my firm
5 was appointed as Co-Lead Counsel. I, my partner, Joseph W. Cotchett, and others at my firm, in
6 coordination with our Co-Lead Counsel at Kaplan Fox & Kilsheimer LLP, performed many duties
7 in this litigation, including determining the litigation strategy on behalf of all plaintiffs, and
8 conducting all phases of the litigation on behalf of the proposed Plaintiff class, including
9 preparation of pleadings, researching and arguing pleading motions, overseeing all aspects of
10 discovery of both parties and third parties, attending discovery conferences and researching and
11 arguing discovery motions presented to the Discovery Special Master, attending status conferences
12 with the Court and presenting Plaintiffs' positions, coordinating the retention of expert consultants,
13 participating in settlement negotiations, preparing the settlement agreement, and coordinating the
14 Class notice and claims administration process, including responding to Class inquiries about the
15 Settlement. These duties included the delegation and oversight of work assigned to the Plaintiffs'
16 Executive Committee or its Chair.

17 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
18 with years in practice, hourly rates during the pendency of litigation, hours spent, and total lodestar.
19 I hereby attest that the billing rates used on the attached Exhibit A conform to the professional
20 rates set at my firm, and are the same rates charged to certain of our clients who pay on an hourly
21 basis. Further detail regarding the litigation and trial experience of each professional can be found
22 in the firm resume attached hereto as Exhibit C.

23 4. The detailed descriptions of the time spent by the attorneys and other professionals
24 of my firm in this litigation were prepared from contemporaneous, daily time records prepared and
25 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
26 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
27 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
28 time records are available for the Court's review should the Court desire such records.

EXHIBIT A

Cotchett, Pitre & McCarthy LLP

Timekeeper Name	Rate	Hours	Lodestar
Anya Thepot	\$ 425.00	426.80	\$ 181,390.00
Brian Danitz	\$ 750.00	1325.60	\$ 994,200.00
Brittany Scott	\$ 175.00	30.40	\$ 5,320.00
Brooke Norton	\$ 275.00	1291.45	\$ 355,148.75
Derek Monte	\$ 175.00	309.30	\$ 54,127.50
Elena Aguirre	\$ 175.00	97.80	\$ 17,115.00
Elle Lewis	\$ 425.00	2355.60	\$ 1,001,130.00
Elmer Martinez	\$ 275.00	130.30	\$ 35,832.50
Esther Shek	\$ 600.00	63.80	\$ 38,280.00
Gina Stassi	\$ 600.00	564.90	\$ 338,940.00
Joseph Cotchett	\$ 950.00	1229.40	\$ 1,167,930.00
Katherine Ma	\$ 275.00	9.30	\$ 2,557.50
Latoya Concepcion	\$ 325.00	1441.95	\$ 468,633.75
Laurie D'Elia	\$ 325.00	393.30	\$ 127,822.50
Mark Molumphy	\$ 850.00	3476.80	\$ 2,955,280.00
Nirav Engineer	\$ 325.00	122.25	\$ 39,731.25
Peter Luc	\$ 275.00	84.50	\$ 23,237.50
Reid Gaa	\$ 225.00	47.80	\$ 10,755.00
Sami Alsamman	\$ 175.00	4.10	\$ 717.50
Shuming Chen	\$ 275.00	1689.42	\$ 464,590.50
Stephanie Biehl	\$ 600.00	1028.80	\$ 617,280.00
Tyson Redenbarger	\$ 600.00	432.10	\$ 259,260.00
Zyres Agudelo	\$ 325.00	856.95	\$ 278,508.75
TOTAL		17412.62	\$ 9,437,788.00

EXHIBIT B

EXHIBIT B**COTCHETT, PITRE & MCCARTHY LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ 43,416.80
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ 1,194.34
05. Postage	\$ 11.09
06. Court Fees	\$ 2,682.60
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ 1,835.06
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 19,023.41
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ 9,062.91
18. Taxi/Car Service/Other Ground Transport	\$ 93.83
19. Travel-Mileage Reimbursement	\$ 697.27
20. Travel-Airfare	\$ 4,015.50
21. Travel-Hotel	\$ 4,545.04
22. Travel-Rental Car	\$ -
23. Service Fees	\$ 655.20
24. Miscellaneous	\$ 2,208.23
25. Assessments	\$ 250,000.00
TOTAL	\$ 339,441.28

EXHIBIT C

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. (Settled 2019)

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. (Settled 2018)

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

CPM represented Anastasiya Komarova in consumer case against National Credit Acceptance, Inc. 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 a rare jury trial against a credit card collection agency, a San Francisco jury ruled in favor of Komarova and described National Credit Acceptance's conduct as "outrageous." The verdict was 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. (Settled 2014)

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. (Settled 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. (Settled 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. (Settled 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. (Settled 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. (Settled 2004)

Massachusetts General Life Ins. Co.

Santa Clara County Superior Court

CPM filed a “vanishing premium” class action on behalf of life insurance policyholders. (Settled 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, Dexfunfluramine) 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).

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 of 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 orthopedic 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 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.

SECURITIES AND DERIVATIVE CASES

In re Wells Fargo & Company Derivative Litigation

San Francisco Superior Court

CPM is Lead Counsel for the Derivative Plaintiffs in the California State action against Wells Fargo's current and former officers and directors based the rampant illegal sales practices revealed in late 2016. (Settled 2019).

Franchi v. Pera (Ubiquiti)

San Mateo Superior Court

CPM is Lead Counsel for the Derivative Plaintiffs in this action against Ubiquiti's current and former officers and directors based on Ubiquiti's Board deceit, fraud and insider selling. (Settled 2019).

In re Wells Fargo & Company Auto Insurance Derivative Litigation

San Francisco Superior Court

CPM is Lead Counsel for the Derivative Plaintiffs in the California State action against Wells Fargo's current and former officers and directors based the rampant illegal sales practices related to automobile and home loans revealed in 2017. (Settled 2019).

In re LendingClub Securities Litigation

San Mateo Superior Court/USDC, Northern District of California

CPM is Co-Lead Counsel for a certified class of shareholders alleging that LendingClub and certain officers failed to disclose material information at the time of its initial public offering. The California state court action and the related federal court action settled for \$125 million. (Settled 2018).

In re ProNAi Therapeutics, Inc. Securities Litigation

San Mateo Superior Court

CPM is Lead Counsel seeking to represent a class of shareholders alleging that ProNAi failed to disclose material information at the time of its initial public offering relating to its developmental drug. (Settled 2019)

In re Oportun Securities Litigation

San Mateo Superior Court

CPM is Lead Counsel for a certified class of Oportun's common shareholders alleging that their ownership interests were unfairly diluted by a series of insider financing rounds led by Oportun's largest preferred shareholders, including venture capital funds that had representatives on Oportun's Board of Directors. (Settled 2018).

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 Intuitive Derivative Litigation

San Mateo Superior Court

CPM was Co-Lead Counsel in a shareholder derivative action against certain current and former officers and directors of Intuitive, which sold a robotic surgical system, alleging that Intuitive failed to disclose ongoing issues with regulatory bodies and patient injuries from the system at the same time executives were reaping insider trading profits from personal trades. (Settled 2017).

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).

In re 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

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 1996).

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 1996).

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 1996).

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.

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.

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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 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.

Cotchett 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.

Cotchett's 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, Cotchett 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 Partner at Cotchett Pitre & McCarthy, LLP is 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 on 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.

Pitre's 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.

Pitre's 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.

McCarthy 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, LLP is a native of the Bay Area, born in San Mateo, California. Molumphy is a graduate of the University of California, Berkeley and University of San Francisco School of Law. 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 2020, Molumphy was selected as one of the Top 100 attorneys in California by the Daily Journal, and one of the Top 100 Northern California attorneys by Super Lawyer. Molumphy has also been recognized by the Consumer Attorneys of California Attorney, including a nomination for Attorney of the Year based on his work as lead counsel for a nationwide class of investors in Medical Capital, which operated a massive Ponzi Scheme. Molumphy helped to secure over \$173 million in settlements, the largest Ponzi Scheme recovery in California history, impacting hundreds of elderly victims.

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 the *Central Bank Litigation*. Molumphy served 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. Molumphy also represented numerous cities and counties in California related to their investment losses in Lehman Brothers, Washington Mutual and AIG, amongst others.

Molumphy served as lead counsel in some of the most significant class and derivative actions in the United States, including 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 Intel derivative action relating to the delayed revelation of chip defects after the Company's CEO dumped a large number of his shares. Molumphy also served as co-lead counsel in several investor class actions filed on behalf of IPO and pre-IPO investors in companies such as Oportun, ProNAi, LendingClub and Alibaba, recovering tens of millions of dollars for investors.

Molumphy is very active in community affairs, and served for years 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 accepted the award in recognition of the law firm's work with and contributions to Parca Organization, a private nonprofit association that serves people with developmental disabilities and their families in the Bay Area. 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 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 Discovery,” “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 Partner at Cotchett, Pitre & McCarthy, LLP 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.

McCloskey 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, a Partner, heads up the Cotchett, Pitre & McCarthy Los Angeles office. 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.

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.

Hutchinson specializes in Personal Injury trial practice, emphasis in product liability, Consumer Protection, Securities Fraud and Consumer Class Actions.

NANCIE. NISHIMURA

Nanci E. Nishimura, a Partner at Cotchett, Pitre & McCarthy, LLP practices civil litigation focusing on antitrust, business litigation and consumer class actions. 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.

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).

Nishimura 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.

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, a Partner at Cotchett, Pitre & McCarthy, LLP 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, a Partner at Cotchett, Pitre & McCarthy, LLP, practices civil litigation focusing on complex commercial litigation, class actions, consumers' rights, and elder abuse (including both financial abuse and nursing home abuse).

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.*, Murphy, along with Justin T. Berger, 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).

Murphy has practiced extensively in the area of elder abuse, handling many notable cases against nursing homes. Murphy has also acted as co-lead counsel in several consumer class actions which have returned millions of dollars to consumers across the country. Murphy has tried several cases to verdict.

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.

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, 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. Murphy continues to serve on the Commission.

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).

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.

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, 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, 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 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 Murphy in its Top Women Lawyers edition as one of the “100 leading women lawyers in California.” Also in 2015, 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, a Partner at Cotchett, Pitre & McCarthy, LLP, focuses on antitrust, false claims act litigation, consumer protection and class actions generally.

Zapala received a B.A. from Stanford University and his J.D. from University of California, Hastings College of the Law. While at Hastings, 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, 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, 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.

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, Zapala developed expertise in Medi-Cal, Medicare and other publicly-financed healthcare systems. While in law school, Zapala also worked for the public interest law firms of Public Advocates, Inc. and Public Justice, focusing on civil rights class action litigation.

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.

Zapala has deep ties to the Bay Area. He grew up in San Jose, California and attended Bellarmine College Preparatory. While at Stanford University, 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).

BRIAN DANITZ

Brian Danitz, a Partner at Cotchett, Pitre & McCarthy, LLP, has substantial experience representing clients in state and federal litigation, arbitration, internal investigations, and government investigations, involving commercial disputes, corporate and securities fraud, shareholder litigation, consumer class actions, antitrust and employee whistleblower complaints. His practice includes all aspects of civil litigation in state and federal courts, in matters involving complex issues including allegations of securities law violations, shareholder disputes including involving breach of fiduciary duty and corporate governance, trade secret violations, and commercial disputes.

Prior to joining Cotchett, Pitre & McCarthy, LLP, Danitz worked at a large law firm in Silicon Valley, representing clients in commercial litigation, securities litigation, and government enforcement matters.

Prior to becoming a lawyer, Danitz was a documentary filmmaker and producer of new media. Danitz was the cinematographer for the Oscar-winning documentary *Bowling for Columbine*, Oscar-nominated film *Sound and Fury*, and Emmy Award winner *TV Nation*, and directed *Ecological Design: Inventing the Future, Objects and Memory*, and *N is for Nuclear*, among other films.

Danitz received his J.D. from Fordham University School of Law, *cum laude*, where he was the Symposium Editor of the Fordham Intellectual Property, Media and Entertainment Law Journal. Danitz received B.F.A. and M.P.S. degrees from New York University.

ALISON CORDOVA

Alison E. Cordova, a Partner at Cotchett, Pitre & McCarthy, LLP, practices in a wide range of civil litigation areas including class actions, personal injury, wrongful death, and consumer fraud.

Cordova received her J.D. from the University of California, Hastings College of the Law where she graduated *cum laude*. While at Hastings, Cordova won the Witkin Award and the Cali Award for being the top student in Negotiation and Settlement and was published in the Hastings' Constitutional Law Quarterly. Upon graduation, she received highest honors for outstanding achievement in pro bono from Hastings and the California State Bar.

Prior to law school, Cordova received her Bachelor of Arts Degree in Political Science and Pre-Law from Columbia University. While at Columbia, Cordova competed as a member of the varsity softball team and was elected by her teammates to represent their interests to the Undergraduate Athletic Council.

Cordova is a member of the Executive Committee of the San Francisco Bar Association's Barristers Business, Commercial, and Bankruptcy Law Section, and has presented to the San Francisco Bar Association, the San Francisco Lawyers' Network, and the Rossmoor Elder Advocates Club.

ALEXANDER BARNETT

Alex Barnett, a Partner at Cotchett, Pitre & McCarthy, LLP, 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). Barnett also has represented individuals injured by pharmaceutical products such as Redux and Pondimin, Baycol, Serzone, and Vioxx. In addition, 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.

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, 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, a Partner at Cotchett, Pitre & McCarthy, LLP, focuses on consumer fraud, elder abuse, false claims litigation and employment litigation. Buescher received his Bachelor of Arts in Political Science, with a focus on International Relations from Duke University. After graduating, Buescher worked as a researcher in Washington, DC assisting law firms with complex research projects for active litigation matters.

Subsequently, Buescher received his J.D. from Georgetown University Law Center. While at Georgetown, 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).

Buescher is a member of San Mateo Trial Lawyers Association and Consumer Attorneys of California.

ELIZABETH CASTILLO

Elizabeth Castillo, a Partner at Cotchett, Pitre & McCarthy, LLP, focuses her practice on antitrust law and complex litigation.

Castillo 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.

Castillo 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. Castillo 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, Castillo 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.

Castillo 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.

Castillo 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.

JULIE L. FIEBER

Julie L. Fieber, a Partner at Cotchett, Pitre & McCarthy, LLP, focuses on a wide range of civil litigation areas including environmental claims, trade secrets, consumer fraud and employment. Before joining Cotchett, Pitre & McCarthy, Fieber practiced law in San Francisco, handling complex commercial disputes on topics that included securities, wage and hour claims, government contracts, and construction defects.

Fieber graduated *summa cum laude* from the University of San Francisco School of Law. At USF, Fieber served on Law Review, was a Dean's Scholar, and won Cali Awards for being the top student in torts, civil procedure, contracts, legal research and writing, criminal law, complex civil procedure, and wills and trusts. Ms. Fieber also was an extern law clerk to Associate Justice Ming W. Chin of the California Supreme Court (Fall 1998).

Prior to law school, Fieber earned a B.S. degree in Chemical Engineering from U.C. Santa Barbara, where she was a Regent's Scholar and a member of the women's crew team. After graduating from UCSB, Ms. Fieber spent several years working as a consulting engineer for a mix of government and industry clients. Her primary focus was evaluating the environmental impacts of new vehicle technologies and fuels. Highlights included managing the emissions modeling for the Auto-Oil Air Quality Improvement Research Program, an industry-lead effort to evaluate the regional environmental impacts of new vehicle fuels and technologies. Ms. Fieber also conducted community and stakeholder outreach related to a variety of clean air programs, and developed and conducted courses on emissions modeling and regulations. Ms. Fieber is also a Registered California Professional Engineer in Chemical Engineering.

DUFFY J. MIGILLIGAN

Duffy J. Magilligan is a Partner at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including class actions, personal injury, wrongful death, and mass torts.

Prior to joining CPM, Magilligan was a deputy district attorney in Santa Clara County (2012–18) and Contra Costa County (2008–12). Magilligan sat first-chair in forty-seven jury trials for crimes including homicide, arson, bank robbery, domestic violence, and cocaine trafficking. Magilligan lectured at various police academies teaching recruits the laws of evidence and search and seizure.

Magilligan received his J.D. from the University of San Francisco. While at U.S.F., Magilligan was a member of the Law Review and he received the CALI award for being the top student in Torts. Magilligan sat on the faculty-student steering committee at the Leo T. McCarthy Center

for Public Service and the Common Good. Mr. Magilligan also clerked for the Honorable Maura Corrigan of the Michigan Supreme Court.

Prior to law school, Magilligan received a Bachelor of Science degree in Economics from Loyola Marymount University in Los Angeles. Prior to law school, Magilligan was an associate at Huron Consulting Group in Chicago.

Magilligan is a member of the Consumer Attorneys of California and the San Mateo County Bar Association.

SARVENAZ (NAZY) FAHIMI

Sarvenaz (Nazy) Fahimi is a Partner at Cotchett, Pitre & McCarthy, LLP, practicing in several areas, including in representing whistleblowers in *qui tam* actions under the False Claims Acts.

Fahimi began her career practicing in commercial litigation in her hometown of Minneapolis, Minnesota. She later moved to the Bay Area and continued working in litigation as well as in other areas of the law. She has worked on antitrust and trade regulation cases, aviation cases, breach of contract and commercial disputes, employment disputes, personal injury cases, insurance coverage and bad faith cases, as well as discrimination and civil rights cases. Most recently, prior to joining Cotchett, Pitre & McCarthy, she worked at a 501 (c)(3) non-profit, Pars Equality Center, which serves immigrant communities by providing legal and social services. There she focused on advocacy and community service, while also handling in house legal and compliance matters. In her role at PEC, over the span of nearly six years, Nazy also collaborated with various civic and community organizations as well as government entities, conducted and presented panels and seminars on relevant topics, published updates on complex legal matters, and advised individuals regarding various areas of the law, including in the area of U.S. trade embargoes and sanctions, through the Department of Treasury's Office of Foreign Assets Control.

Fahimi graduated *cum laude* from Marquette University Law School. During law school she served as a Member and subsequently an Editor of the Marquette Law Review, earned CALI Awards as the highest scoring student in Constitutional Law and Conflicts of Law, and became a member of Alpha Sigma Nu, the National Jesuit Honor Society. Fahimi also attended Marquette University as an undergraduate where she received her BA.

KELLY W. WEIL

Kelly W. Weil is a Partner at Cotchett, Pitre & McCarthy LLP's Santa Monica office where she litigates exclusively on behalf of consumers and injured individuals. Throughout her career, Kelly has helped litigate and successfully resolve a wide range of cases through settlement and trial. Kelly's background includes complex pharmaceutical and medical device litigation, environmental and toxic tort litigation, medical malpractice, catastrophic injury, and wrongful death actions.

A Santa Monica native, Weil received her Bachelor of Science from the University of California, Los Angeles where she majored in Political Theory and interned for the office of Los Angeles Major Antonio Villaraigosa. She received her J.D. from Loyola Law School, Los Angeles where she served as a judicial extern to the Hon. Philip S. Gutierrez, United States District Court for the Central District of California, and as a clinical extern with the Loyola Project for the Innocent (a student clinic which has successfully aided in exonerating wrongfully convicted individuals). Weil worked full time throughout law school as a law clerk for a prestigious Los Angeles civil litigation firm advocating on behalf of plaintiffs, where she continued her work as a practicing attorney for another six years.

Since 2015, Weil has been involved with the Los Angeles Center for Law and Justice where she serves as a volunteer attorney and sits on the Leadership Council. As a volunteer attorney, Kelly has been successful in obtaining numerous Domestic Violence Restraining Orders on behalf of victims of domestic abuse (both physical and financial).

Weil is a member of the Consumer Attorneys of Los Angeles, Consumer Attorneys of California, Los Angeles County Bar Association, American Bar Association, and American Association for Justice.

TAMARAH PREVOST

Tamarah Prevost, a Partner at Cotchett, Pitre & McCarthy, LLP, practices in a wide range of civil litigation areas including employment law, securities litigation, consumer protection, false claims act litigation, and other complex civil matters.

Prevost received her J.D. from Santa Clara University School of Law. While at Santa Clara, 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, 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.

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.

JOHN P. THYKEN

John P. Thyken, a Partner at Cotchett, Pitre & McCarthy, LLP, practices in a wide range of areas, including class actions, consumer fraud, personal injury, and wrongful death.

Prior to joining the firm, he worked for Clapp Moroney Vucinich Beeman & Scheley, in their general liability group. While there, he worked on personal injury and First Amendment issues.

Thyken received his J.D. from Santa Clara University School of the Law where he was a member of the Dean's List and an Emery Merit Scholar. While at Santa Clara, he received the Witkin Award for Academic Excellence in Business Organizations and Cali Award for being the top student in Remedies. During law school, Mr. Thyken also advised indigent clients in areas of consumer protection and workers' rights at the Katharine and George Alexander Community Law Center.

Thyken received his Bachelor of Science in Political Science from Santa Clara University, where he graduated with honors. He competed as a member of the Division I Cross Country and Track teams, earning All-Conference honors. After obtaining his undergraduate degree and before attending law school, he spent two years in Yokohama, Japan teaching English and traveling throughout East Asia.

EMANUEL TOWNSEND

Emanuel B. Townsend, a Partner at Cotchett, Pitre & McCarthy, LLP, focuses on false claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.

Townsend received his Bachelor of Arts in American Studies from the University of California, Santa Cruz, graduating *cum laude*, with Honors in the Major. Townsend received his J.D. from the University of California, Hastings College of the Law.

While at UC Hastings, Townsend had the honor of externing for United States District Court Judge Susan Illston of the Northern District of California. Additionally, while at UC Hastings, he won the Witkin Award and the Cali Award for being the top student in Legal Writing and Research. Townsend also worked throughout law school as a law clerk here at Cotchett, Pitre & McCarthy, LLP.

SENIOR ASSOCIATES

TYSON C. REDENBARGER

Tyson Redenbarger, a Senior Associate at Cotchett, Pitre & McCarthy, LLP, practices in a wide range of civil litigation areas including class actions and complex civil litigation. Prior to joining Cotchett, Pitre & McCarthy LLP, Redenbarger worked for a tenant rights law firm in San Francisco, representing tenants who were wrongfully evicted and tenants living in uninhabitable conditions.

Redenbarger received his Juris Doctor degree from Santa Clara University School of Law. While in law school, he participated in the Honors Moot Court program, served as an editor of the International Law Journal, and volunteered at the Katharine and George Alexander Community Law Center, where Redenbarger assisted low income clients with consumer and debt collection disputes.

STEPHANIE D. BIEHL

Stephanie D. Biehl was a Senior Associate at Cotchett, Pitre & McCarthy, LLP where she practiced in numerous areas, including financial litigation, labor and employment disputes, business and consumer litigation, and other complex civil litigation.

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, Biehl served as an Executive Editor for the Hastings Business Law Journal. Additionally, Biehl devoted much of her time in law school to the nationally renowned UC Hastings Trial Team. While on the Trial Team, 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, Biehl attended Notre Dame de Namur University (NDNU) where she received her B.S in Business Administration and her B.A. in Spanish Studies. 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.

GINA STASSI

Gina Stassi was a Senior Associate at Cotchett, Pitre & McCarthy, LLP, where she focused in numerous areas, including financial litigation, business and consumer litigation, and other complex civil litigation.

Stassi concentrates her practice on litigating shareholder derivative and consumer class actions. She has represented clients in the financial, insurance, health care, technology, energy, and auto industries and has served on litigation teams for cases arising from the subprime meltdown, false advertising, insider trading, and other types of corporate misconduct and unfair business practices.

Stassi received her Juris Doctor degree from Pepperdine University School of Law. While in law school, she served as a law clerk for a Los Angeles-based plaintiff's firm and as judicial extern to

the Honorable Michael Johnson of the Superior Court of California, Los Angeles. She graduated *magna cum laude* from Loyola Marymount University with a Bachelor of Arts degree in English.

ESTHER SHEK

Esther Shek was a Senior Associate at Cotchett, Pitre & McCarthy, LLP where she focused on antitrust & global competition, securities litigation, consumer protection and class actions.

Shek earned her B.A. from the University of California, Los Angeles where she studied Psychology. While at UCLA, she was named a “Goodwill Ambassador” by the City of Los Angeles. After college, she returned to her hometown and attended the University of San Francisco School of Law. While at USF, she was the chair of several committees of the Asian Pacific American Law Students Association. During her second year of law school, she taught a semester of “Street Law” to inner city high school students at Balboa High School. In addition, after taking the bar exam, she was asked by The State Bar of California to be a bar grader for several years.

Prior to CPM, Shek worked at Wood Robbins, LLP, a litigation firm practicing in the areas of real estate, employment, intellectual property, general commercial and professional liability litigation. Prior to Wood Robbins, Shek worked at an insurance defense litigation firm, Bledsoe Diestel Treppa & Crane LLP (formerly Bledsoe Cathcart Diestel Pedersen & Treppa LLP), where she practiced in the areas of landlord/tenant litigation, real estate and construction litigation, personal injury and premises liability, products liability, neighbor disputes, and business and employment litigation.

Shek served as the Chair of the Asian American Bar Association’s (AABA) Membership Committee where she doubled membership the year she served as chair. She was also the Chair of AABA’s Social Committee where she originated events that they still maintain today. From 2012 through the present, Shek serves as a judge pro tem for the San Francisco Superior Court.

NEDA L. LOTFI

Neda L. Lotfi is a Senior Associate at Cotchett, Pitre & McCarthy, LLP, practicing in a wide range of civil litigation areas including class actions, complex commercial litigation, consumer fraud, personal injury, and financial and environmental law.

Lotfi received her J.D. from the Western Michigan University, Thomas M. Cooley Law School. While at Cooley, Lotfi won the American Jurisprudence award for being the top student in Evidence and Advanced Legal Writing. Lotfi also interned at the Washtenaw County Public Defender’s Office during her third year of law school.

Prior to law school, Lotfi received her Bachelor of Science Degree from Michigan State University. While at Michigan State, Lotfi was a Writing Center consultant, where she provided assistance to students and faculty in improving the quality and range of literacy.

Lotfi is a member of the Los Angeles and Beverly Hills Bar Associations, along with the Consumer Attorneys of California, the Consumer Attorneys of Los Angeles, and the American Bar Association.

Lotfi speaks fluent Persian and enjoys playing tennis and spending time with her husband and two dogs.

ASSOCIATES

MALLORY A. BARR

Mallory A. Barr is an Associate at Cotchett, Pitre & McCarthy, LLP, practicing in a variety of fields, including false claims act litigation, consumer protection, financial elder abuse, employment law, and other complex civil litigation.

Barr received her J.D. from Santa Clara University School of Law with a certificate in Public Interest and Social Justice Law. While attending Santa Clara, Ms. Barr participated in various extracurricular activities, including Honors Moot Court and the *Santa Clara Journal of International Law*. Ms. Barr also had the honor of being a Policy Research Fellow at the Panetta Institute for Public Policy in Monterey, where she focused on immigration policy. She also worked in the Workers' Rights Clinic at the Alexander Community Law Center and received the Herman and Edith Wildman Social Justice Law Writing Award. During law school, Ms. Barr continued to work full-time as a Litigation Paralegal and Law Clerk at Cotchett, Pitre & McCarthy, LLP.

Before law school, Barr graduated from the University of London with her M.A. in Latin America Area Studies, where her studies focused on development and security policies in the region. Barr also graduated *summa cum laude* with her B.A. in Political Science and History from Notre Dame de Namur University (NDNU), where she had the honor of receiving the Belmont Student Community Service and Leadership Award from the City of Belmont and the Board of Trustees Award of Excellence at graduation. While attending NDNU, Barr served as the President of the Associated Students of NDNU and held a variety of other Student Life and Leadership positions.

ELLE D. LEWIS

Elle D. Lewis is an Associate at Cotchett, Pitre & McCarthy, LLP, and her focus has been on civil litigation in a wide range of areas, including catastrophic injury, antitrust, construction defect, commercial liability defense, multi-party litigation, and securities actions. She has vast experience in discovery and has been instrumental in obtaining three unanimous jury trial verdicts and multiple settlements.

Lewis received her Juris Doctor degree from the University of San Francisco, School of Law. While in law school, she served as a law clerk for the Honorable Maria-Elena James of the United States District Court in the Northern District of California. Lewis was an intern in the Elder Abuse Unit of the Office of the San Francisco District Attorney.

NOORJAHAN RAHMAN

Noor Rahman is an Associate at Cotchett, Pitre & McCarthy, LLP, practicing in consumer protection, securities, derivative, nationwide class action, and complex commercial litigation.

Rahman graduated from Georgetown University Law Center and served on the editorial board of the *Georgetown Journal of Legal Ethics* (GJLE). She is a published author in the Summer 2015 edition of GJLE. Noor was a student attorney in Georgetown's Center for Applied Legal Studies, and in that capacity, she successfully obtained political asylum for two Honduran refugees. Her work included oral argument before a federal immigration judge and obtaining sworn declarations from witnesses residing in remote Honduran villages.

Prior to law school, Rahman served as a Teach for America corps member in Washington, D.C., and later, worked at D.C.-based consulting firm Education Advisory Board. From 2010 to 2011, she served as Rotary Ambassadorial Scholar in Beirut, Lebanon. There, she worked with grassroots organizations in Beirut to implement community development projects empowering international migrant workers.

Rahman graduated *magna cum laude* from The Ohio State University, where she received a B.A. in Political Science and a B.A. in History. She interned in the United State Congress for an Ohio congresswoman, and also in the Ohio governor's office. After graduating from Georgetown Law in 2016, she moved back to her hometown Columbus, Ohio to practice business litigation. There, she helped found the Columbus chapter of national nonprofit organization New Leaders Council and served on the board until spring 2019. Noor is a 2020 fellow of the New Leaders Council San Francisco chapter.

ANYA N. THEPOT

Anya Thepot was an Associate at Cotchett, Pitre & McCarthy LLP, where she practiced civil litigation, including class actions and complex civil litigation. Prior to joining Cotchett, Pitre & McCarthy, Thepot practiced business litigation in Los Gatos.

Thepot earned her Juris Doctor from Santa Clara University School of Law. While in law school, Thepot completed a fellowship with the Academic Success Program, competed in Honors Moot Court, and served on the Honors Moot Court Internal Board. Anya also worked as a student attorney for the International Human Rights Clinic, a volunteer at the Katharine and George Alexander Community Law Center, and a research assistant for a legal ethics textbook. In addition, Thepot facilitated community outreach by mediating civil harassment disputes and by working with community non-profits to provide legal education to underrepresented populations and at-risk youth in the Bay Area.

Thepot graduated *cum laude* from the University of California, Santa Cruz, with a Bachelor of Arts in Language Studies with a History minor.

CLERKS & PARALEGALS

ZYRES AGUDELO

Zyres Agudelo is a Senior Paralegal and Case Administrator. Agudelo studied at California State University, Los Angeles where she studied Political Science. Agudelo joined Cotchett, Pitre & McCarthy LLP in 2011 as a document reviewer then became Assistant Investigative Analyst for three years before she became a case assistant and eventually a paralegal. As Senior Paralegal and Case Administrator, she focuses on managing and training other paralegals on her team and managing case work in addition to paralegal duties. She is currently working on receiving her paralegal certificate from California State University, East Bay ABA Certificate Program.

ELENA AGUIRRE

Elena Aguirre graduated from the University of California, Berkeley, in 2018. She is currently studying at the University of California, Irvine, expected to graduate with her Juris Doctor in 2021. Aguirre worked as law clerk at Cotchett, Pitre & McCarthy LLP in 2019.

SAMI ALSAMMAN

Sami Alsamman graduated from the University of California, Santa Cruz, in 2017. He attended Vanderbilt University Law School from 2017-2018 before transferring to Cornell Law School in 2018 to obtain his Juris Doctor in the summer of 2020. Alsamman worked as law clerk at Cotchett, Pitre & McCarthy LLP in 2019.

SHUMING (KONI) CHEN

Shuming Chen was a Paralegal at Cotchett, Pitre & McCarthy, LLP and worked on a variety of cases with a focus on Securities. Chen studied at the University of California, Davis, with a concentration in Political Science and International Relations.

LATOYA CONCEPCION

Latoya R. Concepcion is a Senior Paralegal at Cotchett, Pitre & McCarthy, LLP, New York office. Latoya is currently a J.D. Candidate at New York Law School. In 2015, Latoya graduated *summa cum laude* from The George Washington University with a Master's in Professional Studies degree in Paralegal Studies. In 2013, Latoya graduated *magna cum laude* from Berkeley College with a Bachelor of Science degree in Justice Studies. She has more twelve years of experience as a paralegal working on matters involving complex litigation.

LAURIE D'ELIA

Laurie D'Elia is a Senior Paralegal and began her legal career 14 years ago with Cotchett, Pitre & McCarthy. Laurie has worked on cases in a variety of practice areas, including Commercial Litigation, Environmental Law and Financial Fraud. Laurie played a key role in the lead paint litigation, trial and appeals, which resulted in a \$305 Million Dollar settlement for ten California cities and counties. During this litigation, she developed her knowledge and expertise of e-

discovery. As a Senior Paralegal, Laurie often answers questions and trains new paralegals in e-discovery and trial preparation. In addition to her paralegal duties, she assists with administrative, facilities and organizational projects around the office. She earned a bachelor's degree in Social and Cultural Anthropology from the University of California, Berkeley, and a master's degree in Counseling Psychology from the University of San Francisco.

NIRAV ENGINEER

Nirav Engineer is the Chief Investigative Analyst at Cotchett, Pitre & McCarthy LLP. Engineer studied at San Francisco State University with a concentration in Computer Information Sciences.

REID GAA

Reid Gaa is an Associate at Cotchett, Pitre & McCarthy. He received his J.D. cum laude from the University of California, Hastings College of the Law in 2019 where he served as a member of the UC Hastings Moot Court Student Board and as a teaching assistant for the Legal Writing and Research Department. During law school, Reid also worked as law clerk for Cotchett, Pitre & McCarthy and the Alameda County Public Defender's Office. He graduated cum laude from Santa Clara University in 2014 with a B.S. in Political Science.

PETER LUC

Peter Luc graduated from the University of California, Riverside with a double major in political science and sociology. After graduation, he attended San Francisco State University to obtain a paralegal certificate. He has worked Cotchett, Pitre & McCarthy LLP as a paralegal for almost 5 years and has worked on multiple court trials, has experience with document review on multiple review platforms, and has experience with appellate filings.

KATHERINE MA

Katherine Ma was a Paralegal at Cotchett, Pitre & McCarthy, LLP in the Securities team. Ma received her bachelor's degree in criminal justice from San Francisco State University in 2015 and her paralegal certificate from San Francisco State University, ABA Paralegal Certificate Program.

ELMER MARTINEZ

Elmer Martinez was a Paralegal at Cotchett, Pitre & McCarthy, LP in the Securities team. Martinez received his bachelor's degree in political science from the University of California, Santa Barbara in 2017.

DEREK MONTE

Derek F. Monte graduated from the University of Washington in 2014 and received his Juris Doctor from Hastings College of Law at the University of California in June 2018 and is currently a practicing attorney. Monte worked as law summer clerk at Cotchett, Pitre & McCarthy LLP in 2017 and 2018.

BROOKE NORTON

Brooke Norton is a Paralegal at Cotchett, Pitre & McCarthy, LLP. Norton graduated *cum laude* from the University of California, Riverside with a bachelor's degree in Political Science and Philosophy of Law and Society. After graduating, she completed a senatorial fellowship at the California State Senate before she began working as a paralegal in 2018.

BRITTANY S. SCOTT

Brittany S. Scott graduated from the University of California, Berkeley in 2016. Furthering her education at the Hastings College of Law at the University of California in 2019 and is currently a practicing attorney. Scott worked as law summer clerk at Cotchett, Pitre & McCarthy LLP in 2018.

EXHIBIT 4

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF LAURENCE D. KING
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, LAURENCE DAVID KING, declare as follows:

2 1. I am a partner at the law firm of KAPLAN FOX & KILSHEIMER LLP, and am
3 managing partner of its Oakland and Los Angeles, California offices.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I and
6 my firm were appointed as Co-Lead Counsel. I and others at my firm, in coordination with our
7 Co-Lead Counsel at Cotchett, Pitre & McCarthy LLP, performed many duties in this litigation,
8 including determining the litigation strategy on behalf of all plaintiffs, and conducting all phases
9 of the litigation on behalf of the proposed Plaintiff class, including preparation of pleadings,
10 researching and arguing pleading motions, overseeing all aspects of discovery of both parties and
11 third parties, attending discovery conferences and researching and arguing discovery motions
12 presented to the Discovery Special Master, attending status conferences with the Court and
13 presenting Plaintiffs' positions, coordinating the retention of expert consultants, participating in
14 settlement negotiations, preparing the settlement agreement, and coordinating the Class notice and
15 claims administration process, including responding to Class inquiries about the Settlement. These
16 duties included the delegation and oversight of work assigned to the Plaintiffs' Executive
17 Committee or its Chair.

18 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
19 with years in practice, most recent hourly rates during the pendency of litigation, hours spent, and
20 total lodestar. I hereby attest that the billing rates used on the attached Exhibit A conform to the
21 professional rates set at my firm. Further detail regarding the litigation and trial experience of
22 each professional can be found, to the extent available, in the firm resume attached hereto as
23 Exhibit C.

24 4. The detailed descriptions of the time spent by the attorneys and other professionals
25 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
26 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
27 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case

28

1 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
2 time records are available for the Court’s review should the Court desire such records.

3 5. The total number of hours expended on this litigation by my firm, as approved by
4 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
5 consolidation through July 31, 2020 is 21,789.6 hours. The total lodestar for my firm is
6 \$11,521,121.50

7 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
8 (“expenses”) totaling \$463,213.01, which were necessary in relation to this litigation and
9 submitted, vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead
10 Counsel pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining
11 this litigation are reflected in the books and records of my firm. These books and records are
12 prepared from expense vouchers, check records, and other documents and are an accurate record
13 of the expenses.

14 7. Co-Lead Counsel established a Litigation Fund to finance the joint prosecution of
15 this litigation, which was overseen by my firm. Attached hereto as Exhibit D is an accounting of
16 the Litigation Fund, including the amounts contributed by Class Counsel and the members of
17 Plaintiffs’ Executive Committee, as well as the unreimbursed expenses incurred by the Litigation
18 Fund for the benefit of the Class. The Litigation Fund reasonably and necessarily incurred
19 \$506,891.62 in expenses that remain unreimbursed.

20

21 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
22 day of August, 2020, at Pleasanton, California.

23

s/Laurence D. King

24

LAURENCE D. KING

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EXHIBIT A

Kaplan Fox & Kilsheimer LLP
--

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Aaron Schwartz	Associate (5 years)	\$ 450.00	1956.40	\$ 880,380.00
Angelique Thomas	Staff / Project Attorney	\$ 350.00	208.50	\$ 72,975.00
Brandon Fox	Staff / Project Attorney	\$ 230.00	265.40	\$ 61,042.00
Cynthia Trinh	Staff / Project Attorney	\$ 350.00	1919.40	\$ 671,790.00
David Straite	Partner (23 years)	\$ 800.00	2684.80	\$ 2,147,840.00
Dierdre A. Roney	Staff / Project Attorney	\$ 350.00	895.90	\$ 313,565.00
Donald Hall	Partner (21 years)	\$ 830.00	1476.50	\$ 1,225,495.00
Ericka Dewey	Staff / Project Attorney	\$ 350.00	2056.50	\$ 719,775.00
Frederic Fox	Partner (34 years)	\$ 990.00	1449.40	\$ 1,434,906.00
Gina Tones	Staff / Project Attorney	\$ 350.00	2114.80	\$ 740,180.00
Gregory Arenson	Partner	\$ 975.00	0.10	\$ 97.50
Jamillah Fraser	Staff / Project Attorney	\$ 350.00	738.70	\$ 258,545.00
Jason Uris	Associate	\$ 355.00	1.30	\$ 461.50
Jenny Griffin	Associate	\$ 265.00	490.80	\$ 130,062.00
Joel Strauss	Partner (26 years)	\$ 895.00	6.30	\$ 5,638.50
Kevin Cosgrove	Investigator	\$ 325.00	145.60	\$ 47,320.00
Laurence D. King	Partner (30 years)	\$ 910.00	906.00	\$ 824,460.00
Lillian Rodriguez	Paralegal	\$ 185.00	260.60	\$ 48,211.00
Mario Choi	Associate (13 years)	\$ 660.00	579.20	\$ 382,272.00
Matthew George	Of Counsel (14 years)	\$ 735.00	605.70	\$ 445,189.50
Nikki Lee	Paralegal	\$ 125.00	60.30	\$ 7,537.50
Pamela Mayer	Associate	\$ 615.00	3.00	\$ 1,845.00
Ralph Labaton	Associate (3 years)	\$ 395.00	710.70	\$ 280,726.50
Samia Flecha	Paralegal	\$ 100.00	14.10	\$ 1,410.00
Stewart Borrow	Staff / Project Attorney	\$ 350.00	1728.40	\$ 604,940.00
Suzanne Powley	Paralegal	\$ 290.00	13.50	\$ 3,915.00
Walter Howe	Staff / Project Attorney	\$ 425.00	493.70	\$ 209,822.50
Xin Wang	Paralegal	\$ 180.00	4.00	\$ 720.00
TOTAL			21789.60	\$ 11,521,121.50

EXHIBIT B

EXHIBIT B

KAPLAN FOX & KILSHEIMER LLP

CATEGORY	AMOUNT
01. Outside Printing	0.00
02. Photocopies	\$ 411.40
03. Outside Fax Charges	0.00
04. Delivery Services/Messengers	\$ 2,809.89
05. Postage	\$ 1,103.22
06. Court Fees	\$ 774.98
07. Subpoena Fees	0.00
08. Witness Fees	0.00
09. Deposition Transcripts	\$ 34.20
10. Long-Distance Telephone Calls	\$ 9,109.80
11. Trial Transcripts	\$ 349.20
12. Trial Exhibits	0.00
13. Lexis / Westlaw	\$ 117,771.07
14. Litigation Support Vendors	\$ 408.38
15. Experts	0.00
16. Arbitrators/Mediators	0.00
17. Meals (excluding alcohol)	\$ 8,206.92
18. Taxi/Car Service/Other Ground Transport	\$ 9,104.36
19. Travel-Mileage Reimbursement	0.00
20. Travel-Airfare	\$ 34,081.49
21. Travel-Hotel	\$ 24,697.91
22. Travel-Rental Car	\$ 18.00
23. Service Fees	\$ 228.00
24. Miscellaneous	\$ 4,104.19
25. Assessments	\$ 250,000.00
TOTAL	\$ 463,213.01

EXHIBIT C



KAPLAN FOX & KILSHEIMER LLP

FIRM PROFILE

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Fax: 212.687.7714

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160 Morris Street
Morristown, NJ 07960
Tel.: 973.656.0222
Fax: 973.401.1114

History of Kaplan Fox & Kilsheimer LLP

Leo Kaplan and James Kilsheimer founded “Kaplan & Kilsheimer” in 1954, making the firm one of the most established litigation practices in the country. James Kilsheimer was a celebrated federal prosecutor in the late 1940s and early 1950s in New York who not only successfully tried some of the highest profile cases in the country, but also handled the U.S. Attorney’s Office’s criminal appeals to the Second Circuit.

Now known as “Kaplan Fox & Kilsheimer LLP,” the early commitment to high-stakes litigation continues to define the firm to the present day. In 2009, Portfolio Media’s *Law360* ranked Kaplan Fox’s securities litigation practice as one of the top 5 in the country (plaintiff side), and again in July 2014, the Legal 500 ranked Kaplan Fox as one of the top eight plaintiff’s firms for securities litigation. In March 2013, the *National Law Journal* included Kaplan Fox on its list of the top 10 “hot” litigation boutiques, a list that includes both plaintiff and defense firms. In 2014, 2015 and 2016, more than half of the firm’s partners – including attorneys on both coasts – were rated “Super Lawyers.”

The firm has three primary litigation practice areas (antitrust, securities, and consumer protection), and the firm is a leader in all three. To date, we have recovered more than **\$5 billion** for our clients and classes. In addition, the firm has expanded its consumer protection practice to include data privacy litigation, and few other firms can match Kaplan Fox’s recent leadership in this rapidly emerging field. The following describes Kaplan Fox’s major practice areas, its most significant recoveries and its attorneys.

Securities Litigation

Over the past 35 years, Kaplan Fox has been a leader in prosecuting corporate and securities fraud —ranging from cases concerning accounting fraud to those involving complicated and complex financial instruments. Since the passage of the Private Securities Litigation Reform Act in 1995, Kaplan Fox has emerged as one of the foremost securities litigation firms representing institutional investors of all sizes, including many of the world’s largest public pension funds.

Kaplan Fox’s selection by Portfolio Media’s Law360 as one of the five top securities litigation firms (plaintiff side) for 2009 was based, in part, on the representation of public pension funds in high profile and complex securities class actions, including **In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation**; **In re Bank of America Corp. Securities, ERISA & Derivative Litigation**; **In re Fannie Mae Securities Litigation**; and **In re Ambac Financial Group, Inc. Securities Litigation**. Some of the firm’s most significant securities recoveries include:

In re Bank of America Corp. Securities, Derivative, and ERISA Litigation, MDL No. 2058 (S.D.N.Y.) (\$2.425 billion recovered)

In re Merrill Lynch & Co., Inc. Securities Litigation, Master File No. 07-CV-9633 (JSR) (S.D.N.Y.) (\$475 million recovered)

In re 3Com Securities Litigation, No. C-97-21083-EAI (N.D. Cal.) (\$259 million recovered)

In re Fannie Mae 2008 Securities Litigation, No. 08-cv-7831 (PAC) (S.D.N.Y.) (\$170 million recovered)

In re MicroStrategy Securities Litigation, No. CV-00-473-A (E.D. Va.) (\$155 million recovered)

AOL Time Warner Cases I & II (Opt-out) Nos. 4322 & 4325 (Cal. Superior Court, LA County) (\$140 million recovered)

In re Informix Securities Litigation, C-97-129-CRB (N.D. Cal.)
(\$136.5 million recovered)

In re Xcel Energy, Inc. Securities Litigation, Master File No. 02-CV-2677-DSD (D. Minn.) (\$80 million recovered)

In re Elan Corporation Securities Litigation, No. 02-CV-0865-RMB (S.D.N.Y.) (\$75 million recovered)

In re Sequenom, Inc. Securities Litigation, No. 09-cv-921 (S.D. Cal.) (\$70 million recovered)

Barry Van Roden, et al. v. Genzyme Corp., et al., No. 03-CV-4014-LLS (S.D.N.Y.) (\$64 million recovered)

Antitrust Litigation

Kaplan Fox has been at the forefront of significant private antitrust actions, and we have been appointed by courts as lead counsel or members of an executive committee for plaintiffs in some of the largest antitrust cases throughout the United States. This commitment to leadership in the antitrust field goes back to at least 1967, when firm co-founder Leo Kaplan was appointed by the Southern District of New York to oversee the distribution of all ASCAP royalties under the 1950 antitrust consent decree in **United States v. American Society of Composers, Authors and Publishers**, No. 41-CV-1395 (S.D.N.Y.), a role he held for 28 years until his death in 1995. To this day, ASCAP awards the “Leo Kaplan Award” to an outstanding young composer in honor of Leo’s 28 years of service to ASCAP.

Members of the firm have also argued before the U.S. Courts of Appeals some of the most significant decisions in the antitrust field in recent years. For example, Robert Kaplan argued the appeal in **In re Flat Glass Antitrust Litigation**, 385 F.3d 350 (3d Cir. 2004), and Greg Arenson argued the appeal in **In re High Fructose Corn Syrup Antitrust Litigation**, 295 F.3d 651 (7th Cir. 2002). In a relatively recent survey of defense counsel, in-house attorneys, and individuals involved in the civil justice reform movement, both were named among the 75 best plaintiffs’ lawyers in the country based on their expertise and influence.

Over the years, Kaplan Fox has recovered over **\$2 billion** for our clients in antitrust cases. Some of the larger antitrust recoveries include:

In re Air Cargo Shipping Services Antitrust Litigation, MDL 1775 (E.D.N.Y.) (settled during trial preparation, for total settlement of more than \$1.25 billion)

In re Neurontin Antitrust Litigation, MDL No. 1479, Master File No. 02-1390 (D.N.J.) (\$190 million recovered)

In re High Fructose Corn Syrup Antitrust Litigation, MDL No. 1087, Master File No. 95-1477 (C.D. Ill.) (\$531 million recovered)

In re Brand Name Prescription Drugs Antitrust Litigation, MDL 997 (N.D. Ill.) (\$720 plus million recovered)

In re Infant Formula Antitrust Litigation, MDL 878 (N.D. Fla.) (\$126 million recovered)

In re Flat Glass Antitrust Litigation, MDL 1200 (W.D. Pa.) (\$122 plus million recovered)

In re Hydrogen Peroxide Antitrust Litigation, MDL 1682 (E.D. Pa.) (\$97 million recovered)

In re Plastics Additives Antitrust Litigation, 03-CV-1898 (E.D. Pa.) (\$46.8 million recovered)

In re Medical X-Ray Film Antitrust Litigation, CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered)

In re NBR Antitrust Litigation, MDL 1684 (E.D. Pa.) (\$34.3 million recovered)

Consumer Protection and Data Privacy Litigation

The consumer protection practice is headquartered in Kaplan Fox's Bay Area office, which opened in 2000, and is led by Laurence King, an experienced trial lawyer and former prosecutor. Mr. King also recently served as a Vice-Chair, and then Co-Chair, of the American Association for Justice's Class Action Litigation Group.

Mr. King and our other effective and experienced consumer protection litigators regularly champion the interests of consumers under a variety of state and federal consumer protection laws. Most frequently, these cases are brought as class actions, though under certain circumstances an individual action may be appropriate.

Kaplan Fox's consumer protection attorneys have represented victims of a broad array of misconduct in the manufacturing, testing, marketing, and sale of a variety of products and services and have regularly been appointed as lead or co-lead counsel or as a member of a committee of plaintiffs' counsel in consumer protection actions by courts throughout the nation. Among our significant achievements are highly recognized cases including **In re Baycol Products Litigation**, MDL 1431-MJD/JGL (D. Minn.) (victims have recovered \$350 million recovered to date); **In re Providian Financial Corp. Credit Card Terms Litigation**, MDL No. 1301-WY (E.D. Pa.) (\$105 million recovered); **In re Thomas and Friends Wooden Railway Toys Litig.**, No. 07-cv-3514 (N.D. Ill.) (\$30 million settlement obtained for purchasers of recalled "Thomas Train" toys painted with lead paint); **In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation**, No. 4:09-md-2086 (W.D. Mo.) (settlements obtained where consumers will receive substantially in excess of actual damages and significant injunctive relief); **Berry v. Mega Brands Inc.**, No. 08-CV-1750 (D.N.J.) (class-wide settlement obtained where consumers

will receive full refunds for defective products), and **David Wolf, et al. v. Red Bull GmbH, et al.**, No. 1:13-cv-08008 (S.D.N.Y.) (\$13 million settlement fund obtained for purchasers of Red Bull energy drink).

Data privacy is a fairly new area of law and broadly encompasses two scenarios. In a data breach case, a defendant has lawful custody of data, but fails to safeguard it or use it in an appropriate manner. In a tracking case, the defendant intercepts or otherwise gathers digital data to which it is not entitled in the first place.

Kaplan Fox is an emerging leader in both types of data privacy litigation. For example, Mr. King filed and successfully prosecuted one of very first online data breach cases, **Syran v. LexisNexis Group**, No. 05-cv-0909 (S.D. Cal.), and was court-appointed liaison counsel in a recently successfully concluded data breach case against LinkedIn. See **In re: LinkedIn User Privacy Litigation**, No. 12-cv-3088-EJD (N.D. Cal.). The firm also settled a data privacy case against Universal Property & Casualty Insurance Company related to the public exposure of sensitive customer data. See **Rodriguez v. Universal Property & Cas. Ins. Co.**, No. 16-cv-60442-JK (S.D. Fla.).

The firm is also an industry leader in the even newer field of email and internet tracking litigation. Kaplan Fox was appointed Co-Lead Class Counsel in a digital privacy class action against Yahoo!, Inc., related to Yahoo's alleged practice of scanning emails for content, which was recently settled. See **In re: Yahoo Mail Litigation**, 5:13-cv-04980-LHK (N.D. Cal.). Current cases include **In re: Facebook Internet Tracking Litigation**, No. 5:12-md-02314-EJD (N.D. Cal.) (Davila, J.) and **In re: Google Inc. Cookie Placement Consumer Privacy Litig.**, 12-MD-2358-SLR (D. Del.) (Kaplan Fox appointed to plaintiffs' steering committee).

ATTORNEY BIOGRAPHIES

PARTNERS

ROBERT N. KAPLAN is widely recognized as a leading antitrust and securities litigator with more than 40 years of experience in securities, antitrust, and other complex litigation. He has led the prosecution of numerous class actions and shareholder derivative actions, recovering billions of dollars for the victims of corporate wrongdoing. Mr. Kaplan was recently listed by defense and corporate counsel as one of the top 75 plaintiffs' attorneys in the United States for all disciplines, and he has also been ranked as one of the top attorneys in the United States for securities litigation by Legal 500 in each of the last three years. He also has earned a reputation as a leading litigator in the antitrust arena. Mr. Kaplan honed his litigation skills as a trial attorney with the U.S. Department of Justice. Mr. Kaplan was recognized as Super Lawyer in the New York Metro Area. He was lead counsel for CalPERS in *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.), and was a lead in *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, *In re Escala Securities Litigation* and *In re Bank of America Corp. Securities Litigation*, in which a settlement in the amount of \$2.425 billion and corporate governance changes was approved by the Court.

In the antitrust arena, he has been a lead counsel in many significant actions. He was a lead counsel in *In re Air Cargo Antitrust Litigation* (more than \$1.25 billion in settlements) and *DIPF Antitrust Litigation*, *In re Cast Iron Soil Pipe and Fittings Antitrust Litigation*, and has been appointed as a lead counsel in *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*.

He also represents clients in private antitrust actions, including Affiliated Foods, Inc., Affiliated Foods Midwest Cooperative, Inc., Alex Lee, Inc., Associated Food Stores, Inc., Associated Grocers of New England, Inc., Associated Grocers, Inc., Bashas' Inc., Big Y Foods, Inc., Brookshire Brothers, Inc., Brookshire Grocery Company, Certco, Inc., Dollar Tree Distribution, Inc., Greenbrier International, Inc., Family Dollar Stores, Inc., Family Dollar Services, LLC, Fareway Stores, Inc., Giant Eagle, Inc., The Golub Corporation, Kmart Corporation, K-VA-T Food Stores, Inc., Marc Glassman, Inc., McLane Company, Inc., Meadowbrook Meat Company, Inc., Merchants Distributors, LLC,

Schnuck Markets, Inc., SpartanNash, URM Stores Inc., Western Family Foods, Inc. and Woodman's Food Market, Inc., 99 Cents Only Stores LLC, in individual cases against Tri-Union Seafoods, LLC, d/b/a Chicken of the Sea, King Oscar, Inc., Bumble Bee Foods, LLC f/k/a Bumble Bee Seafoods, LLC, and StarKist Co., in *In re Packaged Seafood Products Antitrust Litigation*, MDL No. 2670 (S.D. Cal.).

Mr. Kaplan previously served as lead counsel or member of the Executive Committee in numerous plaintiff treble damage actions including *In re Neurontin Antitrust Litigation*, MDL No. 1479, Master File No. 02-1390 (D.N.J.) (\$190 million recovered); *In re High Fructose Corn Syrup Antitrust Litigation*, MDL No. 1087, Master File No. 95-1477 (C.D. Ill.) (\$531 million recovered); *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL 997 (N.D. Ill.) (\$720 plus million recovered); *In re Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.) (\$126 million recovered); *In re Flat Glass Antitrust Litigation*, MDL 1200 (W.O. Pa.) (\$122 plus million recovered) (Mr. Kaplan successfully argued an appeal before the U.S. Court of Appeals for the Third Circuit, which issued a ground-breaking and often-cited summary judgment opinion. *In re Flat Glass Antitrust Litigation*, 191 F.R.D. 472, 476 n. 7 (W.D. Pa.1999)); *In re Hydrogen Peroxide Antitrust Litigation*, MDL 1682 (E.D. Pa.) (\$97 million recovered); *In re Plastics Additives Antitrust Litigation*, 03-CV-1898 (E.D. Pa.) (\$46.8 million recovered); *In re Medical X-Ray Film Antitrust Litigation*, CV 93-5904 (E.D.N.Y.) (\$39.6 million recovered); and *In re NBR Antitrust Litigation*, MDL 1684 (E.D. Pa.) (\$34.3 million recovered).

Mr. Kaplan is also representing financial institutions across the country in data breach cases against Home Depot and is a member of the Plaintiffs' Steering Committee.

Mr. Kaplan was a trial attorney with the Antitrust Division of the U.S. Department of Justice. There, he litigated civil and criminal actions. He also served as law clerk to the Hon. Sylvester J. Ryan, then chief judge of the U.S. District Court for the Southern District of New York and served as an acting judge of the City Court for the City of Rye, N.Y.

In addition to his litigation practice, he has also been active in bar and legal committees. For more than fifteen years, he has been a member of what is now known as the Eastern District of New York's Courts Committee on Civil Litigation.

Mr. Kaplan's published articles include: "Complaint and Discovery In Securities Cases," *Trial*, April 1987; "Franchise Statutes and Rules," *Westchester Bar Topics*, Winter

1983; “Roots Under Attack: Alexander v. Haley and Courlander v. Haley,” Communications and the Law, July 1979; and “Israeli Antitrust Policy and Practice,” Record of the Association of the Bar, May 1971.

Mr. Kaplan sits on the boards of several organizations, including the Columbia Law School Board of Visitors, Board of Directors of the Carver Center in Port Chester, N.Y., and Member of the Dana Farber Visiting Committee, Thoracic Oncology in Boston, MA.

Education:

- B.A., Williams College (1961)
- J.D., Columbia University Law School (1964)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1964)
- Bar of the District of Columbia (2013)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third, Seventh, Ninth, Tenth and Eleventh Circuits
- U.S. District Courts for the Southern, Eastern, Western and Northern Districts of New York, the Central District of Illinois, and the District of Arizona

Professional Affiliations:

- Federal Bar Council
- Committee to Support the Antitrust Laws (past President)
- National Association of Securities and Commercial Law Attorneys (past President)
- Advisory Group of the U.S. District Court for the Eastern District of New York
- American Bar Association
- Association of Trial Lawyers of America (Chairman, Commercial Litigation Section, 1985-86)
- Association of the Bar of the City of New York (served on the Trade Regulation Committee; Committee on Federal Courts)
- Member of Board of Trustees for the Rye Historical Society

Mr. Kaplan can be reached by email at: RKaplan@kaplanfox.com

FREDERIC S. FOX first associated with Kaplan Fox in 1984, and became a partner in the firm in 1991. For over 30 years, he has concentrated his work in the area of class action litigation. Mr. Fox has played important roles in many major class action cases. He was one of the lead trial lawyers in two securities class actions, one of which was the first case tried to verdict under the Private Securities Litigation Reform Act of 1995.

Mr. Fox has played a lead role in many major securities class action cases, including as a senior member of the litigation and trial team in *In re Bank of America Corp. Securities, ERISA, & Derivative Litigation*, No. 09-MDL-2058 (S.D.N.Y.) (“*In re Bank of America*”). The case arose out of Bank of America’s acquisition of Merrill Lynch. *In re Bank of America* which settled for \$2.425 billion plus significant corporate governance reforms, and stands as one of the largest securities class action settlements in history. In *In re Bank of America*, Mr. Fox served as lead counsel on behalf of major public pension funds.

Mr. Fox currently represents many institutional investors including governmental entities in both class actions and individual litigation. Mr. Fox recently led the team of attorneys that prosecuted an individual opt-out action on behalf of a public pension fund arising out of the fraud at Petrobras in Brazil. Other significant cases in which Mr. Fox served as lead counsel include: *In re Merrill Lynch & Co., Inc. Securities, Derivative, & ERISA Litigation*, No. 07-cv-9633 (S.D.N.Y.) (in which he was the primary attorney responsible for negotiating the \$475 million settlement); *In re Fannie Mae 2008 Securities Litigation*, No. 08-cv-7831 (S.D.N.Y.) (“*In re Fannie Mae 2008*”) (\$170 million settlement); *In re SunPower Securities Litigation*, Case No. 09-cv-5473 (N.D. Cal.); *In re Merrill Lynch Research Reports Securities Litigation* (S.D.N.Y.) (arising from analyst reports issued by Henry Blodget); *In re Salomon Analyst Williams Litigation* (S.D.N.Y.) and *In re Salomon Focal Litigation* (S.D.N.Y.) (both actions stemming from analyst reports issued by Jack Grubman). Mr. Fox has also handled derivative cases seeking corporate governance reform and other shareholder litigation on behalf of public pension funds asserting state law and foreign causes of action. Mr. Fox is a frequent speaker and panelist in both the U.S and abroad on a variety of topics including securities litigation and corporate governance.

In the consumer protection area, he served on the Plaintiffs' Steering Committee in the *Baycol Products Litigation* where there have been more than \$350 million in settlements. Additionally, he is serving as one of the Co-lead Counsel in *In re RC2 Corp. Toy Lead Paint Products Liability Litigation* pending in the Northern District of Illinois.

Mr. Fox is listed in the current editions of New York Super Lawyers and was recognized in Benchmark Litigation as a New York "Litigation Star."

Mr. Fox is the author of "Current Issues and Strategies in Discovery in Securities Litigation," ATLA, 1989 Reference Material; "Securities Litigation: Updates and Strategies," ATLA, 1990 Reference Material; and "Contributory Trademark Infringement: The Legal Standard after *Inwood Laboratories, Inc. v. Ives Laboratories*," University of Bridgeport Law Review, Vol. 4, No. 2.

During law school, Mr. Fox was the notes and comments editor of the University of Bridgeport Law Review.

Education:

- B.A., Queens College (1981)
- J.D., Bridgeport School of Law (1984)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1985)
- Bar of the District of Columbia (2013)
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second, Fourth, Sixth and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York, the District of Colorado and the District of Columbia

Professional Affiliations:

- Federal Bar Council
- American Bar Association
- Association of the Bar of the City of New York
- Association of Trial Lawyers of America (Chairman, Commercial Law Section, 1991-92)

Mr. Fox can be reached by email at: FFox@kaplanfox.com

GREGORY K. ARENSON is a seasoned business litigator with experience representing clients in a variety of areas, including antitrust, securities, and employee termination. His economics and econometrics background has provided a foundation for his recognized expertise in handling complex economic issues in antitrust cases, both as to class certification and on the merits. He has worked with economic experts in, among others, *In re Air Cargo Shipping Servs. Antitrust Litig.*, Master File No. 06-MD-1175 (JG)(VVP), 2014 WL 7882100 (E.D.N.Y. Oct. 15, 2014), *adopted in its entirety*, 2015 WL 5093503 (E.D.N.Y. July 10, 2015); *In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litig.*, 256 F.R.D. 82 (D. Conn. 2009); *In re Foundry Resins Antitrust Litig.*, 242 F.R.D. 393 (S.D. Ohio 2007); *In re Carbon Black Antitrust Litig.*, No. Civ. A. 03-10191-DPW, MDL No. 1543, 2005 WL 102966 (D. Mass. Jan. 18, 2005); *In re Microcrystalline Cellulose Antitrust Litig.*, 218 F.R.D. 79 (E.D. Pa. 2003); *Bearings Cases*, Case No. 12-00501, and *Wire Harness Cases*, Case No. 12-00101, part of *In re Automotive Parts Antitrust Litig.*, E.D. Mich., Master File No. 12-md-02311; *Affiliated Foods, Inc., et al. v. Tri-Union Seafoods, LLC d/b/a Chicken of the Sea Int'l, et al.*, part of *In re Packaged Seafood Prods. Antitrust Litig.*, S.D. Cal., Case No. 15-MD-2670 JLS (MDD); *In re Domestic Airline Travel Antitrust Litig.*, D.D.C., MDL Docket No. 2656, Misc. No. 15-1404 (CKK); *In re Dental Supplies Antitrust Litig.*, E.D.N.Y., Case No. 16-cv-696 (BMC)(GRB); *In re Ductile Iron Pipe Fittings ("DIPF") Direct Purchaser Antitrust Litig.*, D.N.J., Civ. No. 12-711 (AET)(LHG); *In re Cast Iron Soil Pipe & Fittings Antitrust Litig.*, E.D. Tenn., No. 1:14-md-2508; and *In re Pool Prods. Distribution Mkt. Antitrust Litig.*, E.D. La., MDL No. 2328. He also argued the appeals in *In re High Fructose Corn Syrup Antitrust Litig.*, 295 F.3d 651 (7th Cir. 2002), and *In re Hydrogen Peroxide Antitrust Litig.*, 552 F.3d 305 (3d Cir. 2009). He has been ranked as a Super Lawyer for several years.

Mr. Arenson has been a partner in the firm since 1993. Prior to joining Kaplan Fox, Mr. Arenson was a partner with Proskauer Rose LLP. Earlier in his career, he was a partner with Schwartz Klink & Schreiber, and an associate with Rudnick & Wolfe (now DLA Piper).

Mr. Arenson has been active in the New York State Bar Association. He was a member of the House of Delegates from 2013 to 2017. He was Chair of the Commercial and Federal Litigation Section from June 2013 through May 2014. He has been Co-Chair

of the New York State Bar Association Task Force on the State of Our Courthouses, whose report was adopted by the House of Delegates on June 20, 2009; a member of the New York State Bar Association Special Committee on Standards for Pleadings in Federal Litigation, whose report was adopted by the House of Delegates on June 19, 2010; and a member of the New York State Bar Association Special Committee on Discovery and Case Management in Federal Litigation, whose report was adopted by the House of Delegates on June 23, 2012. Mr. Arenson has written frequently on discovery issues. His published articles include: "Rule 68 Offers of Judgment and Mootness, Especially for Collective or Class Actions, 20 NY Litigator 25 (2015); "Report on Proposed Amendments to Federal Rule of Civil Procedure 45," 17 NY Litigator 21 (2012); "Rule 8 (a)(2) After Twombly: Has There Been a Plausible Change?" 14 NY Litigator 23 (2009); "Report on Proposed Federal Rule of Evidence 502," 12 NY Litigator 49 (2007); "Report: Treating the Federal Government Like Any Other Person: Toward a Consistent Application of Rule 45," 12 NY Litigator 35 (2007); "Report of the Commercial and Federal Litigation Section on the Lawsuit Abuse Reduction Act of 2005," 11 NY Litigator 26 (2006); "Report Seeking To Require Party Witnesses Located Out-Of-State Outside 100 Miles To Appear At Trial Is Not A Compelling Request," 11 NY Litigator 41 (2006); "Eliminating a Trap for the Unwary: A Proposed Revision of Federal Rule of Civil Procedure 50," 9 NY Litigator 67 (2004); "Committee Report on Rule 30(b)(6)," 9 NY Litigator 72 (2004); "Who Should Bear the Burden of Producing Electronic Information?" 7 Federal Discovery News, No. 5, at 3 (April 2001); "Work Product vs. Expert Disclosure – No One Wins," 6 Federal Discovery News, No. 9, at 3 (August 2000); "Practice Tip: Reviewing Deposition Transcripts," 6 Federal Discovery News, No. 5, at 13 (April 2000); "The Civil Procedure Rules: No More Fishing Expeditions," 5 Federal Discovery News, No. 9, at 3 (August 1999); "The Good, the Bad and the Unnecessary: Comments on the Proposed Changes to the Federal Civil Discovery Rules," 4 NY Litigator 30 (1998); and "The Search for Reliable Expertise: Comments on Proposed Amendments to the Federal Rules of Evidence," 4 NY Litigator 24 (1998). He was co-editor of Federal Rules of Civil Procedure, 1993 Amendments, A Practical Guide, published by the New York State Bar Association; and a co-author of "Report on the Application of Statutes of Limitation in Federal Litigation," 53 Albany Law Review 3 (1988).

Mr. Arenson serves as a mediator in the U.S. District Court for the Southern District of New York. In addition, he is an active alumnus of the Massachusetts Institute of Technology, having served as a member of the Corporation, a member of the Corporation Development Committee, vice president of the Association of Alumni/ae, member of the Alumni Association Selection Committee, and member of the Annual Fund Board (of which he was a past chair).

Education:

- S.B., Massachusetts Institute of Technology (1971)
- J.D., University of Chicago (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- Bar of the State of New York (1978)
- U.S. Supreme Court
- U.S. Courts of Appeals for the Second, Third and Seventh Circuits
- U.S. District Courts for the Northern and Central Districts of Illinois, Southern and Eastern Districts of New York, and Eastern District of Michigan
- U.S. Tax Court

Mr. Arenson can be reached by email at: GArenson@kaplanfox.com

LAURENCE KING first joined Kaplan Fox as an associate in 1994. He became a partner of the firm in 1998. While Mr. King initially joined the firm in New York, in 2000 he relocated to San Francisco to open the firm's first West Coast office. He is now partner-in-charge of the firm's Oakland and Los Angeles offices. In that capacity, he has regularly served as a lead member of the litigation team for Kaplan Fox's California-based institutional investor clients, and is always available at a moment's notice.

Mr. King practices primarily in the areas of securities litigation, with an emphasis on institutional investor representation and consumer protection litigation. He has also practiced in the area of employment litigation. Mr. King has played a substantial role in cases that have resulted in some of the largest recoveries ever obtained by Kaplan Fox, including *In re Bank of America Securities Litigation* (S.D.N.Y.), *In re 3Com Securities Litigation* (N.D. Ca.), *In re Informix Securities Litigation* (N.D. Ca.), *AOL Time Warner*

Cases I & II (Ca. Sup. Ct., L.A. Cty.) and *Providian Credit Card Cases* (Ca. Sup. Ct., S.F. Cty.).

An experienced trial lawyer, prior to joining Kaplan Fox Mr. King served as an assistant district attorney under the legendary Robert Morgenthau in the Manhattan (New York County) District Attorney's Office, where he tried numerous felony prosecutions to jury verdict. At Kaplan Fox, he was a member of the trial team for two securities class actions tried to verdict, *In re Biogen Securities Litigation* (D. Mass.) and *In re Health Management Securities Litigation* (E.D.N.Y.). Mr. King also prepared for numerous cases for trial in which favorable settlements were ultimately achieved.

Mr. King has been selected for inclusion in the Northern California *SuperLawyers* each year since 2012, and has previously served as Vice-Chair, and then as Co-Chair, of the American Association for Justice's Class Action Litigation Group of the American Association for Justice.

Education:

- B.S., Wharton School of the University of Pennsylvania (1985)
- J.D., Fordham University School of Law (1988)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1989)
- Bar of the State of California (2000)
- U.S. Court of Appeals for the Second, Third, Fifth, Ninth and Tenth Circuits
- U.S. District Courts for the District of New Jersey, Eastern District of Pennsylvania, Southern and Eastern Districts of New York, and Northern, Central and Southern Districts of California

Professional Affiliations:

- Bar Association of San Francisco
- American Bar Association
- American Association for Justice
- San Francisco Trial Lawyers' Association
- American Business Trial Lawyers

Mr. King can be reached by email at: LKing@kaplanfox.com

JOEL B. STRAUSS first associated with Kaplan Fox in 1992, and became a partner of the firm in 1999. He practices in the area of securities and consumer fraud class action litigation, with a special emphasis on accounting and auditing issues. He has been repeatedly selected for inclusion to the New York Super Lawyers list (Securities Litigation) (2007-2010, 2014-2017).

Prior to joining Kaplan Fox, Mr. Strauss served as a senior auditor with Coopers & Lybrand (n/k/a PwC). Combining his accounting background and legal skills, he has played a critical role in successfully prosecuting numerous securities class actions across the country on behalf of public pension fund clients. Mr. Strauss was one of the lead trial lawyers for the plaintiffs in the first case to go to trial and verdict under the Private Securities Litigation Reform Act of 1995.

More recently Mr. Strauss has been involved in representing the firm's institutional clients in the following securities class actions, among others: *In re Bank of America Corp. Securities, ERISA & Derivative Litig.* (S.D.N.Y.) (\$2.425 billion settlement); *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litig.* (S.D.N.Y.) (\$475 million settlement); *In re Prestige Brands Holdings Inc. Securities Litig.* (S.D.N.Y.) (\$11 million settlement); *In re Gentiva Securities Litig.* (E.D.N.Y.) (\$6.5 million settlement); and *In Re SunPower Securities Litig.* (N.D. Cal.) (\$19.7 million settlement). He has also served as lead counsel for lead plaintiffs in *In re OCA, Inc. Securities Litig.* (E.D. La.) (\$6.5 million settlement) and *In re Proquest Company Securities Litig.* (E.D. Mich.) (\$20 million settlement). Mr. Strauss also played an active role for plaintiff investors in *In Re Countrywide Financial Corporation Securities Litig.* (C.D. Cal.), which settled for more than \$600 million.

In the consumer protection area, Mr. Strauss served as Chair of the Plaintiffs' Non-Party Discovery Committee in *In re Baycol Products Litigation*, MDL No. 1431-MJD/JG (D. Minn.), where there were more than \$350 million in settlements.

Mr. Strauss is also active in the firm's growing data privacy practice. In July 2017, he moderated a panel on U.S. Data Privacy Laws at a conference in Tel Aviv.

Although currently practicing exclusively as a lawyer, Mr. Strauss is a licensed Certified Public Accountant in the State of New York.

Mr. Strauss has also been a guest lecturer on the topics of securities litigation, auditors' liability and class actions for seminars sponsored by the Practicing Law Institute and the Association of the Bar of the City of New York and is an adjunct instructor in the Political Science department at Yeshiva University.

Since June 2014 Mr. Strauss has served as a member of the New York State Bar Association's Committee on Legal Education and Admission to the Bar. And, in July 2018 Mr. Strauss was invited to serve as a member of the Rutgers Cybersecurity Advisory Board.

Among his various communal activities, Mr. Strauss currently serves on the Board of Directors of Yavneh Academy in Paramus, NJ (and is a former Vice President and Finance Committee Chair of the school), is a member of Yeshiva University's General Counsel's Council, a member of the Alumni Advisory Group at the Benjamin N. Cardozo School of Law, serves as Chair of the Career Guidance and Placement Committee of Yeshiva University's Undergraduate Alumni Council and is a member of The Board of Directors of Friends of Jerusalem College of Technology.

In March 2001 the New Jersey State Assembly issued a resolution recognizing and commending Mr. Strauss for his extensive community service and leadership. In 2012 Mr. Strauss received The Alumni Partner of the Year Award from Yeshiva University's Career Development Office.

Education:

- B.A., Yeshiva University (1986)
- J.D., Benjamin N. Cardozo School of Law (1992)
- HBX|Harvard Business School, Certificate in Entrepreneurship Essentials (2017)
- AICPA - Cybersecurity Fundamentals for Finance and Accounting Professionals Certificate (2018)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. Court of Appeals for the First, Second and Third Circuits

- U.S. District Courts for the Southern and Eastern Districts of New York and the District of New Jersey

Professional Affiliations:

- American Bar Association (member, Litigation Section, Rule 23 subcommittee)
- Association of the Bar of the City of New York
- New York State Bar Association
- American Institute of Certified Public Accountants

Mr. Strauss can be reached by email at: JStrauss@kaplanfox.com

HAE SUNG NAM joined Kaplan Fox in 1999 and became a partner of the firm in 2005. She practices in the areas of securities and antitrust litigation, mainly focusing in the firm's securities practice.

Since joining the firm, Ms. Nam has been involved in all aspects of the securities practice, including case analysis for the firm's institutional investor clients. She has been a key member of the litigation team representing a number of institutional clients in securities litigation, including cases against Bank of America Corporation, Fannie Mae and Ambac Financial Group, Inc.. She also has a focus in prosecuting opt-out actions on behalf of the firm's clients and has played a significant role in *AOL Time Warner Cases I & II* (Ca. Sup. Ct., L.A. Cty.) and *State Treasurer of the State of Michigan v. Tyco International, Ltd., et al*, and an opt-out case against Petrobras representing Ohio Public Employees Retirement System.

Ms. Nam has also been involved in the firm's antitrust practice, representing purchasers of flat glass products in a class action alleging a price-fixing conspiracy. She is currently prosecuting an antitrust case against Keurig. Prior to joining the firm, Ms. Nam was an associate with Kronish Lieb Weiner & Hellman LLP, where she trained as a transactional attorney in general corporate securities law and mergers and acquisitions.

Ms. Nam graduated magna cum laude, with a dual degree in political science and public relations from Syracuse University's Maxwell School and S.I. Newhouse School of Public Communications. Ms. Nam obtained her law degree, with honors, from George Washington University Law School. During law school, Ms. Nam was a member of the George Washington University Law Review. She is the author of a case note, "Radio—

Inconsistent Application Rule,” 64 Geo. Wash. L. Rev. (1996). In addition, she also served as an intern for the U.S. Department of Justice, Antitrust Division.

Education:

- B.A., magna cum laude, Syracuse University (1994)
- J.D., with honors, George Washington University Law School (1997)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1998)
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Courts for the Southern and Eastern Districts of New York, and Eastern District of Wisconsin

Ms. Nam can be reached by email at: HNam@kaplanfox.com

DONALD R. HALL has been associated with Kaplan Fox since 1998, and became a partner of the firm in 2005. He practices in the areas of securities, antitrust and consumer protection litigation. Mr. Hall is actively involved in maintaining and establishing the firm’s relationship with institutional investors and oversees the Portfolio Monitoring and Case Evaluation Program for the firm’s numerous institutional investors.

Mr. Hall was a member of the trial team prosecuting *In re Bank of America*, which settled for \$2.425 billion, the single largest securities class action recovery for violations of Section 14(a) of the Exchange Act and one of the top securities litigation settlements obtained in history. He has represented many of the firm’s institutional investor clients in securities class actions, including in *In re Eletrobras Secs. Litig.*, Case No. 15-cv-5754 as co-lead counsel in a class action against a Brazilian company and in *Kasper v. AAC Holdings, Inc.*, No. 15-cv-00923, also as co-lead counsel. Mr. Hall successfully represented institutional clients in *In re Merrill Lynch*, which settled for \$475 million; *In re Fannie Mae 2008*, which settled for \$170 million; *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411 (S.D.N.Y.) (“*In re Ambac*”); *In re Majesco Securities Litigation*, No. 05-cv-3557 (D.N.J.); and *In re Escala Group, Inc. Secs. Litig.*, No. 05-cv-3518 (S.D.N.Y.) (“*In re Escala*”). Additionally, he was a member of the litigation team in *AOL Time Warner Cases I & II*, an opt-out action brought by institutional investors that

settled just weeks before trial, resulting in a recovery of multiples of what would have been obtained had those investors remained members of the class action.

Mr. Hall has played a key role in many of the firm's securities and antitrust class actions resulting in substantial recoveries for the firm's clients, including *In re Merrill Lynch Research Reports Securities Litigation* (arising from analyst reports issued by Henry Blodget); *In re Salomon Analyst Williams Litigation* and *In re Salomon Focal Litigation* (both actions stemming from analyst reports issued by Jack Grubman); *In re Flat Glass Antitrust Litigation*; and *In re Compact Disc Antitrust Litigation*.

Mr. Hall graduated from the College of William and Mary in 1995 with a B.A. in Philosophy and obtained his law degree from Fordham University School of Law in 1998. During law school, Mr. Hall was a member of the Fordham Urban Law Journal and a member of the Fordham Moot Court Board. He also participated in the Criminal Defense Clinic, representing criminal defendants in federal and New York State courts on a pro-bono basis.

Education:

- B.A., College of William and Mary (1995)
- J.D., Fordham University School of Law (1998)

Bar Affiliations and Court Admissions:

- Bar of the State of Connecticut
- Bar of the State of New York
- U.S. Supreme Court
- U.S. Courts of Appeals for the First, Second and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- American Bar Association
- Association of Trial Lawyers of America
- New York State Bar Association

Mr. Hall can be reached by email at: DHall@kaplanfox.com

JEFFREY P. CAMPISI first associated with Kaplan Fox in 2004 and became a partner of the firm in 2012. He practices in the areas of securities and antitrust litigation.

Mr. Campisi has been involved in all aspects of securities practice, including case analysis for the firm's numerous public pension fund and institutional investor clients. Mr. Campisi recently represented institutional investors in the following securities class actions: *Kasper v. AAC Holdings, Inc. et al.*, 15-cv-923 (M.D. Tenn.) (\$25 million settlement); *In re 2008 Fannie Mae Securities Litigation*, 08cv7831 (S.D.N.Y.) (\$170 million settlement); *In re Merrill Lynch & Co., Inc. Securities, Derivative and ERISA Litigation*, 07cv9633 (S.D.N.Y.) (\$475 million settlement); and *In re Sequenom, Inc. Securities Litigation*, 09cv921 (S.D. Cal.) (more than \$60 million in cash and stock recovered).

Mr. Campisi served as law clerk for Herbert J. Hutton, United States District Court Judge for the Eastern District of Pennsylvania.

Education:

- B.A., cum laude, Georgetown University (1996)
- J.D., summa cum laude, Villanova University School of Law (2000)
Member of Law Review and Order of the Coif

Bar affiliations and court admissions:

- Bar of the State of New York
- U.S. Courts of Appeals for the Ninth and Tenth Circuits
- U.S. District Courts for the Southern, Eastern, Northern and Western Districts of New York, and Western District of Tennessee

Professional affiliations:

- Federal Bar Council
- American Association for Justice

Mr. Campisi can be reached by email at: jcampisi@kaplanfox.com

MELINDA CAMPBELL has been associated with Kaplan Fox since September 2004 and became a partner of the firm in 2012. She represents investors and institutions in securities fraud class action litigation.

Mrs. Campbell's noteworthy cases include: *In re Bank of America Corp. Securities Litigation*, MDL No. 2058 (S.D.N.Y.); *In re Ambac Financial Group, Inc. Securities Litigation*, No. 08-cv-411(NRB) (S.D.N.Y.); *In re Fannie Mae 2008 Securities Litigation*,

No. 08-cv-7831(PAC) (S.D.N.Y.), and *In re Eletrobras Securities Litigation*, 15-cv-5754 (S.D.N.Y.) (\$14.75 million settlement).

Mrs. Campbell obtained her J.D. from the University of Pennsylvania Law School. While attending law school, she successfully represented clients of the Civil Practice Clinic of the University of Pennsylvania Law School, and provided pro bono legal services through organizations including the Southern Poverty Law Center.

Mrs. Campbell obtained her undergraduate degree from the University of Missouri (*cum laude*).

Mrs. Campbell is a member of the Federal Courts Committee of the New York County Lawyers Association and served as a panelist in a continuing legal education course offered by the Committee concerning waiver of attorney-client privilege under Federal Rule of Evidence 501. Additionally, Mrs. Campbell is a member of the New York State Bar Association, the National Association of Women Lawyers, and the New York Women's Bar Association.

Education:

- B.A., University of Missouri (2000)
- J.D., University of Pennsylvania Law School (2004)

Bar affiliations and court admissions:

- Bar of the State of New York (2005)
- U.S. Courts of Appeals for the First, Second and Eleventh Circuits
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional affiliations:

- American Bar Association
- New York State Bar Association
- New York County Lawyers Association
- New York Women's Bar Association
- National Association of Women Lawyers

Mrs. Campbell can be reached by email at: MCampbell@kaplanfox.com

ELANA KATCHER has extensive complex antitrust litigation experience drawn from her work on both the plaintiff and defense sides. Ms. Katcher began her career in

antitrust litigation as an associate at Sullivan & Cromwell LLP where she was a member of the trial team defending Microsoft Corporation against a series of private class actions brought in courts around the country, as well as representing other major defendants in bet-the-company litigation.

Since 2007, Ms. Katcher has been instrumental in some of Kaplan Fox's largest cases, including *In re Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D.N.Y.), and a successful bellwether trial in *Neurontin Marketing, Sales Practices & Products Liability Litig.*, MDL No. 1629 (D. Mass.). In addition, Ms. Katcher co-drafted a successful opposition to the first Rule 12(b)(6) motion to dismiss in the sprawling Generic Pharmaceutical antitrust actions, *In re Propranolol Antitrust Litig.*, 249 F. Supp. 3d 712 (S.D.N.Y. 2017) (Rakoff, J.), and continues to work on behalf of the Direct Purchaser Plaintiffs in the *Generic Pharmaceutical* antitrust actions now pending before District Judge Cynthia M. Rufe in the Eastern District of Pennsylvania, including as part of the briefing team that recently prevailed against the first tranche of motions to dismiss brought in that litigation. See *In re Generic Pharm. Pricing Antitrust Litig.*, No. 16-CB-27243, 2018 WL 5003450 (E.D. Pa. Oct. 16, 2018).

In addition, Ms. Katcher represents significant corporate clients, including clients listed on Nasdaq, in individual antitrust actions in Packaged Seafood in which she has recently co-argued a key motion to dismiss before District Judge Janis L. Sammartino, obtaining a significant victory where the court upheld jurisdiction over two foreign defendants. See *In re Packaged Seafood Prod. Antitrust Litig.*, No. 15-MD-2670 JLS (MDD), 2018 WL 4222506 (S.D. Cal. Sept. 5, 2018). Ms. Katcher has also taken major depositions of key witnesses in the U.S., Hong Kong, and Frankfurt, in Air Cargo, Packaged Seafood, and other cases.

Prior to Kaplan Fox, she was an associate at Sullivan & Cromwell LLP and King & Spalding LLP, where she participated in the defense of major companies, including at trial and in arbitration.

Education:

- B.A. Oberlin College
- J.D., New York University

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association
- New York City Bar Association

Ms. Katcher can be reached by email at: ekatcher@kaplanfox.com

MATTHEW P. McCahill was associated with Kaplan Fox from 2003 to 2005, re-joined the firm in May 2013 and became a partner in 2016. He practices in the areas of antitrust and securities litigation, as well as commercial litigation. From 2006 to early 2013, Mr. McCahill was an associate at Berger & Montague, P.C. in Philadelphia. While focusing on insurance and antitrust class action cases, including *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, MDL No. 1720 (E.D.N.Y.) and *Ormond et al. v. Anthem, Inc. et al.*, Case No. 1:05-cv-01908-TWP-TAB (N.D. Ind.) (related to the demutualization of Anthem Insurance, which settled for \$90 million in 2012), he also represented corporations and bankruptcy trustees in commercial litigation involving claims for breach of contract, breach of fiduciary duty and fraudulent conveyance.

Mr. McCahill's practice includes representation of plaintiffs opting out of class actions. He currently represents large retailers who opted out of the *Payment Card* class to pursue their own antitrust actions against Visa and MasterCard challenging the networks' merchant rules and their interchange (or "swipe") fees. Among the merchants he and the firm represent in that case are E-Z Mart Stores, Inc., Sunoco, LP (formerly known as Susser Holdings Corp., operator of the Stripes® convenience store chain), Jacksons Food Stores, Sheetz, Inc., Kum & Go, L.C., Einstein Noah Restaurant Group, Furniture Row, Inc. and NPC International, Inc. (the world's largest franchisee of Pizza Hut restaurants).

Mr. McCahill is part of the Kaplan Fox team representing large grocery chains and food distributors (including Giant Eagle, Inc., Associated Food Stores, Inc., Affiliated Foods, Inc., Western Family Foods, Inc. and the McLane Company, Inc., among others) in individual actions in *In re Packaged Seafood Products Antitrust Litigation*, MDL No.

2670 (S.D. Cal.), alleging price-fixing and other antitrust violations against Tri-Union Seafoods, LLC (d/b/a Chicken of the Sea), Bumble Bee Foods, LLC, and others. He and other Kaplan Fox lawyers are also representing the Ohio Public Employees Retirement System in an individual securities fraud action against Brazilian energy conglomerate Petrobras in *In re Petrobras Securities Litigation*, Civ. Action No. 14-cv-9662 (JSR) (S.D.N.Y.). Mr. McCahill's current and past involvement in class action litigation at Kaplan Fox includes: *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.), where he currently represents a proposed class of direct purchasers of cast iron soil pipes and fittings in an antitrust case against the Cast Iron Soil Pipe Institute, Charlotte Pipe & Foundry Co. and McWane, Inc. and its subsidiaries; *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of \$38 million); *In re Neurontin Antitrust Litigation*, MDL No. 1479 (D.N.J.) (delayed-generic entry action brought by direct purchasers of Pfizer's drug Neurontin, which settled for \$190 million following nearly 12 years of litigation).

In 2014, 2015 and 2016, Mr. McCahill was named a "New York Metro Super Lawyer – Rising Star" in antitrust litigation, and was selected as a "Pennsylvania Super Lawyer – Rising Star" (also in antitrust litigation) in 2012 and 2013. He is a member of the American, Pennsylvania State, New York State and New York City bar associations. Mr. McCahill's *pro bono* efforts focus primarily on representing Marine Corps veterans in benefits proceedings before the Veterans Administration.

Education:

- B.A., History, *summa cum laude*, Rutgers College (2000)
- J.D., Fordham Law School (2003)

Bar Affiliations and Court Admissions:

- Bars of the State of New York and the Commonwealth of Pennsylvania
- U.S. Court of Appeals for the Second Circuit
- U.S. District Courts for the Southern and Eastern Districts of New York and the Eastern District of Pennsylvania

Professional Affiliations:

- American Bar Association
- New York State Bar Association

- Pennsylvania Bar Association
- Association of the Bar of the City of New York

Mr. McCahill can be reached by email at: mmccahill@kaplanfox.com

DAVID A. STRAITE joined the New York office of Kaplan Fox in 2013 and became a partner in 2017. He focuses on digital privacy litigation, helping to protect consumer privacy in class actions against Facebook, Google, Yahoo and others. In 2012, M.I.T. Technology Review magazine called Mr. Straite “something of a pioneer” in digital privacy litigation. Mr. Straite also protects investors in securities, corporate governance, and hedge fund litigation. Prior to joining the firm, Mr. Straite helped launch the US offices of London-based Stewarts Law LLP, where he was the global head of investor protection litigation, the partner in residence in New York, and a member of the US executive committee. Prior to Stewarts Law he worked in the Delaware office of Grant & Eisenhofer and the New York office of Skadden Arps.

Mr. Straite speaks frequently on topics related to both privacy and investor protection. Most recently he was a featured panelist on the "Data Privacy and Article III Standing" panel at the Federal Bar Council's 2017 Winter Meeting along with Dean Erwin Chemerinsky and the Hon. Lorna Schofield. Prior events included being a featured speaker at the St. John's University “Cyber Law” CLE weekend in February 2016, and a featured panellist the hedge fund panel at the February 6, 2013 meeting of the National Association of Public Pension Attorneys in Washington, D.C. (“Structuring Investments – Do I Get to Go to the Cayman Islands?”). David also debated the general counsel of Meetup, Inc. during 2013 Social Media Week (“David vs. Goliath: the Global Fight for Digital Privacy”) and gave a guest lecture on the Legal Talk Network’s “Digital Detectives” podcast. He has also given interviews to Channel 10 (Tel Aviv), BBC World News (London), SkyNews (London), CBS Ch. 2 (New York) and CBS news radio (Philadelphia). Mr. Straite is also an adjunct professor at Yeshiva University's Sy Syms School of Business, teaching Business Law and Ethics for the Fall semester (2015 and 2016).

Mr. Straite has co-authored *Google and the Digital Privacy Perfect Storm* in E-Commerce Law Reports (UK) (2013), authored *Netherlands: Amsterdam Court of Appeal*

Approves Groundbreaking Global Settlements Under the Dutch Act on the Collective Settlement of Mass Claims, in The International Lawyer's annual "International Legal Developments in Review" (2009), and was a contributing author for Maher M. Dabbah & K.P.E. Lasok, QC, *Merger Control Worldwide* (2005).

Mr. Straite's recent litigation includes co-leading a class of investors in *In re: CSO Hedge Fund Litigation* New York federal court (settlement approved January 2016); pursuing digital privacy claims as co-class counsel in *In re: Facebook Internet Tracking Litigation* and *In re Yahoo Mail Litigation* in California (settlement approved August 2016) and *In re: Google Inc. Cookie Placement Consumer Privacy Litigation* in Delaware; pursuing corporate governance claims in Delaware Chancery Court in a number of matters; and helping to develop the first multi-claimant test of the UK's new prospectus liability statute in a case against the Royal Bank of Scotland in the English courts.

Education:

- B.A., Tulane University, Murphy Institute of Political Economy (1993)
- J.D., *magna cum laude*, Villanova University School of Law (1996), Managing Editor, Law Review and Order of the Coif

Bar affiliations and court admissions:

- Bar of the State of New York (2000)
- Bar of the State of Delaware (2009)
- Bar of the State of Pennsylvania (1996)
- Bar of the State of New Jersey (1996)
- Bar of the District of Columbia (2008)
- U.S. District Courts for the Southern and Eastern Districts of New York; Eastern District of Pennsylvania; and the District of Delaware
- U.S. Courts of Appeals for the Second, Third and Ninth Circuits

Professional affiliations:

- American Bar Association
 - Section of Litigation (Privacy and Data Security Committee)
 - Section of Business Law
- Delaware Bar Association
- New York American Inn of Court (Master of the Bench)

- Internet Society

Mr. Straite can be reached by email at: dstraite@kaplanfox.com

OF COUNSEL

GARY L. SPECKS practices primarily in the area of complex antitrust litigation. He has represented plaintiffs and class representatives at all levels of litigation, including appeals to the U.S. Courts of Appeals and the U.S. Supreme Court. In addition, Mr. Specks has represented clients in complex federal securities litigation, fraud litigation, civil RICO litigation, and a variety of commercial litigation matters. Mr. Specks is resident in the firm's Chicago office.

During 1983, Mr. Specks served as special assistant attorney general on antitrust matters to Hon. Neil F. Hartigan, then Attorney General of the State of Illinois.

Education:

- B.A., Northwestern University (1972)
- J.D., DePaul University College of Law (1975)

Bar Affiliations and Court Admissions:

- Bar of the State of Illinois (1975)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Professional Affiliations:

- American Bar Association
- Illinois Bar Association
- Chicago Bar Association

Mr. Specks can be reached by email at: GSpecks@kaplanfox.com

W. MARK MCNAIR practices in the area of securities litigation with a special emphasis on institutional investor involvement. He associated with the firm in 2003, and is resident in Washington, D.C. Prior to entering private practice, he was an attorney at the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

Education:

- B.A. with honors, University of Texas at Austin (1972)
- J.D. University of Texas at Austin (1975)
- L.L.M. (Securities) Georgetown University (1989)

Bar Affiliations and Court Admissions:

- Bar of the State of Texas (1975)
- Bar of the State of Maryland (1995)
- Bar of the State of Pennsylvania (1995)
- Bar of the District of Columbia (2008)
- U.S. Courts of Appeals for the Third, Fifth, Seventh, Ninth and Tenth Circuits
- U.S. District Court for the Northern District of Illinois, including Trial Bar

Mr. McNair can be reached at MMcnair@kaplanfox.com

MAIA C. KATS practices in the area of consumer litigation, with a special emphasis on deceptive labeling in the food and dietary supplements context. Prior to joining Kaplan Fox, Maia was the Litigation Director for the Center for Science in the Public Interest, where she led the department to unprecedented success. She is widely regarded as a leading expert in food litigation and is a frequent speaker on the topic nationwide. Maia is the consumer representative on FDLI's 2019 Food Advertising, Labeling, and Litigation Conference Planning Committee. She is based in Washington, DC.

Maia has served as lead or co-lead counsel in many landmark, deceptive marketing class actions that favorably resolved including, most recently, Coca-Cola (Vitaminwater), PepsiCo (Naked Juice), General Mills (Cheerios Protein), and Campbell's (Plum Organics). She is currently class counsel in numerous deceptive "health halo" cases, including against CVS (Algal-DHA memory supplements), Jamba Juice (Smoothies), and Coca-Cola and the American Beverage Association (misleading marketing of sugar drinks as not linked scientifically to obesity and diabetes). Coverage of her cases routinely appears in the press, including on Good Morning America, ABC News, The Wall Street Journal, The Washington Post, NPR, and more.

Education:

- B.A. University of Michigan (1984)

- J.D. University of Michigan Law School (1988)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (1989)
- Bar of the State of District of Columbia (1990)
- U.S. Courts of Appeals for the Second Circuit
- U.S. District Court for the Northern District of California and District of Columbia

Ms. Kats can be reached at MKats@kaplanfox.com

WILLIAM J. PINILIS practices in the areas of commercial, consumer and securities class action litigation.

He has been associated with Kaplan Fox since 1999, and is resident in the firm's New Jersey office.

In addition to his work at the firm, Mr. Pinilis has served as an adjunct professor at Seton Hall School of Law since 1995, and is a lecturer for the New Jersey Institute for Continuing Legal Education. He has lectured on consumer fraud litigation and regularly teaches the mandatory continuing legal education course Civil Trial Preparation.

Mr. Pinilis is the author of "Work-Product Privilege Doctrine Clarified," *New Jersey Lawyer*, Aug. 2, 1999; "Consumer Fraud Act Permits Private Enforcement," *New Jersey Law Journal*, Aug. 23, 1993; "Lawyer-Politicians Should Be Sanctioned for Jeering Judges," *New Jersey Law Journal*, July 1, 1996; "No Complaint, No Memo – No Whistle-Blower Suit," *New Jersey Law Journal*, Sept. 16, 1996; and "The *Lampf* Decision: An appropriate Period of Limitations?" *New Jersey Trial Lawyer*, May 1992.

Education:

- B.A., Hobart College (1989)
- J.D., Benjamin Cardozo School of Law (1992)

Bar Affiliations and Court Admissions:

- Bar of the State of New Jersey (1992)
- Bar of the State of New York (1993)
- U.S. District Courts for the District of New Jersey, and the Southern and Eastern Districts of New York

Professional Affiliations:

- Morris County Bar Association
- New Jersey Bar Association
- Graduate, Brennan Inn of Court

Mr. Pinilis can be reached by email at: WPinilis@kaplanfox.com

JUSTIN B. FARAR joined Kaplan Fox in March 2008. He practices in the area of securities and antitrust litigation with a special emphasis on institutional investor involvement. He is located in the Los Angeles office. Prior to joining the firm, Mr. Farar was a litigation associate at O'Melveny & Myers, LLP and clerked for the Honorable Kim McLane Wardlaw on the Ninth Circuit Court of Appeals. Mr. Farar also currently serves as a Commissioner to the Los Angeles Convention and Exhibition Authority.

Education:

- J.D., order of the coif, University of Southern California Law School (2000)
- B.A., with honors, University of California, San Diego

Bar Affiliations and Court Admissions:

- Bar of the State of California (2000)
- U.S. Court of Appeals for the Ninth Circuit (2000)
- U.S. District Court for the Central of California (2000)

Awards:

- The American Society of Composers, Authors and Publishers' Nathan Burkan Award Winner, 2000 for article titled "Is the Fair Use Defense Outdated?"

Mr. Farar can be reached by email at: JFarar@kaplanfox.com

MATTHEW GEORGE is a complex litigation attorney at Kaplan Fox & Kilsheimer LLP with a practice focused on data privacy, consumer protection, and employment/labor cases. He has significant experience and expertise handling multidistrict litigation and other coordinated proceedings in state and federal courts involving multiple parties and complex discovery issues.

Matthew has been a strong advocate for consumer and patient privacy. He has served on court-appointed lead counsel teams in notable cutting-edge data breach and

information privacy cases against Target, Adobe, Yahoo!, and Horizon Healthcare. In these and other cases he has worked with cybersecurity experts to gain technical knowledge in data collection, management and protection. He was recently appointed to the Plaintiffs' Steering Committee in *In re 21st Century Oncology Data Breach Litigation*, MDL No. 2737, pending in the Middle District of Florida.

Matthew has also recovered unpaid overtime wages for thousands of workers across the United States under state and federal law in over a dozen cases. His notable recoveries include generating a \$9.9 million settlement on behalf of retail employees and winning a two-week arbitration representing misclassified account representatives against a Fortune 500 company. Matthew has also recovered over \$10 million for employees in cases alleging violations of the WARN Act when the employees were not provided required notice before their terminations.

He has also represented customers challenging deceptive business practices and has worked to obtain significant recoveries in consumer fraud cases against companies including Chase, Mercedes-Benz and The Ritz-Carlton. He currently represents consumers in cases against HBO, Logitech, and Chipotle, among others. In addition to representing plaintiffs in class action cases, Matthew has also represented institutional clients including labor unions and conducted a risk management analysis for a multi-national health and wellness consumer product corporation.

Matthew has been selected by his peers as a "Rising Star" by Northern California Super Lawyers each year from 2011-2014 and was chosen as a "Super Lawyer" in 2016, the first year he was eligible for the distinction. He has been a regular speaker at industry conventions and seminars on topics ranging from arbitration, expert discovery, settlement strategies, and the rapidly changing field of privacy law.

Education:

- B.A., Political Science and Criminal Justice, *magna cum laude*, Chapman University (2002)
- J.D., The University of Michigan Law School (2005)

Publications and Speaking Engagements:

- Expert Depositions: Promoting Expertise and Limiting Exposure –Bridgeport Continuing Legal Education “Mastering the Deposition” Seminar (January 2017)
- “How Viable Is the Prospect of Private Enforcement of Privacy Rights In The Age of Big Data? An Overview of Trends and developments In Privacy Class Actions” – Competition, The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California, Volume 24, No. 1 (Spring 2015)
- Panel Discussion of Sony Pictures Data Breach Cases – CNBC’s “Squawk On the Street” (December 2014)
- New and Developing Practice Areas – CAOC 53rd Annual Convention (November 2014)
- Privacy Law Symposium – University of California, Hastings College of the La (April 2014)
- Update On the Target Data Breach Litigation – HarrisMartin Target Data Breach MDL Conference (March 2014)
- Consumer Privacy Law – 8th Annual CAOC Class Action Seminar (February 2014)
- Privacy Litigation and Management: Strategies For Protection and Litigation – Bridgeport Continuing Legal Education Seminar (December 2012)
- Class Action Settlement Strategies and Mechanics – 12th Annual Bridgeport Class Action Litigation & Management Conference (April 2012)
- Developments In the Arbitration of Wage and Hour Disputes – Bridgeport 2010 Wage and Hour Conference (October 2010)

Bar Affiliations and Court Admissions:

- Bar of the State of California
- U.S. District Courts for the Northern, Central, Southern and Eastern Districts of California, and the District of Colorado
- Ninth Circuit Court of Appeals

Professional Affiliations:

- Bay Area Lawyers for Individual Freedom
- Consumer Attorneys of California (Diversity Committee)

- American Bar Association (Labor and Employment Section)

Mr. George can be reached by email at: mgeorge@kaplanfox.com

ASSOCIATES

MARIO M. CHOI is a resident in the Oakland office and practices in the areas of securities, antitrust, and consumer protection litigation. Mr. Choi's recent litigations include *Schueneman v. Arena Pharmaceuticals, Inc., et al.* (S.D. Cal.), *In re Rocket Fuel, Inc. Securities Litigation* (N.D. Cal.), *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (S.D.N.Y.), *In re Packaged Seafood Products Antitrust Litigation* (S.D. Cal.), *Schneider v. Chipotle Mexican Grill, Inc.* (N.D. Cal.), and *In re Apple Inc. Device Performance Litigation* (N.D. Cal.).

During law school, Mr. Choi interned for the Honorable Bruce M. Selya, U.S. Circuit Judge for the U.S. Court of Appeals for the First Circuit. After law school, Mr. Choi clerked for the Honorable Richard B. Lowe, III, a justice of the New York Supreme Court. Prior to joining the firm, Mr. Choi was a litigation associate at Pryor Cashman LLP.

Mr. Choi is actively involved in the community, including serving as a Judge Pro Tem for the San Francisco Superior Court and on the boards of various non-profit organizations in the Bay Area. For his work, Mr. Choi was elected as a Fellow of the American Bar Foundation.

Education:

- B.A., Boston University
- M.A., Columbia University
- J.D., Northeastern University

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- Bar of the State of California
- U.S. Courts of Appeals for the Eighth and Ninth Circuits
- U.S. District Courts for the Northern, Southern and Central Districts of California and the Southern District of New York

Professional Affiliations:

- American Bar Association

- Asian American Bar Association – Bay Area
- Bar Association of San Francisco
- Federal Bar Association

Mr. Choi can be reached by email at: mchoi@kaplanfox.com

PAMELA MAYER has been associated with Kaplan Fox since 2009. She practices in the area of securities litigation.

Prior to joining Kaplan Fox, Ms. Mayer was a securities investigation and litigation attorney for a multinational investment bank. Utilizing her combined legal and business background, including her M.B.A., Ms. Mayer focuses on the research and analysis of securities claims on behalf of our firm's individual and institutional clients and is dedicated full-time to the firm's Portfolio Monitoring and Case Evaluation Program. Ms. Mayer also has substantial litigation experience in the area of intellectual property.

Education:

- B.S., The University of Rochester
- J.D., The George Washington University
- M.B.A., Finance, The University of Michigan

Bar Affiliations and Court Admissions:

- Bar of the State of New York
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Ms. Mayer can be reached by email at: pmayer@kaplanfox.com

AARON L. SCHWARTZ has been associated with Kaplan Fox since July 2017. He practices securities, antitrust and consumer protection litigation.

Prior to joining the firm, Mr. Schwartz was a Deputy Attorney General in the Pennsylvania Office of Attorney General, Antitrust Section. As a Deputy Attorney General, Mr. Schwartz conducted investigations, brought suit to enjoin anticompetitive corporate mergers, and prosecuted pharmaceutical product-hopping schemes, market allocation schemes, and unfair trade practices.

Education:

- B.A., University of Wisconsin—Madison (2009)
- J.D., The Pennsylvania State University—The Dickinson School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the Commonwealth of Pennsylvania
- Bar of the State of New York
- U.S. Court of Appeals for the Third Circuit
- U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania

Professional Affiliations:

- Pennsylvania Bar Association
- American Bar Association

Mr. Schwartz can be reached by email at: aschwartz@kaplanfox.com

JASON A. URIS has been associated with Kaplan Fox since May 2013. He practices in the areas of securities, antitrust, and consumer litigation.

Mr. Uris is currently involved in several litigations, including *Milbeck v. TrueCar, Inc., et al.*, *Lewis v. YRC Worldwide Inc., et al.*, and *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*.

Mr. Uris was also a member of the teams that litigated the following cases: *Kasper v. AAC Holdings, Inc., et al.* (M.D. Tenn.) (\$25 million settlement); *In re SandRidge Energy, Inc. Shareholder Derivative Litigation*, No. CIV-13-102-W (W.D. Okla.) (partial settlement of \$38 million); *In re Cast Iron Soil Pipe Antitrust Litigation*, MDL No. 2508 (E.D. Tenn.) (\$30 million settlement); *In re: CSO Hedge Fund Litigation* (\$13.5 million settlement).

Education:

- B.A., *cum laude*, Boston University (2011)
- J.D., Fordham University School of Law (2014)

Bar Affiliations and Court Admissions:

- Bar of the State of New York (2015)
- U.S. District Courts for the Southern and Eastern Districts of New York

Professional Affiliations:

- New York State Bar Association

Mr. Uris can be reached by email at: juris@kaplanfox.com

EXHIBIT D

EXHIBIT 5

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF TINA WOLFSON IN
SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Tina Wolfson, declare as follows:

2 1. I am an attorney at the law firm of Ahdoot & Wolfson, PC.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, I served on the Plaintiff
6 Coordination and Defense Discovery Committee. Our duties included: interviewing and vetting
7 clients for inclusion on the consolidated complaints; confirming factual allegations to assist in
8 drafting and finalizing consolidated complaints; ensuring preservation of evidence and related
9 documents of the consolidated plaintiffs; coordinating with plaintiffs to assist in drafting initial
10 plaintiffs' initial disclosures; coordinating with plaintiffs to draft, verify, and serve plaintiffs'
11 responses to interrogatories and requests for production; collecting, analyzing, and compiling
12 responsive documents for numerous plaintiff document productions; assisting in the preparation
13 for and defending of plaintiffs' depositions; assisting plaintiffs with review, approval, and
14 execution of the settlement agreement; and assisting plaintiffs with submission of settlement
15 claims.

16 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
17 with years in practice, most recent hourly rates reported to the Court during the pendency of this
18 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
19 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
20 and trial experience of each professional can be found, to the extent available, in the firm resume
21 attached hereto as Exhibit C.

22 4. The detailed descriptions of the time spent by the attorneys and other professionals
23 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
24 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
25 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
26 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
27 time records are available for the Court's review should the Court desire such records.

28

EXHIBIT A

Ahdoot & Wolfson, PC

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Alex Straus	Partner (9 years)	\$ 650.00	0.90	\$ 585.00
Bradley King	Partner (9 years)	\$ 550.00	637.70	\$ 350,735.00
Jessiele Fabian	Paralegal	\$ 200.00	89.50	\$ 17,900.00
Theodore Maya	Partner (17 years)	\$ 750.00	0.30	\$ 225.00
Tina Wolfson	Partner (25 years)	\$ 950.00	444.80	\$ 422,560.00
Vanessa Shakib	Associate (5 years)	\$ 450.00	104.20	\$ 46,890.00
TOTAL			1277.40	\$ 838,895.00

EXHIBIT B

EXHIBIT B**Ahdoot & Wolfson, PC**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ 7.94
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ 365.76
18. Taxi/Car Service/Other Ground Transport	\$ 986.66
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ 1,781.83
21. Travel-Hotel	\$ 2,522.27
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ 1,038.06
25. Assessments	\$ 25,000.00
TOTAL	\$ 31,702.52

EXHIBIT C



AHDOOT & WOLFSON, PC

ATTORNEYS



Tina Wolfson, Founding Partner

Ms. Wolfson was born in the former Soviet Union and her family escaped when she was eleven years old. Seven years after her family arrived to the United States as indigent political refugees, without speaking any English, she attended Columbia College and then Harvard Law School (class of 1994), graduating both *cum laude*.

Ms. Wolfson began her civil litigation career at the Los Angeles office of Morrison & Foerster, LLP, where she defended major corporations in complex actions and represented indigent individuals in immigration and deportation trials as part of the firm's *pro bono* practice. She then gained further invaluable litigation and trial experience at a boutique firm, focusing on representing plaintiffs on a contingency basis in civil rights and employee rights cases.

In March 1998, Ms. Wolfson and Robert Ahdoot founded Ahdoot & Wolfson, PC ("AW"), now a nationally recognized law firm that specializes in complex and class action litigation, with a focus on consumer fraud, privacy rights, anti-competitive business practices, employee rights, defective products, civil rights, and taxpayer rights. AW has successfully vindicated the rights of millions of class members in protracted, complex litigation, conferring hundreds of millions of dollars to the victims, and affecting real change in corporate behavior.

Recent Notable Achievements

In *Eck v. City of Los Angeles*, No. BC577028 (Cal. Super. Ct., Los Angeles Cty. ("LASC")) (Hon. Ann I. Jones), AW was appointed class counsel in a \$295 million settlement in a case alleging that an 8% surcharge on Los Angeles electricity rates was an illegal tax. Final settlement approval was affirmed on appeal in October 2019.

As co-lead counsel in the *Experian Data Breach Litigation*, No. 8:15-cv-01592-AG-DFM (C.D. Cal.) (Hon. Andrew J. Guilford), which affected nearly 15 million class members, Ms. Wolfson achieved a settlement conservatively valued at over \$150 million. Each class member was entitled to two years of additional premium credit monitoring and ID theft insurance (to begin whenever their current credit monitoring product, if any, expires) plus

monetary relief (in the form of either documented losses or a default payment for non-documented claims). Experian also provided robust injunctive relief. Judge Guilford praised counsel's efforts and efficiency in achieving the settlement, commenting, "You folks have truly done a great job, both sides. I commend you."

In *Alvarez v. Sirius XM Radio Inc.*, No. 2:18-cv-08605-JVS-SS (C.D. Cal.) (Hon. James V. Selna), a class action arising out of defendant's alleged failure to honor lifetime subscriptions for satellite radio services, AW is serving as lead settlement class counsel in a preliminarily approved settlement valued conservatively at \$96 million that extends the promised subscription for the lifetime of class members who have active accounts, and provides the opportunity for class members with closed accounts to reactivate their accounts and enjoy a true lifetime subscription or recover \$100. Ms. Wolfson reached the final deal points of the settlement literally minutes prior to oral argument on the motion to compel arbitration appeal in the Ninth Circuit.

In *Kirby v. McAfee, Inc.*, No. 5:14-cv-02475-EJD (N.D. Cal.) (Hon. Edward J. Davila), a case arising from McAfee's auto renewal and discount practices, AW and co-counsel achieved a settlement that made \$80 million available to the class and required McAfee to notify customers regarding auto-renewals at an undiscounted subscription price and change its policy regarding the past pricing it lists as a reference to any current discount.

In the *Premera Blue Cross Customer Data Security Breach Litigation*, No. 3:15-cv-2633-SI (D. Or.) (Hon. Michael H. Simon), a case arising from a data breach disclosing the sensitive personal and medical information of 11 million Premera Blue Cross members, Ms. Wolfson, as a member of a 4-firm PEC, was instrumental in litigating the case through class certification and achieving a class settlement valued at \$74 million.

In *Lavinsky v. City of Los Angeles*, No. BC542245 (LASC) (Hon. Ann I. Jones), a class action alleging the city unlawfully overcharged residents for utility taxes, AW certified the plaintiff class in litigation and then achieved a \$51 million class settlement.

As co-lead counsel in *Berman v. General Motors, LLC*, No. 2:18-cv-14371-RLR (S.D. Fla.) (Hon. Robin L. Rosenberg), a vehicle oil consumption defect class action, AW achieved a \$40 million settlement.

In the *Lumber Liquidators Chinese-Manufactured Flooring Durability Marketing & Sales Practices Litigation*, No. 1:16-md-02743-AJT-TRJ (E.D. Va.) (Hon. Anthony J. Trenga), a case arising from alleged misrepresentations of laminate flooring durability, which was coordinated with MDL proceedings regarding formaldehyde emissions, AW has served as class counsel and was instrumental in achieving a \$36 million settlement.

In *The Home Depot, Inc., Customer Data Security Breach Litigation*, No. 1:14-md-02583-TWT (N.D. Ga.) (Hon. Thomas W. Thrash Jr.), Ms. Wolfson served on the consumer PSC and was instrumental in achieving a \$29 million settlement fund and robust injunctive relief for the consumer class.

In *Pantelyat v. Bank of America, N.A.*, No. 1:16-cv-08964-AJN (S.D.N.Y.) (Hon. Alison J. Nathan), a class action arising from allegedly improper overdraft fees, AW served as class counsel for plaintiffs and achieved a \$22 million class settlement, representing approximately 80% of total revenues gleaned by the bank's alleged conduct.

In *Smith v. Floor & Decor Outlets of America, Inc.*, No. 1:15-cv-04316-ELR (N.D. Ga.) (Hon. Eleanor L. Ross), AW served as plaintiffs' counsel for a \$14 million class settlement arising from alleged toxic emissions from flooring.

Current Leadership Roles

Most recently, Ms. Wolfson was selected by Judge Koh to serve as interim co-lead class counsel in the *ZOOM Video Communications, Inc. Privacy Litigation*, No. 5:20-cv-02155-LHK (N.D. Cal.) (Hon. Lucy H. Koh), a class action alleging Zoom's failure to implement adequate security protocols for its video-conferencing platform that breached millions of consumers' privacy, fell well short of its promises, and diminished the value of the products and services it provided.

Ms. Wolfson also was appointed, after competing applications, to serve as co-lead interim class counsel in the *Google Location History Litigation*, No. 5:18-cv-5062-EJD (N.D. Cal.) (Hon. Edward J. Davila), a consumer class action arising out of Google's allegedly unlawful collection and use of mobile device location information on all Android and iPhone devices.

In the *Kind LLC "All Natural" Litigation*, No. 1:15-md-02645-WHP (S.D.N.Y.) (Hon. William H. Pauley III), a false labeling food MDL, Ms. Wolfson was selected as interim co-lead class counsel after competing applications. Plaintiffs' motion for class certification is under submission.

As part of the leadership team in *Novoa v. The Geo Group, Inc.*, No. 5:17-cv-2514-JGB-SHK (C.D. Cal.) (Hon. Jesus G. Bernal), AW certified a class of immigration detainees challenging private prison's alleged forced labor practices.

In the *Allergan Biocell Textured Breast Implant Products Liability Litigation*, No. 2:19-md-2921-BRM-JAD (D.N.J.) (Hon. Brian R. Martinotti), an MDL alleging breast implants are linked to a rare type of lymphoma, Ms. Wolfson is serving as a member of the PEC.

Ms. Wolfson also is serving on the PSC in the *ZF-TRW Airbag Control Units Products Liability Litigation*, No. 2:19-ml-2905-JAK-FFM (C.D. Cal.) (Hon. John A. Kronstadt), an MDL alleging a manufacturing defect in vehicle airbag control units affecting over 15 million vehicles.

In the *U.S. Office of Personnel Management Data Security Breach Litigation*, No. 1:15-mc-1394-ABJ (D.D.C.) (Hon. Amy Berman Jackson), Ms. Wolfson was selected as a member of the PSC after competing applications. AW briefed and argued, in part, the granted motions to dismiss based on standing, and briefed in part the successful appeal to the D.C. Circuit.

Ms. Wolfson also was recently selected to serve on the PEC in the *Robinhood Outage Litigation*, No. 3:20-cv-1626-JD (N.D. Cal.) (Hon. James Donato), a consolidated case arising from a March 2020 outage of an online stock trading platform.

AW also is serving as plaintiffs' counsel in consumer privacy rights cases involving the right to control the collection and use of biometric information, successfully opposing motions to dismiss based on lack of standing. *See, e.g., Rivera v. Google LLC*, No. 19-1182 (7th Cir.) (order granting summary judgment currently on appeal to the Seventh Circuit); *Azzano v. Google LLC*, No. 2019-CH-11153 (Ill. Cir. Ct., Cook Cty.) (Hon. Anna M. Loftus); *Molander v. Google LLC*, No. 5:20-cv-00918-EJD (N.D. Cal.) (Hon. Edward J. Davila); *Miracle-Pond v. Shutterfly, Inc.*, No. 1:19-cv-4722 (N.D. Ill.) (Hon. Mary M. Rowland); *Acaley v. Vimeo, Inc.*, No. 20-2047 (7th Cir.) (order denying defendant's motion to compel arbitration on appeal to the Seventh Circuit).

Ms. Wolfson represents online ad buyers in *Devaney v. Google LLC*, No. 3:20-cv-04130-JSC (N.D. Cal.) (Hon. Jacqueline Scott Corley), a class action alleging Google's acquisition of competitors, exclusivity provisions, interoperability/compatibility design choices, and development of its analytics services allowed it to gain dominance in the display advertising tech space and achieve an illegal monopoly.

In *Robinson v. Jackson Hewitt, Inc.*, No. 2:19-cv-09066-SDW-ESK (D.N.J.) (Hon. Susan D. Wigenton), a class action alleging that a standardized "no-poach" agreement among Jackson Hewitt and its franchisees limited mobility and compensation prospects for the tax preparer employees, Ms. Wolfson is asserting claims on behalf of her clients under both federal antitrust and California employment laws.

In *Powell Prescription Center v. Surescripts, LLC*, No. 1:19-cv-00627 (N.D. Ill.) (Hon. John J. Tharp, Jr.), Ms. Wolfson represents pharmacies in a class action arising from Surescripts' alleged monopolies in both the routing and eligibility markets of the e-prescription industry.

Speaking Engagements and Public Service

Ms. Wolfson is considered an expert in her field and is frequently invited to lecture on numerous class action topics across the country, including:

- Class Action Mastery Forum at the University of San Diego School of Law, March 2020 ("Consumer Class Actions" Moderator), featuring Hon. Lucy H. Koh, Hon. Edward M. Chen, and Hon. Fernando M. Olguin.
- Class Action Mastery Forum at the University of San Diego School of Law, January 2019, featuring Hon. Edward M. Chen, Hon. Richard G. Seeborg and Hon. Anthony J. Battaglia.
- Association of Business Trial Lawyers: "Navigating Class Action Settlement Negotiations and Court Approval: A Discussion with the Experts," Los Angeles, May 2017, featuring Hon. Philip S. Gutierrez and

Hon. Jay C. Gandhi.

- American Conference Institute: “2nd Cross-Industry and Interdisciplinary Summit on Defending and Managing Complex Class Actions,” New York, April 2017: Class Action Mock Settlement Exercise featuring the Hon. Anthony J. Mohr.
- Federal Bar Association: N.D. Cal. Chapter “2016 Class Action Symposium,” San Francisco, December 2016 (Co-Chair), featuring Hon. Joseph F. Anderson, Jr. and Hon. Susan Y. Illston.
- Federal Bar Association: “The Future of Class Actions: Cutting Edge Topics in Class Action Litigation,” San Francisco, November 2015 (Co-Chair & Faculty), featuring Hon. Jon S. Tigar and Hon. Laurel Beeler.

Ms. Wolfson currently serves as a Ninth Circuit Lawyer Representative for the Central District of California, as Vice President of the Federal Litigation Section of the Federal Bar Association, as a member of the American Business Trial Lawyer Association, as a participant at the Duke Law School Conferences and the Institute for the Advancement of the American Legal System, and on the Board of Public Justice. As a full time single parent, she enjoys hiking, camping, and traveling with her 13-year-old daughter.

EXHIBIT 6

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF BEN BARNOW IN
SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Ben Barnow, declare as follows:

2 1. I am the President of the law firm of Barnow and Associates, P.C.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, as Co-Chair of the
6 Damages/Settlement Committee, I and other attorneys from my firm prepared a detailed
7 memorandum regarding the dozens of potential claims and damages theories at issue in the
8 litigation, reviewed and commented on certain pleadings, consulted with Co-Lead Counsel
9 regarding potential settlement strategy, researched and recommended potential mediators,
10 prepared a detailed analysis of Apple's potential exposure in advance of the first mediation,
11 reviewed and commented on submissions to the mediator, reviewed and commented on certain
12 discovery to be served on Apple, researched and recommended certain potential experts to Co-
13 Lead Counsel, and reviewed documents produced by Plaintiffs in response to Apple's discovery
14 requests. On many of these projects, my firm worked closely with Anthony Fata, Co-Chair of the
15 Damages/Settlement Committee and other attorneys at his firm, Cafferty Clobes Meriwether &
16 Sprengel LLP.

17 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
18 with years in practice, most recent hourly rates reported to the Court during the pendency of this
19 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
20 Exhibit A conform to the professional rates set at my firm.¹ Further detail regarding the litigation
21 and trial experience of each professional can be found in the firm resume attached hereto as Exhibit
22 C.

23 4. The detailed descriptions of the time spent by the attorneys and other professionals
24 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
25 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'

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27 _____
28 ¹ Jeffrey Blake is a former associate. The summary includes his standard hourly rate at the time he left the firm.

1 Executive Committee and Co-Lead Counsel pursuant to the Court’s July 3, 2018 Case
2 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
3 time records are available for the Court’s review should the Court desire such records.

4 5. The total number of hours expended on this litigation by my firm, as approved by
5 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
6 consolidation through July 31, 2020 is 499.40 hours. The total lodestar for my firm is \$301,627.50.

7 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
8 (“expenses”) totaling \$25,972.93, which were necessary in relation to this litigation and submitted,
9 vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel
10 pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this
11 litigation are reflected in the books and records of my firm. These books and records are prepared
12 from expense vouchers, check records, and other documents and are an accurate record of the
13 expenses.

14 7. Attached hereto as Exhibit C is the firm resume for my firm.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
16 day of August, 2020, at Chicago, Illinois

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/s/ Ben Barnow
BEN BARNOW

EXHIBIT A

Barnow and Associates, P.C.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Barnow, Ben	President - 50 years	\$ 875.00	39.9	\$ 34,912.50
Blake , Jeffrey	Associate (former) - 6 Years	\$ 450.00	152.3	\$ 68,535.00
Parkhill, Anthony	Associate - 5 Years	\$ 500.00	84.3	\$ 42,150.00
Schork, Erich	Vice President - 13 years	\$ 700.00	222.9	\$ 156,030.00
TOTAL			499.4	\$ 301,627.50

EXHIBIT B

EXHIBIT B

BARNOW AND ASSOCIATES, P.C.

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ 9.90
05. Postage	\$ -
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 963.03
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,972.93

EXHIBIT C

BEN BARNOW
BARNOW AND ASSOCIATES
a professional corporation
ATTORNEYS AT LAW

Ben Barnow is nationally recognized for his experience in leading some of the nation's largest consumer class actions. In that capacity, he has successfully led the prosecution of a number of large-scale class actions relating to consumer data security breaches, consumer protection issues, and antitrust violations. He has been appointed to and served in leadership positions in cases throughout the nation, in both state and federal courts, including MDL proceedings. His efforts have delivered resolutions in numerous significant cases, including cases against America Online, DaimlerChrysler, McDonald's, Microsoft, Shell Oil, Sony, TJX, and Toyota.

Ben Barnow graduated from the University of Wisconsin in 1966 with a Bachelor's degree in Business Administration. He received his Juris Doctor from the University of Michigan Law School in 1969. He is licensed to practice in the State of Illinois and the State of New York. Mr. Barnow is also admitted to practice before the Supreme Court of the United States, the United States Court of Appeals for the First, Third, Sixth, Seventh, Eighth, and Ninth Circuits, the United States District Court for the Northern District of Illinois, the Central District of Illinois, the District of Colorado, the Eastern District of Wisconsin, and the Western District of Wisconsin. He is a member of the American Bar Association, the American Association for Justice, the Illinois State Bar Association, and the Chicago Bar Association. He has also served as a member of the Panel of Arbitrators of the American Arbitration Association. He is listed in Martindale-Hubbell with an AV rating.

During his over forty-year legal career, Ben Barnow has represented both plaintiffs and defendants in many types of litigation and has engaged in significant transactional work. He was General Counsel to one of the world's largest public relations agencies and presided as chairman of certain of its retirement trusts. Ben Barnow was an Associate Professor at Northern Michigan University from 1969-1971, where he taught business law and unfair competition. Mr. Barnow joined the law firm of Herrick, McNeill, McElroy & Peregrine in July 1971, where he became a partner in 1977.

As part of a series of articles by Law360 featuring notable plaintiff attorneys, Ben Barnow was recognized as a Titan of the Plaintiffs Bar, and Barnow and Associates, P.C. "a plaintiffs' class action outfit known for winning big-time antitrust and data breach settlements." Sindhu Sundar, Titan of the Plaintiffs Bar:

Ben Barnow, Law360 (Oct. 8, 2014), <https://www.law360.com/articles/585655/titan-of-the-plaintiffs-bar-ben-barnow> (last visited June 3, 2019).

Selected Cases

Data Security Breach Cases

In Re: Sony Gaming Networks and Customer Data Security Breach Litigation, MDL 2258. The Honorable Anthony J. Battaglia appointed Ben Barnow to the Plaintiffs’ Steering Committee—a committee of seven firms established to lead the litigation—in this MDL proceeding involving over 60 cases relating to a data security breach that affected approximately 50 million consumers in the United States and Canada. A settlement agreement was entered into and was granted final approval. At the final fairness hearing, Judge Battaglia remarked: “Just in the final analysis, the order, much like all the work by both sides throughout the case, has been impeccable, highly professional, and skilled. It’s been a real pleasure dealing with you.”

In Re: TJX Retail Security Breach Litigation, MDL No. 1838. Ben Barnow served as one of Co-Lead Settlement Class Counsel for the Consumer Track in this MDL proceeding relating to the theft of approximately 45 million credit and debit card numbers used at TJX stores and the personal information of over 454,000 TJX customers. Mr. Barnow took the lead in negotiating a settlement with TJX’s attorneys that made available benefits valued at over \$200 million to the Class. The Honorable Judge Young granted final approval to the settlement, which he referred to as “excellent,” and as containing “innovative” and “groundbreaking” elements.

In Re: Countrywide Fin. Corp. Customer Data Security Breach Litigation, MDL No. 1998. Ben Barnow served as one of Co-Lead Settlement Class Counsel in this forty-case MDL proceeding relating to a former Countrywide employee’s theft and sale of millions of Countrywide customers’ private and confidential information. Mr. Barnow negotiated a settlement that was granted final approval, making benefits valued at over \$650 million available to approximately 17 million Settlement Class Members. In the opinion granting final approval to the settlement, the Honorable Chief Judge Russell noted that “Co-Lead Settlement Counsel are nationally recognized in the field of class actions, particularly those involving security breaches,” and stated that “the Court was impressed with Co-Lead Counsel and Countrywide counsels’ knowledge and skill, as represented in the various motions and hearings that took place throughout this settlement process.”

In Re: Heartland Payment Systems Inc., Data Security Breach Litigation, MDL No. 2046. Ben Barnow served as one of Co-Lead Counsel for the Consumer Track in this MDL proceeding relating to what, at the time, was reported as one of the largest data security breaches in history. Mr. Barnow negotiated a settlement on behalf of a Settlement Class that is estimated to include more than 120 million members. Notice of the settlement was completed and only one objection was received. Final approval of the settlement was granted.

Winstead v. ComplyRight, Inc., Ben Barnow served as one of Co-Lead Settlement Class Counsel in this proceeding relating to the theft of approximately 665,000 individuals' private and confidential information (including Social Security numbers) from ComplyRight, Inc.'s web portal. Mr. Barnow and his Co-Lead Settlement Class Counsel negotiated a settlement that included the creation of a \$3,025,000 settlement fund and which allowed Settlement Class members to claim, at their selection, a cash payment, a protection plan option, or reimbursement of up to \$200 in documented and unreimbursed out-of-pocket expenses incurred as a result of the Data Breach. Final approval of the settlement was granted.

Lockwood v. Certegy Check Services, Inc. Ben Barnow served as one of Co-Lead Settlement Class Counsel in this consolidated proceeding relating to the theft of approximately 37 million individuals' private and confidential information from Certegy Check Services, Inc.'s computer databases. Mr. Barnow organized all plaintiffs' counsel and pending cases without the benefit of an MDL and negotiated a settlement that was granted final approval, making benefits valued at over \$500 million available to Settlement Class Members. At the final fairness hearing, the Honorable Judge Merryday described the settlement as a "good deal," providing "a real benefit to a large class of persons" as "the result of the focused attention of skilled counsel for a protracted time."

McGann v. Schnuck Markets, Inc., Ben Barnow served as one of Co-Lead Settlement Class Counsel in this proceeding relating to the theft of the credit and debit card information of an estimated 777,000 individuals from point-of-sale terminals at affected Schnucks stores. Mr. Barnow negotiated a settlement that has been granted final approval, making significant benefits available to the Settlement Class.

Rowe v. Unicare Life and Health Insurance Co. Ben Barnow was Lead Counsel in this proceeding relating to the defendants' alleged failure to secure the private health information of approximately 220,000 individuals enrolled in the defendants' health insurance plans, resulting in such information being accessible to the public via the Internet. Mr. Barnow negotiated a settlement that was granted final approval, making benefits valued at over \$20 million available to Settlement Class

Members. At the preliminary approval hearing, the Honorable Judge Hibbler described the efforts of the parties as “exemplary.”

Deceptive Trade Practices and Other Consumer Protection Cases

Warner v. Toyota Motor Sales, U.S.A., Inc. Ben Barnow served as one of Co-Lead Counsel in this litigation regarding claims of excessive frame rust to certain Toyota vehicles, yielding a recent landmark settlement estimated at \$3.4 billion. Under the settlement, owners of 2005–2010 Toyota Tacoma, 2007–2008 Toyota Tundra, and 2005–2008 Toyota Sequoia vehicles are eligible for free frame inspections for a period of twelve years from the date the vehicle was originally sold or leased, or one year from the date of the Final Order and Judgment, whichever is longer. Vehicles that exhibit excessive frame rust are eligible for a free frame replacement.

Rafofsky v. Nissan North America, Inc. Ben Barnow served as Class Counsel in this litigation regarding the failure to timely deliver certain advertised infotainment apps on 2014 Infiniti Q50s. Class Counsel achieved a settlement in which class members could file claims for cash worth up to \$85 or for vouchers to purchase of a new Infiniti vehicle worth up to \$1,250.

Palace v. DaimlerChrysler Corp. Ben Barnow was one of Co-Lead Class Counsel in this litigation relating to the defendant’s sale of Neons containing allegedly defective head gaskets. After several years of litigation, a settlement was granted final approval, making up to \$8.25 million available to Class members for reimbursement of repair costs and other expenses.

Schulte v. Fifth Third Bank. Ben Barnow served as one of Co-Lead Settlement Class Counsel in this action relating to allegations that the defendant unlawfully re-sequenced debit card transactions in order to maximize overdraft fees. In this capacity, he negotiated a settlement with Defendant’s counsel providing for the establishment of a \$9.5 million settlement fund and including substantial injunctive relief, the present value of which Plaintiffs’ expert estimated to be approximately \$58.8 million over five years and \$108.3 million over ten years. The settlement has been granted final approval.

Schwab v. America Online, Inc. (America Online Access Litigation). Ben Barnow served as Class Counsel and Co-Chair in this highly publicized litigation relating to AOL’s representation that users would have unlimited access to AOL for \$19.95/month and the connectivity problems that ensued in conjunction therewith. In the face of what was ultimately over one hundred class actions filed nationwide, Mr. Barnow organized over 50 law firms and set up the co-chairmanship and the Executive Committee, which brought order and resolution to this litigation. A settlement was reached and was granted final approval, resulting in a multi-million-dollar benefit to a Class estimated to include over 8 million people.

Miner v. Philip Morris USA, Inc., Ben Barnow served as one of Class Counsel in this litigation concerning Philip Morris USA, Inc.'s practice of marketing and selling its Marlboro Lights and Marlboro Ultra-Lights cigarettes as less harmful to smoke than regular cigarettes when, in fact, they were not. A settlement was reached and granted final approval, providing for Philip Morris's payment of \$45 million into an escrow account for the benefit of Class members.

Boland v. McDonald's Corp. (McDonald's Sweepstakes Litigation). As Co-Lead Class Counsel in this litigation, Ben Barnow coordinated the efforts of approximately 25 plaintiffs' firms. The litigation concerned certain McDonald's promotional games and arose from the fraudulent removal of winning game pieces from random public distribution. Mr. Barnow developed and accomplished the settlement concept; to wit, for a chance lost, a chance would be given. The settlement, valued at approximately \$20 million, included fifteen \$1 million prizes given away by random selection. The settlement included the United States and nine other countries.

Campos v. Calumet Transload R.R., LLC, Ben Barnow served as one of Co-Lead Settlement Class Counsel in this litigation relating to the defendants' alleged negligent storage and handling of petroleum coke and coal at certain industrial storage facilities in Chicago, Illinois. Two settlements were reached which collectively provided for the payment of \$1,455,000 for the benefit of Settlement Class members. The settlements were granted final approval.

Fernandez v. Vitamin Shoppe Industries, Inc. Ben Barnow served as Co-Lead Counsel in this national class action that settled, resulting in injunctive relief regarding labeling practices, and additional relief by way of discount coupons and *cy pres* relief to appropriate charities.

Gianopolous v. Interstate Brand Corp. and Interstate Bakeries Corp. Ben Barnow was appointed one of Class Counsel in this litigation concerning allegedly adulterated bakery goods. A settlement was reached and granted final approval, making valuable relief available to consumers.

Glenz v. RCI, LLC. Ben Barnow served as one of three Class Counsel in this litigation involving the RCI Points program and allegations of improper use of points by RCI. The settlement made available cash benefits of approximately \$19 million to members of the Settlement Class and included substantial injunctive relief. Final approval of the settlement has been granted.

Heilman v. Perfection Corp. Ben Barnow served as Co-Lead Class Counsel in this national class action concerning allegedly defective dip tubes in over 14.2 million hot water tanks sold throughout the United States. In this capacity, Mr. Barnow organized twenty-three law firms and oversaw numerous filings in bringing about a national unified settlement that provided for a 100% recovery of out-of-pocket expenses and requisite repairs, including preventive replacement of all concerned dip tubes, whether or not the dip tubes had actually failed.

In Re: Chicago Flood Litigation. As Co-Lead Class Counsel and a member of the Executive Committee, Ben Barnow was responsible for several major aspects of this class action, which included years of litigation, appellate practice, trial, and a multi-million-dollar settlement. Mr. Barnow argued a related portion of the matter before the Supreme Court of the United States, *Jerome B. Grubart, Inc. v. Great Lakes Dredge & Dock Co.*, 513 U.S. 527 (1995), and was responsible for preparing the petition for a writ of certiorari and all related filings. At the Supreme Court level, opposing counsel was John Roberts, who now sits as Chief Justice of the Supreme Court of the United States.

In Re: High Sulfur Content Gasoline Products Liability Litigation, MDL No. 1632 (“Shell Oil”). Ben Barnow served as Co-Lead Settlement Class Counsel in this 26-case MDL proceeding relating to the defendant’s alleged sale of defective gasoline. A settlement was reached and was granted final approval, resulting in approximately \$100 million being made available towards the satisfaction of consumers’ claims.

In Re: Mercury Class Action Litigation. Ben Barnow served as Co-Lead Class Counsel in this case relating to the location of mercury-containing gas regulators in and on real estate. A settlement was reached and granted final approval that provided for medical monitoring, removal of the regulators, and cash compensation to certain class members.

In Re: M3Power Marketing Practices Litigation, MDL No. 1704. Ben Barnow was appointed Co-Lead Class Counsel in this MDL proceeding relating to the defendant’s allegedly deceptive marketing and sale of M3Power shaving razors. A settlement was reached and granted final approval, making available benefits of more than \$7 million to Class members.

In Re: Pilot Flying J Fuel Rebate Contract Litigation. Ben Barnow served as one of Settlement Class Counsel in this litigation involving allegations that the defendants withheld portions of fuel discounts and rebates that Class members were contractually entitled to receive in violation of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-68 (“RICO”), and various state laws. The settlement was granted final approval.

In Re: Starlink Corn Products Liability Litigation, MDL No. 1403. Ben Barnow served as Co-Lead Class Counsel in this MDL proceeding relating to the alleged inclusion of genetically engineered corn in the defendants' food products. A settlement was reached, valued at \$9 million, including the return of up to \$6 million to consumers on a fluid recovery/*cy pres* basis through price reduction on future purchases coupled with a cash payment to approved charities based on shortfall in the redemption.

In Re: United Parcel Service, Inc., Shipper Excess Value Insurance Coverage Litigation. Ben Barnow was one of Settlement Class Counsel in this litigation. A settlement was reached and granted final approval, providing relief to UPS shippers who had paid premiums for excess value insurance coverage.

Ori v. Fifth Third Bank. Ben Barnow served as one of Co-Lead Settlement Class Counsel in this action relating to inactive mortgage loans that were erroneously reported as active to Consumer Credit Reporting Agencies. The Settlement Class included approximately 55,000 individuals, and the settlement made available cash benefits of approximately \$3,000,000 to members of the Settlement Class. Final approval of the settlement has been granted.

Orrick v. Sonic Communications. Ben Barnow was one of Lead Class Counsel in this matter relating to the practice known as "slamming." The private actions and actions filed on behalf of various Attorneys General were consolidated. A settlement covering all of the pending cases and providing benefits of approximately \$8.3 million was achieved and granted final approval. This litigation is believed to be the first class certification and settlement relating to the practice known as "slamming."

Rosen v. Ingersoll-Rand Co., Kryptonite Corp. Ben Barnow was Co-Lead Class Counsel in this matter relating to allegedly defective bicycle locks. Mr. Barnow organized 18 U.S. and Canadian law firms and negotiated a settlement on behalf of Class members in the U.S. and Canada. The settlement was granted final approval, providing valuable relief to purchasers of the allegedly defective U-shaped tubular cylinder bicycle locks in the U. S. and Canada.

Schneider v. Dominick's Finer Foods, Inc. Ben Barnow was Co-Class Counsel in this matter relating to the defendant's alleged failure to deliver on representations of 100% ground beef. A settlement was reached and granted final approval, which included significant remedial relief in the form of shop signage regarding cleanliness and meat grinding practices, and fluid recovery mechanisms to compensate the class members by way of in-store sales and published coupons.

Schwab v. Binney & Smith. Ben Barnow served as Co-Lead Class Counsel in this case relating to crayons that were produced for decades with talc, which allegedly contained, or was subject to containing, asbestos. Mr. Barnow negotiated a national class settlement that contributed to the reformulation of most crayons produced in this country, so as to eliminate the inclusion of talc and, thus, the alleged asbestos inclusion, and the settlement was granted final approval. This represented one of the largest classes ever certified, if not the largest.

Siegel v. Synchronys. Ben Barnow was Co-Class Counsel in this nationwide class action concerning an allegedly defective computer product. The matter was settled, resulting in a remedy for the Class that provided for a 100% reimbursement on moneys spent for the product; the value of the settlement was estimated at \$22 million.

Smith v. J.M. Smucker Co. Ben Barnow was Class Counsel in this litigation relating to allegedly deceptive advertising practices. Mr. Barnow negotiated a national settlement and organized a group of plaintiffs' counsel from over 25 firms throughout the country who supported the settlement. The settlement was granted final approval, making available valuable relief to consumers of spreadable fruit products labeled "Simply 100% Fruit," including a change of labeling practices by the defendant, which added and maintained the following language, in prominent fashion, on the front label of its Simply 100% Fruit products: "Sweetened with fruit syrup from apple, pineapple or pear juice concentrate," thus fairly and fully advising consumers of the product they were purchasing.

Stelk v. BeMusic, Inc. Ben Barnow served as Co-Lead Class Counsel in this litigation relating to charges for shipping and handling in the context of a "free" offer. The Class included an estimated 16 million members. A settlement was reached and granted final approval providing substantial relief to Class members, including a guaranteed minimum of \$8 million.

Antitrust Cases

Wisconsin Civil Microsoft Antitrust Litigation. Ben Barnow served as one of Co-Lead Class Counsel in this indirect purchaser antitrust lawsuit. Mr. Barnow and his co-counsel successfully petitioned the Wisconsin Supreme Court to recognize the rights of indirect purchasers to recover under Wisconsin's antitrust laws. *Olstad v. Microsoft Corp.*, 700 N.W.2d 139 (Wis. 2005). Subsequently thereto, Mr. Barnow negotiated a settlement valued at approximately \$224 million that was granted final approval.

Arkansas, Kansas, South Dakota Civil Microsoft Antitrust Litigations. Ben Barnow served as a Co-Lead Class Counsel in the Arkansas, Kansas, and South Dakota Microsoft civil antitrust cases. Each of these cases settled, and the settlements were granted final approval.

Microsoft Civil Antitrust Litigation, MDL No. 1332. Ben Barnow served as a member of the nine-member Plaintiffs' Lead Counsel Committee in this MDL antitrust proceeding before Judge Motz in the United States District Court for the District of Maryland.

Fond Du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Co., Ltd., Ben Barnow served as a Co-Lead Counsel for third-party payor plaintiffs in this antitrust action where settlements were reached and finally approved collectively providing for the payment of \$9,850,000 for the benefit of the Settlement Class.

Loeb Industries, Inc. v. Sumitomo Corp. Ben Barnow served as Co-Lead Counsel in this nationwide antitrust class action, which sought recovery on behalf of scrap copper purchasers who were allegedly harmed by activities designed to manipulate the copper market. A \$20 million cash settlement with one of the defendants (Merrill Lynch) was reached.

Vichreva v. Cabot Corp. Ben Barnow served as Co-Lead Counsel in this Florida antitrust litigation. An \$825,500 common fund, which is believed to be the largest per-consumer Carbon Black state court antitrust class action settlement in the country, was obtained.

Public Speaking Engagements

1. HarrisMartin's Equifax Data Breach Litigation Conference (Atlanta, GA, Nov. 10, 2017), topic: "Settlements" (Program Co-Chair)
2. Bridgeport Continuing Education's 2016 Class Action Litigation & Management Conference (Los Angeles, CA, Apr. 15, 2016) (Program Co-Chair)
3. HarrisMartin's Data Breach Litigation Conference: The Coming of Age (San Diego, CA, Mar. 25, 2015), topic: "Creative Approaches to Settling Data Breach Cases."
4. Bridgeport Continuing Education's 2014 National Consumer Class Action Conference (Chicago, IL, Jun. 12-13, 2014); topic: "Privacy/TCPA Class Actions: State of the Law, Claims and Defenses, What Does the Future Hold?"

5. HarrisMartin's MDL Conference: Target Data Security Breach Litigation (San Diego, CA, Mar. 26, 2014); topic: "Settlement of a Data Breach Case."
6. NetDiligence Cyber Risk & Privacy Liability Forum (Marina del Rey, CA, Oct. 11–12, 2012).
7. 25th Annual Producer Conference (Stowe, VT, Sept. 10–12, 2012); topic: "Cyber 2.0—The Evolution of Cyber in the Boardroom."
8. NetDiligence 2012 Cyber Risk & Privacy Liability Forum (Philadelphia, PA, June 4–5, 2012); topic: "State of the Cyber Nation—Cases, Theories, and Damages."
9. Tulane University Law School's symposium on *The Problem of Multidistrict Litigation* (February 15–16, 2008); topic: "The Practicalities of Multidistrict Litigation."

ERICH P. SCHORK

BARNOW AND ASSOCIATES

a professional corporation
ATTORNEYS AT LAW

Erich P. Schork has more than thirteen years of experience prosecuting some of the nation's largest complex consumer fraud, automotive defect, antitrust, and privacy class action matters.

Mr. Schork graduated from Purdue University with a Bachelor's degree in Management. He received his Juris Doctor *Magna Cum Laude* from the University of Illinois College of Law where he served as an editor of the *University of Illinois Law Review*. He is licensed to practice in the State of Illinois. He is also admitted to practice before the United States Courts of Appeals for the Third, Sixth, Seventh, Eighth, and Ninth Circuits, the United States District Court for the Northern District of Illinois, the United States District Court for the Central District of Illinois, the United States District Court for the District of Colorado, and the United States District Court for the Eastern District of Wisconsin. He is a member of the American Bar Association, the Illinois State Bar Association, and the Chicago Bar Association.

Mr. Schork has been appointed to and served in leadership positions in a number of class action cases, including *Winstead v. ComplyRight, Inc.*, *In re Pilot Flying J Fuel Rebate Contract Litigation*, and *Rafofsky v. Nissan North America, Inc.*, where settlements were reached and granted final approved. Mr. Schork's achievements also include successfully arguing appeals before the United States Court of Appeals for the Third Circuit in *In re Horizon Healthcare Services Inc. Data Breach Litig.*, 846 F.3d 625 (3d Cir. 2017), the United States Court of Appeals for the Sixth Circuit in *Galaria v. Nationwide Mutual Insurance Co.*, 663 Fed App'x 384 (6th Cir. 2016), and the United States Court of Appeals for the Seventh Circuit in *Dieffenbach v. Barnes & Noble, Inc.*, 887 F.3d 826 (7th Cir. 2018). In all three decisions, the Court of Appeals vacated the order of the trial court and remanded the matter for further proceedings.

Mr. Schork also played an active role in litigating the following class action matters that successfully settled: *Warner v. Toyota Motor Sales, U.S.A., Inc.* (C.D. Cal.) (settlement reached regarding allegations of excessive frame rust to certain vehicles providing benefits valued at in excess of \$3.4 billion to Settlement Class members); *Fond Du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Co., Ltd.*, (E.D. Wis.) (settlements reached providing for the payment of \$9,850,000); *Miner v. Philip Morris USA, Inc.* (Ark. Cir. Ct.) (\$45 million settlement reached relating to allegations that the defendant engaged in deceptive marketing practices); *Campos v. Calumet Transload R.R., LLC* (N.D. Ill.) (settlements reached providing for payment of \$1,455,000 for the benefit of the Settlement Class in action relating to the alleged

negligent storage and handling of petroleum coke and coal at certain industrial storage facilities); *In Re: Sony Gaming Networks and Customer Data Security Breach Litigation*, MDL 2258 (S.D. Cal.) (settlement reached in this 60-case data breach MDL); *Schulte v. Fifth Third Bank* (N.D. Ill.) (\$9.5 million settlement fund and injunctive relief valued at \$108.4 million over ten years achieved relating to allegations that the defendant unlawfully re-sequenced debit card transactions); *In Re: Countrywide Fin. Corp. Customer Data Security Breach Litigation*, MDL No. 1998 (W.D. Ky.) (settlement reached in this 40- case data breach MDL making benefits valued at over \$650 million available to the Class); *In Re: TJX Retail Security Breach Litigation*, MDL No. 1838 (D. Mass.) (settlement reached in this data breach MDL making benefits valued at over \$200 million available to the Class); *In Re: High Sulfur Content Gasoline Products Liability Litigation*, MDL No. 1632 (E.D. La.) (settlement reached in this 26-case MDL relating to the alleged sale of defective gasoline resulting in approximately \$100 million being made available towards satisfaction of consumers' claims); *Palace v. DaimlerChrysler Corp.* (Ill. Cir. Ct.) (\$8.25 million settlement achieved relating to the defendant's alleged sale of vehicles with defective head gaskets).

ANTHONY L. PARKHILL

BARNOW AND ASSOCIATES

a professional corporation
ATTORNEYS AT LAW

Anthony L. Parkhill has more than five years of litigation experience and has spent the last four years prosecuting some of the nation's largest complex consumer fraud, automotive defect, and privacy class action matters.

Mr. Parkhill graduated from DePaul University with a Bachelor's degree in Political Science in 2010. He received his Juris Doctor from the University of Chicago Law School in 2014. He is licensed to practice in the State of Illinois. He is also admitted to practice before the United States Courts of Appeals for the Seventh Circuit, the United States District Court for the Northern District of Illinois, the United States District Court for the Central District of Illinois, and the United States District Court for the District of Colorado. He is a member of the American Bar Association, the Illinois State Bar Association, and the Chicago Bar Association.

Mr. Parkhill has played an active role in litigating the following class action matters that successfully settled: *Warner v. Toyota Motor Sales, U.S.A., Inc.* (C.D. Cal.) (settlement reached regarding allegations of excessive frame rust to certain vehicles providing benefits valued at in excess of \$3.4 billion to Settlement Class members); *Fond Du Lac Bumper Exchange, Inc. v. Jui Li Enterprise Co., Ltd.*, (E.D. Wis.) (settlements reached with four of six defendants in this ongoing international antitrust action providing for the payment of \$9,850,000); *Campos v. Calumet Transload R.R., LLC* (N.D. Ill.) (settlements reached providing for payment of \$1,455,000 for the benefit of the Settlement Class in action relating to the alleged negligent storage and handling of petroleum coke and coal at certain industrial storage facilities); *Rafofsky v. Nissan North America, Inc.*, (settlement providing class members with up to \$85 cash or vouchers worth up to \$1,250); and *In re Zappos Security Breach Litigation*, (D. Nev.) (settlement providing class with benefits in excess of \$5 million); and *Cullan and Cullan LLC v. m-Qube, Inc.*, (D. Neb.) (making over \$1 million available to victims of cell phone cramming).

Mr. Parkhill was appointed as one of Class Counsel in *Rafofsky v. Nissan North America, Inc.*, where a class settlement was granted final approval.

EXHIBIT 7

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
) CLASS ACTION

DECLARATION OF STANLEY D.
BERNSTEIN IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Stanley D. Bernstein, declare as follows:

2 1. I am a Partner at the law firm of BERNSTEIN LIEBHARD LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, I was responsible for assisting
6 Co-Lead Counsel in all stages of trial preparation. During the course of the litigation, I engaged
7 in discussions with Co-Lead Counsel regarding various approaches to trial preparation. My firm
8 reviewed documents produced in discovery and participated on conference calls with Co-Lead
9 Counsel regarding discovery issues, the ongoing document review, and case strategy.

10 3. The individuals of my firm who worked on this matter are listed in Exhibit A,
11 along with years in practice, most recent hourly rates reported to the Court during the pendency
12 of this litigation, hours spent, and total lodestar. The billing rates used on the attached Exhibit A
13 are lower than the professional rates set at my firm. Further detail regarding the litigation and
14 trial experience of each professional can be found, to the extent available, in the firm resume and
15 biographies attached hereto as Exhibit C.

16 4. The detailed descriptions of the time spent by the attorneys and other
17 professionals of my firm in this litigation was prepared from contemporaneous, daily time
18 records prepared and maintained by my firm, and submitted, vetted and approved by the Chair of
19 the Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018
20 Case Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148).
21 Detailed time records are available for the Court's review should the Court desire such records.

22 5. The total number of hours expended on this litigation by my firm, as approved by
23 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
24 consolidation through July 31, 2020 is 407.60 hours. The total lodestar for my firm is
25 \$144,220.00.

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1 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
2 (“expenses”) totaling \$25,000.00, which were necessary in relation to this litigation and
3 submitted, vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead
4 Counsel pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining
5 to this litigation are reflected in the books and records of my firm. These books and records are
6 prepared from expense vouchers, check records, and other documents and are an accurate record
7 of the expenses.

8 7. Attached hereto as Exhibit C is the firm resume for my firm.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this
10 24th day of August, 2020, at New York, New York.

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13 STANLEY D. BERNSTEIN
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EXHIBIT A

Bernstein Liebhard LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Stephanie Beige	Partner (20 years, 8 months)	\$ 800.00	0.8	\$ 640.00
Blake Yagman	Associate (1 year, 3 months)	\$ 350.00	404.8	\$ 141,680.00
Stanley Bernstein	Partner (37 years, 7 months)	\$ 950.00	2	\$ 1,900.00
TOTAL			407.6	\$ 144,220.00

EXHIBIT B

EXHIBIT B**Bernstein Liebhard LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ -
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,000.00

EXHIBIT C

Bernstein Liebhard LLP

10 East 40th Street
New York, New York 10016
ph: (212) 779-1414
fax: (212) 779-3218

www.bernlieb.com

FIRM RESUME

Bernstein Liebhard LLP (the "Firm") was formed in 1993 as a boutique litigation practice to represent institutional and individual investors in shareholder class and derivative litigation and consumers in consumer fraud and antitrust litigation.

The Firm is the only firm in the country to be named by THE NATIONAL LAW JOURNAL to the "Plaintiffs' Hot List," recognizing the top plaintiffs' firms in the country, for thirteen years. The Firm is also included in THE NATIONAL LAW JOURNAL's "Plaintiffs' Hot List Hall of Fame" and was recognized by THE NATIONAL LAW JOURNAL as one of a select group of "America's Elite Trial Lawyers" for three consecutive years. The Firm was selected for its "exemplary and cutting-edge work" on behalf of plaintiffs in the Securities Law and Antitrust categories and for "big victories in complex cases that have a wide impact on the law and legal business."

The Firm has been listed for the twelve consecutive years in THE LEGAL 500, a guide to the best commercial law firms in the United States. THE LEGAL 500 is an independent "guide to 'the best of the best' – the pre-eminent firms in the world's strongest and most competitive legal market." In addition, the Firm was listed for four consecutive years in BENCHMARK PLAINTIFF: THE DEFINITIVE GUIDE TO AMERICA'S LEADING PLAINTIFF FIRMS & ATTORNEYS ("BENCHMARK PLAINTIFF"). BENCHMARK PLAINTIFF focuses exclusively on plaintiff litigation, "highlighting firms and individuals responsible for bringing the cases that matter." The Firm has also received

Martindale-Hubbell's highest ratings for legal ability (A) and ethical standards (V) and "Peer Review Rated 2012" by the American Association of Justice.

Bernstein Liebhard has also been selected by the legal publication LAW360 to its list of the top six plaintiff-side securities firms in the nation. The Firm was recognized for its "leadership work" in connection with the \$586 million settlement in *In re Initial Public Offering Securities Litigation*, No. 21 MC 92 (S.D.N.Y.) and the \$400 million settlement in *In re Marsh & McLennan Cos., Inc. Securities Litigation*, No. 04-CV-8144 (CM) (S.D.N.Y.). The Firm was also recognized by RiskMetrics Group, Inc. for three consecutive years in its annual Securities Class Action Services list as one of the top plaintiffs' securities class action firms in the country, as measured by annual settlement amounts.

PRACTICE AREAS

SECURITIES LITIGATION

Since its inception in 1993, Bernstein Liebhard has represented individual and institutional investors in securities litigation, recovering over \$3.5 billion for the classes we have represented. The Firm has successfully served as sole lead counsel and as co-lead counsel in some of the largest securities class action cases in the past decade and has actively litigated scores of actions to successful conclusions. For example, the Firm, as lead, executive committee counsel, and co-counsel has successfully obtained many multi-million dollar recoveries. These cases include, among others:

- ***In re Initial Public Offering Securities Litigation***, No. 21 MC 92 (S.D.N.Y. 2009) (a coordinated litigation of over 300 securities class actions, in which a \$586 million settlement was obtained after seven full-day mediation sessions);
- ***In re Marsh & McLennan Cos., Inc. Securities Litigation***, No. 04-CV-8144 (CM) (S.D.N.Y. 2009) (\$400 million settlement of an action brought against the world's largest insurance broker, arising from the company's improper practice of steering its clients to insurance companies that agreed to pay it billions of dollars in contingent commissions);

- ***In re Beacon Associates Litigation***, No. 09-CIV-0777 (LBS) (AJP) (S.D.N.Y. 2013) (\$219 million settlement on behalf of hedge funds that invested with Bernard L. Madoff, which resolved claims in the *In re Beacon Associates Litigation*, No. 09-CIV-0777 (LBS) (AJP) (S.D.N.Y.) and *In re J.P. Jeanneret Associates Inc.*, No. 09-CIV-3907 (CM) (AJP) (S.D.N.Y.) class actions, as well as several additional lawsuits in federal and New York State court against the settling defendants, including suits brought by the United States Department of Labor and the New York Attorney General);
- ***In re Royal Dutch/Shell Transport Securities Litigation***, No. 04-374 (JAP) (D.N.J. 2008) (the case, which arose from Royal Dutch/Shell's 2004 announcements that it had overstated its proved oil and gas reserves by a material amount – about *one-third* of its proved reserves, settled for \$166.6 million);
- ***In re Fannie Mae Securities Litigation***, No. 04-1639 (FJL) (D.D.C. 2013) (settlement of \$153 million, the largest securities settlement in the D.C. Circuit since the passage of the PSLRA, and ranks among the top 5% of securities class action settlements of all time);
- ***In re Tremont Securities Law, State Law and Insurance Litigation***, No. 08-CV-11117 (S.D.N.Y. 2011) (settlement in excess of \$100 million, in which the Firm represents investors who lost millions of dollars in hedge funds that invested with Bernard L. Madoff);
- ***In re Cigna Corp. Securities Litigation***, No. 02CV8088 (E.D. Pa. 2007) (\$93 million settlement obtained following four years of vigorous litigation);
- ***In re Bankers Trust Securities Litigation***, No. 98-CV-08460 (S.D.N.Y. 2002) (\$58 million settlement; 100% recovery of loss);
- ***In re Procter & Gamble Co. Securities Litigation***, No. 00-CV-00190 (S.D. Ohio 2001) (\$49 million settlement);
- ***In re Bausch & Lomb, Inc. Securities Litigation***, No. 94-CV-06270 (W.D.N.Y. 1998) (\$42 million settlement);
- ***City of Austin Police Retirement System v. Kinross Gold Corp. et al.***, No. 12-CV-01203-VEC (S.D.N.Y.) (\$33 million settlement).
- ***In re BellSouth Corp. Securities Litigation***, No. 02-CV-2142 (N.D. Ga. 2007) (\$35 million settlement);
- ***In re Beazer Homes U.S.A., Inc. Securities Litigation***, No. 07-CV-725-CC (N.D. Ga. 2009) (\$30.5 million settlement);
- ***Di Giacomo v. Plains All American Pipeline, LP***, No. 99-CV-4137 (S.D. Tex. 2001) (\$24.1 million settlement);
- ***In re Riscorp Inc. Securities Litigation***, No. 96-02374 (M.D. Fla. 1998) (\$21 million settlement);
- ***In re Tower Group International, Ltd. Securities Litigation***, No. 13-CV-5852 (AT) (S.D.N.Y. 2015) (\$20.5 million settlement partial settlement);

- ***In re Lumenis Securities Litigation***, No. 02-CV-1989 (S.D.N.Y. 2008) (\$20.1 million settlement);
- ***In re TASER International Securities Litigation***, No. C05-0115 (D. Ariz. 2007) (\$20 million settlement);
- ***In re Gilat Satellite Networks, Ltd. Securities Litigation***, No. 02-CV-1510 (E.D.N.Y. 2007) (\$20 million settlement);
- ***In re Kit Digital, Inc. Securities Litigation***, No. 12-CV-04199 (VM) (S.D.N.Y. 2013) \$6,001,999 settlement);
- ***Peters v. JinkoSolar Holdings***, No. 11-CV-07133 (JPO) (S.D.N.Y. 2015) (\$5.05 million settlement); and
- ***Szyborski v. Ormat Technologies, Inc.***, No. 10-CV-00132-ECR (D. Nev. 2012) (\$3.1 million settlement).

The Firm has also served as lead counsel in numerous corporate governance and corporate takeover litigations (both hostile and friendly) on behalf of stockholders of public corporations. The Firm has prosecuted actions challenging numerous highly publicized corporate transactions which violated fair process and fair price, and the applicability of the business judgment rule. These cases have resulted in multi-million dollar improvements in transaction terms and in strengthening the democratic rights of public shareholders:

- ***In re Freeport-McMoRan Copper & Gold, Inc. Derivative Litigation***, No. 8145-VCN (Del. Ch. 2015) (the Firm, as co-lead counsel, recovered \$153.5 million for shareholders and obtained an unprecedented provision allowing the settlement to be distributed to Freeport shareholders in the form of a special dividend. The settlement is one of the largest derivative settlements in the Delaware Court of Chancery history);
- ***In re Great Wolf Resorts, Inc. Shareholders Litigation***, No. C.A. 7328-VCS (Del. Ch. 2012) (the Firm obtained the elimination of stand-still provisions that allowed third parties to bid for Great Wolf Resorts, Inc. ("Great Wolf") – resulting in the emergence of a third-party bidder and approximately \$94 million in additional merger consideration for Great Wolf's shareholders);
- ***In re Atlas Energy, Inc. Shareholders Litigation***, No. C.A. 5990-VCL (Del. Ch. 2011) (the Firm obtained a settlement providing an additional \$7.45 million in merger consideration for Atlas Energy shareholders);
- ***In re Pride International, Inc. Shareholders Litigation***, No. C.A. 6201-VCS (Del. Ch. 2011) (after the completion of expedited discovery and prior to a preliminary injunction hearing, the Firm obtained a proposed settlement providing material modifications to a contested merger agreement and the dissemination of supplemental disclosures in connection with a proxy statement sent to Pride shareholders);

- ***In re Mutual Funds Investment Litigation [Federated Sub-Track]***, No. 04-MD-15861 (CCB) (D. Md. 2010) (representing investors in Federated Investors Funds fluctuating mutual funds, the Firm obtained a total settlement of \$3,381,500 in addition to significant corporate governance reforms. The benefits obtained by the Firm were in addition to \$72 million that Federated Investors, Inc. ("Federated") paid pursuant to the settlement of regulatory investigations concerning Federated's alleged market-timing and late-trading activities. The Firm also obtained declaratory and injunctive relief to ensure that the alleged market-timing and late-trading activities would not be repeated);
- ***In re Mutual Funds Investment Litigation [Bank of America/Nations Sub-Track]***, No. 04-MD-15862 (JFM) (D. Md. 2010) (representing investors in Nations Fund Mutual Funds (the "Nations Funds"), the Firm, with lead counsel, achieved settlements that resolved the class action and several related litigations arising from alleged market timing and late trading in various mutual funds in the Bank of America mutual fund family. The settlements established a jointly-recommended minimum allocation of at least \$60 million to shareholders of the Nations Funds from a fund created as a result of Bank of America's settlement of regulatory investigations. In addition to the monetary allocation, the settlements provide for corporate governance changes concerning the detection and prevention of future market timing and late trading in the Nations Funds. The Firm and lead counsel also recovered an additional \$2,100,000 from non-Bank of America defendants);
- ***Kwait v. Berman***, No. 5306-CC (Del. Ch. 2010) (obtained significant amendments to a voting agreement agreed to by RiskMetrics Group, Inc.'s interested shareholders in connection with a proposed merger, as well as additional disclosures concerning the proposed merger);
- ***In re UnitedGlobalCom Shareholders Litigation***, No. 1012-VCS (Del. Ch. 2008) (plaintiffs, former shareholders of UnitedGlobalCom ("UGC"), successfully achieved a \$25 million settlement in a case alleging that a minority exchange transaction with UGC's majority shareholder did not meet the entire fairness standard);
- ***In re Cablevision Systems Corp. Shareholders Litigation***, No. 05-009752 (N.Y. Sup. Ct. 2007) (plaintiffs successfully deterred a going-private transaction proposed by Cablevision's controlling shareholder at an inadequate price. The proposal was ultimately converted to a \$2.5 billion special dividend payable ratably to all Cablevision shareholders. In connection with the settlement, Cablevision agreed to implement corporate governance reforms and other procedures to ensure that the special dividend was financially fair to Cablevision and its public shareholders);
- ***In re Plains Resources, Inc. Shareholders Litigation***, No. 071-N (Del. Ch. 2004) (plaintiffs challenged the buyout of the public shares of Plains Resources by two of the company's senior executives and Vulcan Energy. Through the Firm's aggressive efforts as co-lead counsel, which included motions for expedited discovery and a preliminary injunction, the price paid for Plains Resources shares in connection with the buyout was increased twice, yielding an additional \$67 million in merger consideration);
- ***In re MONY Group Inc. Shareholder Litigation***, No. 20554 (Del. Ch. 2004) (Delaware Chancery Court issued a preliminary injunction enjoining the shareholder vote on the merger pending the issuance of curative disclosures by the MONY defendants; as part of the settlement, certain of MONY's executives forfeited approximately \$7.4 million in change-of-control payments, funding an increase in the consideration received by MONY's shareholders in the merger);

- ***In re Arco Chemical Co. Shareholders Litigation***, No. 16493-NC (Del. Sup. 2002) (the Firm's advocacy led the Delaware Supreme Court to require the company to broaden the rights of public shareholders in change-of-control transactions);
- ***In re AXA Financial Shareholders Litigation***, No. 18268 (Del. Ch. 2002) (\$500 million increased merger consideration);
- ***In re Kroll-O'Gara Shareholders Litigation***, No. 99 CIV. 11387 (S.D.N.Y. and Ohio State Ct. 2002) (derivative case brought on behalf of Kroll-O'Gara to remedy internecine disputes among the company's senior management; the case settled with significant corporate governance changes, including an independent committee of directors to oversee change-of-control transactions and certain other internal management issues);
- ***Shapiro v. Quickturn Design Systems, Inc.***, No. 16850-NC (Del. Ch. 2002) (the Firm successfully represented public stockholders in a trial in Delaware Chancery Court that invalidated a modified "deadhand" poison pill anti-takeover provision; following the affirmance of the trial verdict by the Delaware Supreme Court, the Firm secured the implementation of procedures designed to ensure a full and active auction maximizing shareholder value, paving the way for a takeover of Quickturn at a premium of approximately \$51 million);
- ***In re Ascent Entertainment Group Inc. Derivative Litigation***, No. 17201-NC (Del. Ch. 2000) (involving the proposed sale of the Colorado Avalanche and the Denver Nuggets, both owned at the time by Ascent, to Ascent's CEO and Chairman; by virtue of the Firm's representation, Ascent commenced a new auction for the sports teams, which resulted in a higher price (approximately \$40 million) to be paid for the teams; also, by virtue of the settlement, the parties agreed that the plaintiffs could appoint a director of their choosing to the Ascent board);
- ***In re Foamex International Inc. Shareholders Litigation***, No. 16259-NC (Del. Ch. 2000) (the Firm's efforts culminated in the requirements that the company appoint two independent directors, that it constitute a nominating committee to search for and recommend new independent directors, and that any related-party transactions be reviewed and approved by a majority of disinterested directors);
- ***In re Archer Daniels Midland Corp. Derivative Litigation***, No. 14403 (Del. Ch. 1997) (the Firm, as lead counsel, effected important corporate governance improvements, including the requirement that a majority of the board be comprised of outside directors; the creation of a nominating committee; the requirement that the audit committee oversee corporate compliance; and the requirement that the audit committee be composed of outside directors); and
- ***In re Sears, Roebuck Derivative Litigation***, No. 88 CH 10009 (Ill. Ch. Ct.) (Senior Partner Stanley D. Bernstein pioneered the use of litigation to achieve corporate governance reform in the early 1990s, gaining the addition of outside directors to Sears' board, and expanding the role of outside directors on the company's nominating committee).

CONSUMER LITIGATION

Bernstein Liebhard also has an active consumer practice. The Firm represented thousands of affected tenants of the Stuyvesant Town and Peter Cooper Village rental apartment complexes in Manhattan. The case centered on allegations that landlords of the rental complexes have, for many years, illegally charged market-rate rents for apartments that should have been rent stabilized under New York City's Rent Stabilization Law, thereby overcharging each affected tenant thousands of dollars per year. The core legal issue was whether landlords could permissibly deregulate and charge market-rate rents for certain "luxury" apartment units in these complexes in years in which the landlords were simultaneously receiving New York City tax abatements, known as "J-51" benefits. Prior to obtaining the \$146.85 million dollar settlement, the Firm, as co-lead counsel, obtained a landmark ruling in favor of tenants from the New York Court of Appeals, the highest appellate court in New York State. The Court of Appeals ruled that the New York statutory scheme prevented landlords of rent stabilized buildings from charging market-rate rents while receiving J-51 benefits for as long as they continue to receive those tax benefits. The Firm continued to aggressively litigate the case and brought nine other cases based on the this decision. The decision overturned state agency regulations that had been in effect for at least nine years. CRAIN'S NEW YORK BUSINESS described it as "a decision that will have colossal implications for tenants and landlords across the city."

The Firm won a verdict of \$14.7 million in 2009 for the clients and class we represented in *Artie's Auto Body, Inc. v. Hartford Fire Insurance Co.*, No. X08-CV-03-0196141S (CLD) (Conn. Super. Ct.), following a four-week jury trial. In addition to the \$14.7 million jury verdict, in 2013 the Firm obtained a \$20 million punitive damage award – the largest punitive damage award in the history of Connecticut's Unfair Trade Practices Act. Regrettably, the verdict and the punitive damage award were reversed on appeal.

The Firm also successfully litigated a consumer class action which resulted in the re-labeling of a popular home medical testing device to properly reflect the product's limitation in

Wagner v. Inverness Medical Innovations, Inc., No. 03-cv-404-J-20 (M.D. Fla.) and obtained favorable settlements in consumer fraud class actions for classes consisting of owners and lessees of certain Volvo automobiles (\$30 million) and certain Saab automobiles (\$4.25 million).

ANTITRUST LITIGATION

The Firm's antitrust practice is also active and growing. The Firm served as one of the co-lead counsel in the *In re Processed Egg Products Antitrust Litigation*, No. 08-MD-2002 (E.D. Pa.), where we obtained settlements in excess of \$125 million from multiple defendants in this multi-district antitrust case filed against sixteen trade groups and producers alleging an industry-wide, price-fixing conspiracy that raised the price of shell eggs and egg products in violation of the Sherman Antitrust Act.

The Firm served on the Plaintiffs' Executive Committee in *In Re Polyurethane Foam Antitrust Litigation*, MDL No. 2196 (N.D. Ohio), a case involving a price-fixing conspiracy by some of the world's largest manufacturers of flexible polyurethane foam. The case settled for over \$400 million just days before trial.

The Firm was a member of the Direct Purchaser Plaintiffs' Executive Committee in *In re Fresh and Process Potatoes Antitrust Litigation*, No. 10-MD-02186-BLW-CWD (D. Idaho), an antitrust class action commenced on behalf of direct purchasers of fresh and processed potatoes that resulted in a \$19.5 million settlement.

This Firm also served on the court-appointed Plaintiffs' Executive Committee in the *In re Pool Products Distribution Market Antitrust Litigation*, an antitrust case commenced on behalf of a nationwide class of direct purchasers of pool products, filed against a pool products distributor and the three largest manufacturers of pool products in the United States. The plaintiffs asserted claims against all defendants under Section 1 of the Sherman Act for conspiracy to restrain trade, and against the pool products distributor under Section 2 of the Sherman Act for attempted monopolization. As part of the Plaintiffs' Executive Committee, the Firm secured approximately \$16 million recovery for the class.

On March 24, 2016, the Firm was appointed to the Executive Committee for the Direct Purchaser Plaintiffs in *In re Packaged Seafood Products Antitrust Litigation*, an action consolidated for pretrial proceedings in the Southern District of California. This action arises out of a conspiracy by the largest producers of packaged seafood products (“PSPs”) in the United States to fix, raise, maintain, and/or stabilize prices for PSPs within the United States, and its territories and the District of Columbia, in violation of Sections 1 and 3 of the Sherman Antitrust Act (15 U.S.C. §§ 1, 3).

The Firm is also part of the litigation team in *In re Broiler Chicken Antitrust Litigation*, a national class action alleging that beginning in 2008, broiler chicken producers coordinated their efforts to artificially reduce the supply of broiler chickens for sale in the United States in violation of Section 1 of the Sherman Act.

COMMERCIAL LITIGATION

Bernstein Liebhard also has an active commercial litigation practice, where it represents businesses, public pension funds, and other entities in high stakes, complex litigation. For example, the Firm represented the New Mexico Public Employees Retirement Association (“PERA”) in an individual action against Wells Fargo Bank and affiliates arising from defendants’ mismanagement of PERA’s securities lending program. On the eve of trial, the Firm negotiated a \$50 million recovery for PERA, representing over 65% of PERA’s damages.

The Firm represented the New Mexico Educational Retirement Board (“ERB”) in an action against Wells Fargo Bank and affiliates arising from the mismanagement of ERB’s securities lending program. After two years of litigation, the Firm successfully negotiated a \$5 million recovery for the ERB – representing over 50% of its damages.

The Firm acted as special litigation counsel to the Creditors Committee of Pandick Inc. (formerly the largest financial printer in the country) in connection with a complex fraudulent conveyance litigation and successfully recovered from Pandick’s banks and directors over \$14 million for Pandick’s creditors.

The Firm also represented the Actrade Liquidation Trust (the "Trust"), the successor to Actrade Financial Technologies, Ltd., a former publicly-traded company on NASDAQ, and Actrade Capital ("Actrade") in two actions – the first (*Meer v. Aharoni*, No. 5141-CC (Del. Ch.)) against Actrade's former Chairman of the Board of Directors related to his misappropriation from Actrade and his fraudulent inflation of Actrade's revenues in order to earn a profit on his options; the second (*Meer v. Deloitte & Touche LLP*, No. 11-cv-06994 (LAK) (S.D.N.Y.)) against Deloitte & Touche, LLP for auditing malpractice and negligence. The Firm negotiated a \$3,050,000 global settlement for both actions in February 2013.

WHISTLEBLOWER LITIGATION

Bernstein Liebhard also has an active whistleblower practice. The False Claims Act has proven to be one of the most effective mechanisms to recover funds that have been stolen from the government through fraud by corporations, contractors, and individual wrongdoers. Since 1986, more than 5,500 *qui tam* actions have been filed and more than \$20 billion in settlements and recoveries have been recouped by the government under the False Claims Act.

Although the False Claims Act covers numerous forms of fraud on the government, the False Claims Act does not cover tax fraud. Blowing the whistle on those who commit tax fraud on the government is governed by the Tax Relief and Health Care Act of 2006. As with the False Claims Act, the Tax Relief and Health Care Act offers individuals the opportunity to report tax fraud and receive a reward for helping the government recover money lost due to tax fraud or other violations of the tax laws.

In 2010, Congress enhanced the Securities and Exchange Commission's whistleblower program with the adoption of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The amendment, among other things, increases the amount of whistleblower awards payable by the SEC to those who provide the SEC with information concerning violations of the federal securities laws.

Bernstein Liebhard LLP is dedicated to providing experienced, dedicated, and aggressive representation for whistleblowers looking to blow the whistle on those who commit fraud on the government or who violate the tax laws and the federal securities laws. The Firm's whistleblower lawyers have extensive experience providing legal advice and representation to individuals filing lawsuits against persons and entities who commit fraud and other wrongdoing.

SUPREME COURT AND APPELLATE PRACTICE

The Firm's Supreme Court and Appellate Practice Group (the "Appellate Practice Group") handles all the Firm's appeals and prepares *amicus curiae* briefs on a *pro bono* basis in important cases affecting the Firm's clients. The group consults with our litigation and trial teams at the earliest stages of litigation to ensure that our clients are well positioned to win not only at the trial level, but also in the event of an appeal by either side.

The securities cases in which the Appellate Practice Group has filed *amicus curiae* briefs include: *Stoneridge Investment Partners, LLC v. Scientific-Atlanta, Inc.*, No. 06-43 (U.S.) and *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, No. 06-484 (U.S.), both before the United States Supreme Court and *In re Dynex Capital Securities Litigation*, No. 06-CV-2902 (2d Cir.), before the United States Court of Appeals for the Second Circuit. These briefs were filed on behalf of eight states and five public pension funds in cases concerning critical issues of investor protection and securities litigation. These states and public pension funds collectively manage approximately \$568 billion of pension funds, represent millions of pensioners, and have an acute interest in ensuring that investors' rights are protected.

The Firm also filed an *amicus curiae* brief in the United States Supreme Court on behalf of Professor Arthur R. Miller in *Exxon Shipping Co. v. Baker*, No. 07-219 (U.S.). The appeal, arising from the protracted litigation following the 1989 Exxon Valdez oil spill, addressed

complex issues of procedural law, including the proper application of Federal Rule of Civil Procedure 50. The brief, prepared by the Firm at the request of and in collaboration with Professor Miller, identified certain procedural errors by the United States Court of Appeals for the Ninth Circuit that, if ratified by the United States Supreme Court, threatened to undermine the authority of federal district courts to manage their dockets in complex actions.

In October 2009, the Firm filed an *amicus curiae* brief in the United States Supreme Court on behalf of the AARP, a nonpartisan, non-profit organization of nearly forty million members that is dedicated to addressing the needs and interests of people age fifty and over, and the Detectives Endowment Association Annuity Fund in *Merck & Co. v. Reynolds*, No. 08-905 (U.S.), which was decided by the United States Supreme Court in April 2010. Ruling in favor of the plaintiffs, the Court resolved the standard to be applied by lower courts ruling on the definition of the deadline for filing a securities fraud lawsuit under federal law, adopting the view the Firm advocated for its clients: a plain reading of the statute of limitations – “two years after discovery of the facts constituting the violation” – can only mean that the clock starts running when the plaintiff actually discovers facts sufficient to state a claim.

The Appellate Practice Group also filed an *amicus curiae* brief with the United States Supreme Court in support of the plaintiff’s position in *Wyeth v. Levine*, No. 06-1249 (U.S.), which was decided by the United States Supreme Court in March 2009. The Court, ruling in favor of the plaintiff, decided that FDA regulations did not preempt consumer lawsuits for injuries caused by defective pharmaceutical drugs.

The Appellate Practice Group filed an *amicus curiae* brief with the United States Court of Appeals for the Second Circuit in *UFCW Local 1776 Participating Employers Health & Welfare Fund 28 v. Eli Lilly & Co.*, No. 09-0222-cv (2d Cir.), on behalf of the AARP and Prescription Access Litigation LLC, in support of plaintiffs-appellees. The *amici’s* brief to the Second Circuit argued that deceptive pharmaceutical marketing can affect doctors’ medical decisions, harming consumers and leading to high costs and decreased access to treatment. In addition, the group successfully briefed the issue of whether landlords could permissibly deregulate and charge

market-rate rents for certain “luxury” apartment units in complexes in years in which the landlords were simultaneously receiving tax abatements from New York City, known as “J-51,” before the New York State Court of Appeals in *Roberts v. Tishman Speyer Properties, L.P.*, No. 131 (N.Y.). The New York State Court of Appeals ruled that the New York statutory scheme prevents landlords of rent stabilized buildings from charging market-rate rents while receiving J-51 benefits for as long as they continue to receive those tax benefits. The decision is reported at *Tishman Speyer Properties, L.P.*, 13 N.Y.3d 270 (2009). The case settled in April 2013 for \$146.85 million (\$68.75 million cash).

JUDICIAL PRAISE

Courts have repeatedly praised the efforts of the Firm and its partners:

“I would also like to commend the lawyers in this case. Extremely thorough professional presentations were made under very trying circumstances They were all done to the highest quality of the legal profession, and the advocacy was always aggressive but within the bounds of good professional propriety . . . thank you for the excellent job that you did.”

- Honorable Alfred J. Jennings, Jr. of the Connecticut Superior Court (Stamford/Norwalk Division), following a successful four-week jury trial.¹

“[L]et me say one more thing. I compliment[] everybody in the way they’ve presented themselves here and I want you to know that I mean that sincerely I’m happy to say that the lawyers in this case have, again, conducted themselves in the highest professional manner. And I’m also pleased to say that this does not surprise me, having had the opportunity to preside over a lot of these class action litigations”

- Honorable Joel A. Pisano of the United States District Court for the District of New Jersey.²

¹ *Artie’s Auto Body, Inc. v. Hartford Fire Ins. Co.*, No. X08-CV-03-0196141S (CLD) (Conn. Super. Ct.), Trial Tr., Nov. 17, 2009 at 15.

“the quality of the representation to achieve what they [Bernstein Liebhard] have achieved speaks for itself. The quality was extremely high.”

- Honorable Deborah A. Batts of the United States District Court for the Southern District of New York.³

“[Bernstein Liebhard] accomplish[ed] an exceptional result because of the nationwide benefit to all women diagnosed with [Polycystic Ovarian Syndrome] and the benefit to the medical community.”

- Magistrate Judge (now District Court Judge) Marcia Morales Howard of the United States District Court for the Middle District of Florida.⁴

“But I did want to thank . . . counsel [Bernstein Liebhard] for excellent, excellent oral argument. Certainly helped the Court significantly. And I want to thank you . . . for what is a sterling indication of what the bar can produce when you have qualified people before it.”

- Judge Stephen A. Bucaria of the Nassau County Supreme Court.⁵

“I’m impressed with the innovative nature . . . of the benefit that’s been provided . . . It’s my turn to make a compliment in open court: that the plaintiff is represented by highly competent counsel [Stanley D. Bernstein], a counsel that demonstrates consistently to me an incredible work ethic in achieving the benefits that were achieved here.”

- Vice Chancellor (now Delaware Supreme Court Chief Justice) Myron T. Steele.⁶

“Plaintiffs are represented by counsel [Bernstein Liebhard] who are skilled in federal securities and class action litigation Counsel have been diligent and well prepared Plaintiffs’ counsel has performed an important public service in this action and have done so efficiently and with integrity You have the thanks of this court.”

² *In re Royal Dutch/Shell Transp. Sec. Litig.*, No. 04-374 (JAP) (D.N.J.), Tr. of Hr’g, Sept. 26, 2008 at 60-61.

³ *In re Lumenis Sec. Litig.*, No. 02-CV-1989 (S.D.N.Y.), Tr. of Hr’g, Aug. 25, 2008 at 6.

⁴ *Wagner v. Inverness Med. Innovations, Inc.*, No. 03-CV-404-J-20 (M.D. Fla.).

⁵ *Carlson v. Long Island Jewish Hosp.*, No. 020098/05 (N.Y. Sup. Ct.).

⁶ *In re Illinois Cent. Corp. S’holders Litig.*, No. 16184 (Del. Ch.), Tr. of Hr’g, Feb. 25, 1999 at 29-30.

- Senior Judge Denise Cote of the United States District Court for the Southern District of New York.⁷
-

“The quality of the legal work throughout has been high and conscientious. . . .”

- Judge Reena Raggi of the United States District Court for the Eastern District of New York (now of the United States Court of Appeals for the Second Circuit).⁸
-

“the performance of counsel [Bernstein Liebhard] . . . has been absolutely outstanding. It has been a pleasure to be involved with each of you in handling this case.”

- Chief Judge Gene Carter (now Senior District Judge) of the United States District Court for the District of Maine.⁹
-

“Mr. Bernstein, it has actually been a pleasure getting to know and work with you on this [Y]ou make a really good presentation.”

- Former Judge Wayne R. Andersen (retired) of the United States District Court for the Northern District of Illinois.¹⁰
-

“Counsel [Bernstein Liebhard] . . . have been professional and realistic in this matter The court has been impressed with the competence and candor of counsel”

- Former Judge Robert J. Cindrich (retired) of the United States District Court for the Western District of Pennsylvania.¹¹

⁷ *In re Take Two Interactive Software, Inc. Sec. Litig.*, No. 01 CIV. 9919 (S.D.N.Y.), Tr. of Hr’g, Oct. 4, 2002 at 40, 44.

⁸ *In re Tower Air, Inc. Sec. Litig.*, No. 94 CIV. 1347 (E.D.N.Y.), Tr. of Hr’g, Feb. 9, 1996 at 52.

⁹ *Nensel v. Peoples Heritage Fin. Group, Inc.*, No. 91-324-P-C (D. Me.), Tr. of Hr’g, Dec. 17, 1992 at 12.

¹⁰ *Hager v. Schawk, Inc.*, No. 95 C6974 (N.D. Ill.), Tr. of Hr’g, May 21, 1997 at 22.

¹¹ *DeCicco v. Am. Eagle Outfitters, Inc.*, No. 95-1937 (W.D. Pa.), Report and Recommendation of Magistrate Judge Kenneth Benson, Nov. 25, 1996 at 6 (adopted as opinion of court by Judge Cindrich, Dec. 12, 1996).

ATTORNEY BIOGRAPHIES

STANLEY D. BERNSTEIN

SENIOR PARTNER

Stanley D. Bernstein, founding partner of Bernstein Liebhard LLP, has successfully represented plaintiffs in securities fraud litigation, shareholder and derivative litigation, complex commercial litigation (representing corporations and businesses when they are plaintiffs in litigation), professional malpractice litigation, and antitrust litigation for over thirty-five years. Mr. Bernstein is a recognized leader in the securities and corporate governance bar. He frequently addresses lawyers and business professionals concerning various aspects of plaintiffs' litigation and was featured as the cover story in *Directorship* magazine in an article entitled "Investors v. Directors." Mr. Bernstein also heads the firm's *qui tam*/whistleblower practice group.

Mr. Bernstein has been widely recognized for his achievements. Among other honors:

- *Lawdragon* named him one of the "500 Leading Lawyers in America," "500 Leading Litigators in America," "500 Leading Plaintiffs' Lawyers," and "100 Lawyers You Need to Know in Securities Litigation";
- The National Association of Corporate Directors and *Directorship* magazine listed him in the *Directorship 100* – the list of "The Most Influential People in the Boardroom" (2009-2012);
- *Super Lawyers* magazine named him a Super Lawyer (2007-2009; 2012-2019);

Education

- New York University School of Law, J.D., honors, 1980
- Cornell University, B.S., 1977

Admissions

New York

Florida

U.S. Supreme Court

U.S. Court of Appeals

- Second Circuit

U.S. District Courts

- Southern District of New York
- Eastern District of New York

- *The Legal 500* has repeatedly recommended him (2011-2012; 2014-2016, 2019);
- Recognized by *Benchmark Plaintiff: The Definitive Guide To America's Leading Plaintiff Firms & Attorneys* (2012-2015); and
- Ranked in *Chambers USA Guide* (2012-2016).

Mr. Bernstein litigates against the most prominent defense firms in the country and has earned a reputation for being a tenacious litigator who will try any case that does not settle on favorable terms. His experience and reputation for trying cases has enabled him to negotiate some of the largest securities fraud settlements in history. For example, Mr. Bernstein was the Chair of the Plaintiffs' Executive Committee in *In re Initial Public Offering Securities Litigation*, No. 21 MC 92 (S.D.N.Y.), a coordinated litigation of over 300 securities class actions, in which a \$586 million settlement was obtained. Mr. Bernstein was also instrumental in negotiating a \$400 million settlement in *In re Marsh & McLennan Cos., Inc. Securities Litigation*, No. 04-CV-8144 (CM) (S.D.N.Y.). In *In re Royal Dutch/Shell Transport Securities Litigation*, No. 04-374 (JAP) (D.N.J.), he negotiated a \$166.6 million settlement of the U.S. action, in addition to a \$350 million European settlement the firm was substantially responsible for obtaining. In *In re Bankers Trust Securities Litigation*, he recovered \$58 million for investors, representing 100% of their losses.

Mr. Bernstein also led an individual action on behalf of the New Mexico Public Employees Retirement Association ("PERA") against Wells Fargo Bank and affiliates arising from defendants' mismanagement of PERA's securities lending program. On the eve of trial, Mr. Bernstein negotiated a \$50 million recovery for PERA, representing over 65% of PERA's damages.

Mr. Bernstein has also been lead counsel in many of the leading securities cases enforcing and expanding the rights of shareholders, including in *In re Sears, Roebuck Derivative Litigation* and *In re Archer Daniels Midlands Corp. Derivative Litigation* (pioneering cases which improved corporate governance at both companies). He was also trial counsel for stockholders

in a trial in the Delaware Chancery Court that invalidated an anti-takeover device in *Shapiro v. Quickturn Design Systems, Inc.*

Most recently, Mr. Bernstein obtained a \$16 million cash settlement of a derivative action alleging that certain current and former directors of DeVry Education Group (currently known as Adtalem Global Education, Inc.) breached their fiduciary duties by allowing and approving a misleading advertising campaign.

Mr. Bernstein also represents corporations and businesses when they are plaintiffs in litigation against other businesses and in litigation alleging professional malpractice against attorneys and accountants. For example, Mr. Bernstein recovered millions of dollars in a global settlement on behalf of the Trustee of the Actrade Liquidation Trust (overseeing the liquidation of assets previously held by Actrade Technologies, Ltd., a public company that formerly traded on NASDAQ), in connection with an accounting malpractice action against Actrade's accountant for failing to conduct proper audits, and an action against Actrade's former chairman for misappropriation of funds. He has also recovered millions of dollars for corporate plaintiffs in professional malpractice and other corporate litigations.

Mr. Bernstein represented the creditors' committee in the Altegrity, Inc. and USIS Investigations, Inc. ("USIS") bankruptcy proceedings in connection with claims against a USIS director and its former officers arising from their alleged failures to adequately protect the confidential information of tens of thousands of government employees from a cyberattack in 2013. A confidential multi-million dollar global settlement resolved both actions.

Mr. Bernstein also chairs the firm's antitrust practice and is co-lead counsel and co-trial counsel in the *In re Processed Eggs Antitrust Litigation*, a case alleging a near industry-wide, price-fixing conspiracy among egg producers to raise the price of shell eggs in violation of the Sherman Antitrust Act (\$130 million in settlements recovered to date).

SANDY A. LIEBHARD
SENIOR PARTNER

Sandy A. Liebhard is a 1988 graduate of Brooklyn Law School and since that time has practiced all aspects of securities law. Mr. Liebhard has been repeatedly recognized as a “local litigation star” for his securities work in the 2012-2015 editions of BENCHMARK PLAINTIFF: THE DEFINITIVE GUIDE TO AMERICA’S LEADING PLAINTIFF FIRMS & ATTORNEYS and was recommended in the 2014 edition of THE LEGAL 500 for his work in securities litigation.

For more than twenty years, Mr. Liebhard has been successfully representing plaintiffs in complex litigations. Mr. Liebhard served on the Plaintiffs’ Executive Committee in *In re Initial Public Offering Securities Litigation* (\$586 million recovery) and was involved in the *In re Fannie Mae Securities Litigation*, where a \$153 million settlement received final approval.

Mr. Liebhard has been lead or co-lead counsel in such major securities cases as: *In re AXA Financial Shareholders Litigation* (\$500 million in increased merger consideration); *In re Lin Broadcasting Corp. Shareholders Litigation* (recovering \$64 million in increased merger consideration); *In re Tenneco Securities Litigation* (\$50 million recovery); *In re Bausch & Lomb, Inc. Securities Litigation* (achieving \$42 million recovery for defrauded shareholders); and *In re BellSouth Corp. Securities Litigation* (\$35 million recovery).

Mr. Liebhard is also active in the Firm’s complex litigation practice. Mr. Liebhard, serving as co-lead counsel in *Roberts v. Tishman Speyer Properties, L.P.*, secured a \$146.85 million settlement (\$68.75 million cash) on behalf of the tenants of the Stuyvesant Town and Peter Cooper Village rental apartment

Education

- Brooklyn Law School, J.D., 1988
- Brooklyn College, B.S., 1985

Admissions

New York

U.S. District Courts

- Southern District of New York
- Eastern District of New York

complexes in Manhattan for rent overcharges stemming from the landlord having illegally charged market-rate rents for apartments that should have been rent stabilized under New York City's Rent Stabilization Law.

Mr. Liebhard is admitted to the Bar of the State of New York, and the United States District Courts for the Southern and Eastern Districts of New York.

MICHAEL S. BIGIN

PARTNER

Michael S. Bigin has represented plaintiffs in securities fraud litigation, *qui tam* whistleblower litigation, and other complex litigation for over 20 years and has been recognized for his work in securities litigation. He was selected to Super Lawyers Magazine's New York Metro Rising Stars list in 2014 and has been named a Super Lawyer by *Super Lawyers Magazine* in 2017-2019. Mr. Bigin has also been recommended by *The Legal 500* in 2013, 2016, and 2019.

Mr. Bigin has worked on numerous securities fraud class actions and has achieved substantial recoveries for investors, including: *In re Marsh & McLennan Cos., Inc. Securities Litigation*, No. 04-CV-8144 (CM) (S.D.N.Y.) (\$400 million recovery); *In re Royal Dutch/Shell Transport Securities Litigation*, No. 04-374 (JAP) (D.N.J.) (\$166.6 million recovery); *In re IKON Office Solutions, Inc. Securities Litigation*, No. 98-CV-4606 (E.D. Pa.) (\$111 million recovery); *In re Computer Associates Securities Litigation*, No. 02-CV-1226 (E.D.N.Y.) (settlement of 5.7 million shares, valued at \$134 million); *In re Cigna Corp. Securities Litigation*, No. 02-CV-8088 (MMB) (E.D. Pa.) (\$93 million recovery); *City of Austin Police Retirement System v. Kinross Gold Corp.*, No. 12-CV-01203-VEC (S.D.N.Y.) (\$33 million recovery); *In re Gilat Satellite Networks, Ltd. Securities Litigation*, No. 02-CV-1510 (E.D.N.Y.) (\$20 million); *In re Terayon Communication Systems, Inc. Securities Litigation*, No. C-00-1967 (N.D. Cal.) (\$15 million); and *Szymborski v. Ormat Technologies, Inc.*, No. 10-CV-00132-ECR (D. Nev.) (\$3.1 million settlement representing more than four times the average recovery for similar actions according to a study by experts at Cornerstone Research). Mr. Bigin also

Education

- St. John's University School of Law, J.D., 1999
- State University of New York at Oswego, B.A., B.S., 1995

Admissions

New York

Connecticut

U.S. Court of Appeals

- Second Circuit
- Ninth Circuit
- Eleventh Circuit

U.S. District Courts

- Southern District of New York
- Eastern District of New York
- Eastern District of Wisconsin

recovered funds for investors in *Peters v. JinkoSolar Holding Co. Inc.*, No. 11-CV-07133-JPO (S.D.N.Y.) (\$5.05 million settlement). Prior to this settlement, Mr. Bigin successfully argued the JinkoSolar case before the Second Circuit Court of Appeals, which granted a rare reversal of the District Court's decision and clarified the materiality standard under the Securities Act of 1933.

Most recently, Mr. Bigin represented the Oklahoma Police Pension and Retirement System in *Avila v. LifeLock Inc.*, 15-cv-01398-SRB (D. Ariz.), a securities fraud action alleging that executives made material misrepresentations to investors concerning LifeLock's identity protection business and the status of a Federal Trade Commission investigation (\$20 million settlement). Currently, Mr. Bigin represents the City of Atlanta Firefighters' Pension Fund in *Speaks v. Taro Pharmaceutical Industries, LTD*, 16-cv-08318-ALC (S.D.N.Y.), where investors allege that defendants inflated Taro's stock price by representing that Taro's growth occurred in a highly competitive environment, while Taro secretly colluded with its competition to fix generic drug prices. Mr. Bigin is also representing the Houston Municipal Employees Pension System in *Bitar v. REV Group, Inc.*, Case No. 2:18-CV-1268-LA (E.D. Wisc.), where investors allege, *inter alia*, that defendants knowingly issued unachievable financial guidance.

In addition to class actions, Mr. Bigin represents individual clients in commercial disputes, commercial insurance matters, *qui tam* actions, employment claims, and consumer protection matters. For example, Mr. Bigin won summary judgment on behalf of his client concerning a \$1.9 million fee dispute after completing discovery, which involved obtaining testimony from multiple, senior partners of law firms. Additionally, Mr. Bigin has advised and represented individual whistleblowers alleging violations of the False Claims Act, violations of the Social Security Act, Medicare and Medicaid fraud, insider trading, and tax fraud.

Mr. Bigin is admitted to practice in the States of New York and Connecticut, the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Wisconsin, and the United States Court of Appeals for the Second, Ninth, and Eleventh Circuits.

STEPHANIE M. BEIGE

PARTNER

Stephanie M. Beige has devoted her entire career to representing institutional and individual investors in shareholder class actions, derivative litigation, antitrust litigation, and individual litigation. She has been named a Super Lawyer by *Super Lawyers Magazine* for her work in securities litigation and has been selected to the New York Metro "Super Lawyers Top Women List" in 2016-2019. Ms. Beige has also been recommended by *The Legal 500* (2013, 2015-2016, and 2019).

Ms. Beige has been involved in the successful prosecution of numerous class actions on behalf of aggrieved investors. Notably, she was a member of the team representing the State of New Jersey, Department of Treasury, Division of Investment, as co-lead plaintiff in *In re Marsh & McLennan Cos., Inc. Securities Litigation* (S.D.N.Y.) where a \$400 million recovery was obtained for investors. The litigation was brought against the world's largest insurance broker, Marsh & McLennan Cos., Inc., in connection with the company's improper practice of steering its clients to insurance companies that agreed to pay it billions of dollars in contingent commissions. The \$400 million settlement was reached after five years of hard-fought litigation which included over 100 depositions and over 36 million pages of document discovery.

Ms. Beige also represented the Mississippi Public Employees' Retirement System in *In re Cigna Corp. Securities Litigation* (E.D. Pa.), a securities class action which settled on the eve of trial for \$93 million dollars. Other successes include: *In re TASER International Securities Litigation* (D. Ariz.) (\$20 million recovery); *Rush v. Footstar, Inc.* (S.D.N.Y.) (\$19.3 million recovery); and *In re SeeBeyond Technologies Securities Litigation* (C.D. Cal.) (\$13.1 million recovery).

Education

- Touro College Jacob D. Fuchsberg Law Center, J.D., *summa cum laude*, 2000
- Dowling College, B.S., *magna cum laude*, 1996

Admissions

New York

U.S. Court of Appeals

- Second Circuit

U.S. District Courts

- Southern District of New York
- District of Colorado
- Eastern District of Wisconsin

Ms. Beige also litigated an individual action on behalf of the New Mexico Public Employees Retirement Association (“PERA”) against Wells Fargo Bank and affiliates arising from defendants’ mismanagement of PERA’s securities lending program. Ms. Beige was instrumental in the negotiation of a \$50 million recovery for PERA – obtained on the eve of trial – representing over 65% of PERA’s damages. Ms. Beige litigated a similar action against Wells Fargo Bank on behalf of the New Mexico Educational Retirement Board (“ERB”). After two years of litigation, a \$5 million settlement was obtained for ERB, representing over 50% of its damages.

Ms. Beige is currently working on several securities fraud class actions against numerous issuers for allegedly misleading investors, including *In re Tremont Securities Law, State Law and Insurance Litigation*, (S.D.N.Y.) (\$100 million settlement), in which the firm represents investors who lost millions of dollars in hedge funds that invested with Bernard L. Madoff. She also represents the Houston Municipal Employees Pension System in *Bitar v. REV Group, Inc.*, where investors allege, inter alia, that defendants knowingly issued unachievable financial guidance. In addition, Ms. Beige represented the Oklahoma Police Pension and Retirement System in *Avila v. LifeLock Inc.*, where investors alleged that executives made material misrepresentations to investors concerning LifeLock’s identity protection business and the status of a Federal Trade Commission investigation (\$20 million settlement).

Ms. Beige is also active in the firm’s complex litigation practice where she represented the creditors’ committee in the Altegrity, Inc. and USIS Investigations, Inc. (“USIS”) bankruptcy proceedings in connection with claims against a USIS director and its former officers arising from their alleged failures to adequately protect the confidential information of tens of thousands of government employees from a cyberattack in 2013. A confidential multi-million dollar global settlement resolved both actions.

Ms. Beige received her bachelor's degree in 1996 from Dowling College, graduating *magna cum laude*, and received her J.D. in 2000 from Touro College Jacob D. Fuchsberg Law Center, graduating *summa cum laude*, where she was a member of the *Touro Law Review*.

Ms. Beige is admitted to the Bar of the State of New York and admitted to practice before the United States Court of Appeals for the Second Circuit and the United States District Courts for the Southern District of New York, the District of Colorado, and the Eastern District of Wisconsin.

DANIEL C. BURKE

PARTNER

Daniel C. Burke was recognized as a leader in the areas of class actions and mass torts by *Super Lawyers* from 2013-2017. In addition, he was named as one of the National Trial Lawyers Top 100 for 2014, and one of the Nation's Top One Percent by the *National Association of Distinguished Counsel* in 2015.

Mr. Burke's practice is focused on mass tort pharmaceutical, medical device and consumer products litigation. He has actively litigated high-profile cases on behalf of thousands of injured plaintiffs in cases involving prescription drugs including Yaz/Yasmin, medical devices such as the Biomet M2a Magnum hip prosthesis and Zimmer Nexgen knee prosthesis, as well as over-the-counter consumer products including Fixodent and Poligrip denture adhesives and ReNu with MoistureLoc contact lens solution. He has supervised the day-to-day management of complex, multi-party mass tort litigation in state and federal courts and multidistrict litigation throughout the United States.

His extensive experience has been recognized by his peers and the courts, and is reflected by Mr. Burke receiving multiple appointments to leadership positions in mass tort litigations over the past ten years including: Plaintiffs' Steering Committee in *In re: Biomet M2a Magnum Hip Implant Products Liability Litigation* (MDL 2391), Liaison Counsel in the *New York Coordinated Plavix-Related Proceedings* (Index No. 560001/12), Plaintiffs' Steering Committee in *In re: Zimmer Nexgen Knee Implant Products Liability Litigation* (MDL 2272), Discovery and Law & Briefing Sub-Committees for *In re: Denture Cream Products Liability Litigation* (MDL

Education

- St. John's University School of Law, J.D., 1993
- State University of New York at Albany, B.A., 1990

Admissions

New York

U.S. District Courts

- Southern District of New York
- Eastern District of New York
- Northern District of New York

2051); and the Science and Discovery Sub-Committees for *In re: Yasmin & Yaz (Drospirenone) Marketing, Sales Practices & Products Liability Litigation* (MDL 2100).

Most recently, in September 2018, Mr. Burke was appointed by the U.S District Judge Karen K. Caldwell, Eastern District of Kentucky, to serve on the Plaintiffs' Executive Committee in *In re: Onglyza (Saxagliptin) and Kombiglyze (Saxagliptin and Metformin) Products Liability Litigation* (MDL 2809).

Currently, Mr. Burke represents plaintiffs in a wide array of drug litigations including those involving Gadolinium-Based Contrast Agents, HIV antiviral medications (TDF), PPIs, Zofran, Fluoroquinolone Antibiotics, Testosterone Replacement Therapy, Incretins, SGLT-2 Inhibitors, Abilify, Actemra, Mirena IUD, Fosamax, Xarelto, Taxotere and Risperdal. Additionally, he is litigating matters involving medical devices including Forced Air Warming Blankets, IVC Filters, Defective Hip, Knee, Shoulder & Elbow Implants, Transvaginal and Hernia Mesh and Power Morcellators. He is also investigating consumer product claims related to various cancers caused by Cell Phone Radiation and the use of Talc.

Mr. Burke earned his bachelor's degree in 1990 from the State University of New York at Albany (B.A., English/History), and earned his J.D. in 1993 from St. John's University School of Law, where he was a member of *St. John's Journal of Legal Commentary*.

Mr. Burke is admitted to the Bar of the State of New York. He is also admitted to practice before the United States District Courts for the Southern, Eastern and Northern Districts of New York, and he is frequently admitted *pro hac vice* to represent clients in various state and federal courts throughout the United States.

LAURENCE J. HASSON

PARTNER

Laurence J. Hasson received his bachelor's degree in 2003 from Brandeis University (B.A., History and American Studies), graduating magna cum laude and with Phi Beta Kappa and Phi Alpha Theta honors, and received his J.D. in 2006 from the Benjamin N. Cardozo School of Law, where he was a Heyman Scholar, a board member of the award-winning Moot Court Honors Society, and competitively selected to participate in the Bet Tzedek Legal Services Clinic.

Mr. Hasson concentrates his practice on securities, commercial, and complex class action litigation, and he is also a member of the firm's *qui tam*/whistleblower practice group.

Mr. Hasson has been selected by *Super Lawyers Magazine* to the

New York Metro Rising Stars list for 2015-2019. He was also recommended by *The Legal 500* in 2013 and 2019.

Before joining Bernstein Liebhart LLP, Mr. Hasson was an associate at Bernstein Litowitz Berger & Grossmann LLP, where he worked as a member of the firm's New Matter team responsible for, among other things, advising institutional investors worldwide on securities litigation and litigation strategy.

Since joining the firm in 2012, Mr. Hasson has worked on numerous securities fraud class actions that have resulted in substantial recoveries for investors, including: *City of Austin Police Retirement System v. Kinross Gold Corporation*, No. 12-CV-01203-VEC (S.D.N.Y.) (\$33 million recovery), *In re Tower Group International, Ltd. Securities Litigation*, 13-CV-5852-AT (S.D.N.Y.) (settlement of \$20.5 million); *Peters v. Jinkosolar Holding Co., Ltd.*, No. 11-CV-

Education

- Benjamin N. Cardozo School of Law, J.D., 2006
- Brandeis University, B.A., *magna cum laude*, 2003

Admissions

New York

U.S. Court of Appeals

- Second Circuit

U.S. District Courts

- Southern District of New York
- Eastern District of New York

07133-JPO (S.D.N.Y.) (\$5.05 million recovery); and *In re KIT Digital, Inc. Securities Litigation*, No. 12-CV-4199 (S.D.N.Y.) (\$6 million recovery).

Mr. Hasson has also represented shareholders in derivative claims, most recently recovering \$16 million for shareholders in a derivative action alleging that certain current and former directors of DeVry Education Group (currently known as Adtalem Global Education, Inc.) breached their fiduciary duties by allowing and approving a misleading advertising campaign.

Mr. Hasson also represented the creditors' committee in the Altegrity, Inc. and USIS Investigations, Inc. ("USIS") bankruptcy proceedings in connection with claims against a USIS director and its former officers arising from their alleged failures to adequately protect the confidential information of tens of thousands of government employees from a cyberattack in 2013. A confidential multi-million dollar global settlement resolved both actions.

Mr. Hasson is currently representing lead plaintiffs in several securities fraud class actions, including *The Turner Insurance Agency Inc. et al. v. Farmland Partners Inc.*, No. 18-CV-02104-DME-NYW and *Caryl Hull Leavitt v. Alnylam Pharmaceuticals, Inc. et al.*, 18-CV-12433-NMG.

Mr. Hasson was competitively selected to join the Federal Bar Council's Inn of Court, through which he, along with a small team led by a federal judge, develops and presents programming for continuing legal education. Mr. Hasson has presented in several such programs, including:

- "First Amendment and National Security," which was held on January 8, 2013 at the Theodore Roosevelt United States Courthouse in Brooklyn, New York;
- "Who Owns the Past? Cultural Property Repatriation and Where We Are Today," which was held on December 9, 2014 at the Museum of Jewish Heritage in New York, New York;
- "United States v. New York Times: A Reenactment of The Pentagon Papers Case," which was held on January 15, 2015 at the Thurgood Marshall U.S. Courthouse in New York, New York. This presentation was part of the 225th

Anniversary Celebration of the U.S. District Court for the Southern District of New York;

- “Sex, Lies, Still Photos & Videotape. Many Wrongs? Any Rights?,” which was held on April 12, 2016 at the Daniel Patrick Moynihan United States Courthouse in New York, New York; and
- “The Current Wars”, which was held on November 15, 2016 at the Theodore Roosevelt United States Courthouse in Brooklyn, New York.
- “A Jury of Her Peers: A True Crime and the Journalist Who Immortalized It”, which was held on April 10, 2019 at the Theodore Roosevelt United States Courthouse in Brooklyn, New York.

Mr. Hasson is admitted to the Bar of the State of New York and to practice before the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York.

REUBEN S. KERBEN
OF COUNSEL

Reuben S. Kerben received his bachelor's degree in 2004 from the Sy Syms School of Business at Yeshiva University (B.S., Business Management), and earned his J.D. in 2009 from the Maurice A. Deane School of Law at Hofstra University. During college Mr. Kerben received several awards following his participation in business competitions, including the Syracuse University Panasci Business Plan Competition, the Yeshiva University Dr. William Schwartz Student Business Plan Competition and the Palo Alto Software Business Plan Competition.

Prior to law school, Mr. Kerben was the founder and chief executive officer of Spiral Universe Inc., a cloud based educational software company which was later acquired by Software Technology, Inc.

Mr. Kerben is active in the Firm's mass tort practice, focusing in the areas of pharmaceutical liability and defective medical devices. Currently, he is involved with cases associated with prescription drugs, such as Risperdal and Zofran, and defective medical devices, such as Transvaginal Mesh and Mirena IUD.

Mr. Kerben has argued appeals before the United States Court of Appeals for the Second Circuit, and has represented defendants in felony trials in New York City. Mr. Kerben is committed to pro bono practice; having represented many immigrant children facing deportation before the Immigration Courts in New York, New York.

Mr. Kerben is admitted to the Bar of the State of New York and to practice before the United States Court of Appeals for the Second Circuit, and the United States District Courts for the Southern and Eastern Districts of New York.

Education

- Maurice A. Dean School of Law at Hofstra University, J.D., 2009
- Sy Syms School of Business at Yeshiva University, B.S., 2004

Admissions

New York

U.S. District Courts

- Southern District of New York
- Eastern District of New York

JOSEPH R. SEIDMAN, JR.

SENIOR COUNSEL

Joseph R. Seidman, Jr. has litigated complex class actions for over 20 years. Mr. Seidman has worked on numerous securities fraud cases from inception through settlement, including: *City of Austin Police Retirement System v. Kinross Gold Corp.*, No. 12-CV-01203-VEC (S.D.N.Y.) (\$33 million recovery); *In re Beazer Homes U.S.A., Inc. Securities Litigation*, No. 07-CV-725-CC (N.D. Ga.) (\$30.5 million recovery); *In re Tower Group International, Ltd. Securities Litigation*, 13-CV-5852 (S.D.N.Y.) (partial settlement of \$20.5 million); *In re Taser International Securities Litigation*, No. C05-0115 (D. Ariz.) (\$20 million recovery); *In re Willbros Group, Inc. Securities Litigation*, No. 06-CV-1778 (S.D. Tex.) (\$10.5 million recovery); *In re KIT Digital, Inc. Securities Litigation*, No. 12-CV-4199 (S.D.N.Y.) (\$6 million recovery); *Peters v. JinkoSolar Holding Ltd.*, 11-CV-7133 (S.D.N.Y.) (\$5.05 million recovery); and *In re Biolase, Inc. Securities Litigation*, No. 13-1300-JLS (FFMx) (C.D. Cal.) (\$1.75 million recovery).

Mr. Seidman was part of the team that successfully litigated an appeal before the Second Circuit Court of Appeals, which reversed a dismissal of the *JinkoSolar* case and affirmed the materiality standard for securities actions.

Mr. Seidman also worked on *In re Freeport-McMoRan Copper & Gold, Inc. Derivative Litigation*, C.A. No. 8110-VCN (Del. Ch.), which resulted in a \$153.5 million recovery that represented the second largest derivative settlement in Delaware. Most recently, Mr. Seidman represented shareholders in derivative claims, most recently recovering \$16 million for shareholders in a derivative action alleging that certain current and former directors of DeVry

Education

- St. John's University School of Law, J.D., 1997
- Queens College of the City University of New York, B.S., 1994

Admissions

New York

U.S. Court of Appeals

- Sixth Circuit

U.S. District Courts

- Southern District of New York
- Eastern District of New York

Education Group (currently known as Adtalem Global Education, Inc.) breached their fiduciary duties by allowing and approving a misleading advertising campaign.

Currently, Mr. Seidman represents a number of public pension funds in various class actions. For example, Mr. Seidman represents the City of Atlanta Firefighters' Pension Fund in *Speaks v. Taro Pharmaceutical Industries, LTD*, 16-cv-08318-ALC (S.D.N.Y.), where investors allege that defendants inflated Taro's stock price by representing that Taro's growth occurred in a highly competitive environment, while Taro secretly colluded with its competition to fix generic drug prices. Mr. Seidman also represents the Houston Municipal Employees Pension System in *Bitar v. REV Group, Inc.*, Case No. 2:18-cv-1268-LA (E.D. Wisc.), where investors allege, *inter alia*, that defendants knowingly issued unachievable financial guidance. In addition, Mr. Seidman represented the Oklahoma Police Pension and Retirement System in *Avila v. LifeLock Inc.*, 15-cv-01398-SRB (D. Ariz.), where investors alleged that executives made material misrepresentations to investors concerning LifeLock's identity protection business and the status of a Federal Trade Commission investigation (\$20 million).

Mr. Seidman also represents a class of direct purchaser plaintiffs in an antitrust action, *In re Packaged Seafood Products Antitrust Litigation*, Case No. 15-MD-2670 JLS (MDD) (S.D. Cal.). The plaintiffs in *Packaged Seafood* allege, *inter alia*, that several seafood companies illegally conspired to raise prices on various tuna products.

Mr. Seidman received his bachelor's degree in 1994 from Queens College of the City University of New York and received his J.D. in 1997 from St. John's University School of Law.

Mr. Seidman is admitted to the Bar of the State of New York. He is also admitted to practice before the United States Court of Appeals for the Sixth Circuit, and the United States District Courts for the Southern and Eastern Districts of New York.

PETER J. HARRINGTON

ASSOCIATE

Peter J. Harrington received his bachelor's degree in 2006 from Fordham University (B.A., Political Science), graduating *cum laude*. He received his J.D. in 2010 from the St. John's University School of Law, where he served as executive notes and comments editor of the *Journal of Civil Rights and Economic Development*. Mr. Harrington authored the article "Untying the Knot: Extending Intestacy Benefits to Non-Traditional Families by Severing the Link to Marriage," 23 *J. Civ. Rts. & Econ. Dev.* 323 (2011). While in law school, Mr. Harrington was a legal intern in the Mayor of New York City, Michael R. Bloomberg's office and worked for the St. John's University School of Law Securities Arbitration Clinic, representing individual investors on a *pro bono* basis in securities arbitration claims involving misrepresentation, unsuitability, and unauthorized trading.

Mr. Harrington concentrates his practice on commercial and securities litigation. In 2015-2019, Mr. Harrington was selected to the New York Metro Rising Stars list by *Super Lawyers Magazine*.

Mr. Harrington has worked on several securities fraud class actions including *City of Austin Police Retirement System v. Kinross Gold Corporation*, No. 12-CV-01203-VEC (S.D.N.Y.), in which the firm recovered \$33 million for investors.

He also litigated an individual action brought by the Public Employees Retirement Association of New Mexico against Wells Fargo Bank and affiliates arising from defendants' mismanagement of the pension fund's securities lending program that was settled for \$50 million — representing over 60% of the plaintiff's alleged damages. Mr. Harrington was also

Education

- St. John's University School of Law, J.D., 2010
- Fordham University, B.A., 2006

Admissions

New York

U.S. District Courts

- Southern District of New York
- Eastern District of New York

involved in a similar action on behalf of the New Mexico Educational Retirement board that resulted in a \$5 million settlement, representing 54% of the plaintiff's alleged damages.

Mr. Harrington also represented a screenwriter in an intellectual property claim against 20th Century Fox Television and others in *Lewis v. 20th Century Fox Television, Inc. et al.*, alleging that the defendants used the writer's teleplay without his permission and without compensation as a basis for the Fox TV program "The Mick."

Mr. Harrington also represents a number of public pension funds in various class actions. Most recently, Mr. Harrington represented the Oklahoma Police Pension and Retirement System in *Avila v. LifeLock Inc.*, 15-cv-01398-SRB (D. Ariz.), a securities fraud action alleging that executives made material misrepresentations to investors concerning LifeLock's identity protection business and the status of a Federal Trade Commission investigation (\$20 million settlement). Mr. Harrington currently represents the Oklahoma Firefighters Pension and Retirement System in *Employees' Retirement System of the Puerto Rico Electric Power Authority v. Conduent, Inc.*, 19-cv-08237-SDW (D.N.J.) a securities fraud class action alleging that executives made material misstatements regarding the sufficiency of Conduent's IT infrastructure and its effect on the company's ability to generate revenue.

Mr. Harrington is admitted to the Bar of the State of New York. He is also admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York.

LISA SRIKEN

ASSOCIATE

Lisa Sriken received her bachelor's degree in 2001 from Binghamton University (B.A., Political Science) and earned her J.D. (Concentration in International Law) from Hofstra University School of Law in 2004.

Ms. Sriken began her legal career as a discovery attorney working on securities, intellectual property, antitrust, and regulatory compliance matters for prominent defense firms on behalf of international corporate clients. She later transitioned to representing aggrieved investors in complex securities class action litigation, specializing in cases involving allegations of fraud, bribery and corruption against foreign companies. In a previous position, Ms. Sriken was an instrumental part of the team that successfully attained a record \$3 billion settlement on behalf of the plaintiff class in *In re Petrobras Securities Litigation*, No. 14-cv-9662 (S.D.N.Y.).

Ms. Sriken focuses her practice on representing plaintiffs in securities and antitrust class action litigation. Among other cases, she currently represents lead plaintiffs in *The Turner Insurance Agency Inc. et al. v. Farmland Partners Inc.*, No. 18-CV-02104 (D. Colo.) and a class plaintiff in *In re Broiler Chicken Antitrust Litigation*, No. 16-cv-08637 (N.D. Ill.).

Ms. Sriken is a longtime volunteer and a pro bono advocate on behalf of immigrants and underprivileged youth. She is proficient in French and Portuguese.

Ms. Sriken is admitted to the Bar of the State of New York and to practice before the United States District Court for the Southern District of New York.

Education

- Hofstra University School of Law, J.D., 2004
- Binghamton University, B.A., 2001

Admissions

New York

U.S. District Courts

- Southern District of New York

MORRIS DWECK

ASSOCIATE

Morris Dweck received his J.D. in 2014 from the Benjamin N. Cardozo School of Law. He was awarded a Cardozo Scholarship Award throughout his three years in law school. His note concerning the rare side effects of drugs and diseases was published by the CARDOZO LAW JOURNAL OF PUBLIC LAW, POLICY AND ETHICS. Mr. Dweck was named a Rising Star by *Super Lawyers* in 2016-2019.

From the beginning of his legal career Mr. Dweck has worked in the field of Mass Torts, specifically in the areas of medical device and pharmaceutical product liability litigation. He has vigorously represented clients in various mass tort litigation including: Benicar (litigation discovery team), IVC Filter, DePuy ASR hip, Stryker Rejuvenate, ABGII and LFIT V40 hip implants, and Transvaginal Mesh litigation against Bard, J&J, and Boston Scientific. Mr. Dweck is currently handling the diverse and growing Hernia mesh litigation with various products and defendants, as well as the complex Proton Pump Inhibitor litigation.

Mr. Dweck is admitted to the Bars of the State of New York and New Jersey. As an active member of the New York City Bar Association, he is currently serving as a committee member on the Products Liability Committee. He is also a member of the New York State Trial Lawyers Association and the American Association for Justice. Mr. Dweck has served as a mentor for a number of students in law school. He currently serves as the Director of Ritual Programming at Congregation Magen David of Manhattan in the West Village, where he teaches classes on Jewish law and ethics.

Education

- Benjamin N. Cardozo School of Law, J.D., 2014
- Macaulay Honors College at Brooklyn College, B.A., 2010

Admissions

New York

New Jersey

GEORGIANNA BOSS

ASSOCIATE

Georgianna Boss received her bachelor's degree in 2009 from the University of Michigan (B.A. Political Science), graduating *cum laude*. She received her J.D. in 2012 from the University of Detroit Mercy School of Law. While in law school, she developed a passion for litigation. She sought an internship with the Detroit Misdemeanor Public Defender where her vigorous representation of indigent clients won her the coveted Richard Krisciunas 3L Litigator Award in 2012.

After law school, Ms. Boss worked at the Broward County Public Defender's office in Fort Lauderdale, Florida, where she first chaired over 30 trials. The Broward Association of Criminal Defense Attorneys recognized her litigation skills by awarding her the Top Litigator award in 2013 and 2014.

Prior to joining the firm, Ms. Boss litigated medical malpractice cases in New York City. Ms. Boss litigated multiple issues of first impression involving New York's Public Health Law 2801-d in various courts throughout the State of New York on behalf of her clients.

Education

- University of Detroit Mercy School of Law, J.D., 2012
- University of Michigan, B.A., 2009

Admissions

New York

Florida

MATTHEW GUARNERO

ASSOCIATE

Matthew Guarnero is an associate in the firm's New York office and focuses his practice on securities and antitrust litigation on behalf of individual and institutional investors. Mr. Guarnero previously practiced at two national litigation firms where he gained experience prosecuting antitrust, commodities manipulation, and securities fraud claims on behalf of both institutional and individual investors.

Mr. Guarnero earned his Juris Doctor from the State University of New York at Buffalo Law School in 2015, and his Bachelor of Arts in Political Science from the State University of New York at Geneseo in 2012. While in law school, Mr. Guarnero was part of a select group of students to participate in SUNY Buffalo Law School's On Finance and the Law Program. Mr. Guarnero was also a member of the Moot Court Board.

Mr. Guarnero currently represents lead plaintiff in the securities fraud class action entitled *Caryl Hull Leavitt v. Alnylam Pharmaceuticals, Inc. et al.*, 18-cv-12433-NMG.

Mr. Guarnero is admitted to practice law in New York and New Jersey state courts, and the United States District Court for the Southern District of New York. Mr. Guarnero currently serves on the New York City Bar Association's Securities Litigation Committee and also serves on Board of Directors of the Columbian (Italian-American) Lawyers Association of the First Judicial Department. Mr. Guarnero is also a Junior Member of the Columbus Citizens Foundation where he serves on the House Committee.

Education

- State University of New York at Buffalo Law School, J.D., 2015
- State University of New York at Geneseo B.A., 2012

Admissions

New York

New Jersey

U.S. District Courts

- Southern District of New York

NO LONGER WITH THE FIRM – BIOGRAPHY AS OF MAY 3, 2019

BLAKE YAGMAN
ASSOCIATE

Blake Yagman received his bachelor's degree in 2014 from the University of Miami and received his J.D. in 2017 from Yeshiva University's Benjamin N. Cardozo School of Law.

Mr. Yagman joined Bernstein Liebhard shortly after graduating law school in August 2017 and concentrated his practice on antitrust, consumer protection, securities, and complex class action litigation.

Upon joining Bernstein Liebhard, Mr. Yagman worked on the *In re Processed Egg Products Antitrust Litigation*, 08-MDL-02002 (E. Pa.), *In re Packaged Seafood Products Antitrust Litigation*, 15-MD-2670 JLS (MDD)(S. Cal.), and *In re Apple Inc. Device Performance Litigation*, 5:18-md-02827-EJD (N.D. Cal.).

Mr. Yagman is admitted to the Bar of the State of New York.

Education

- Yeshiva University of Benjamin N. Cardozo School of Law, J.D., 2017
- University of Miami, B.A., 2014

Admissions

New York

EXHIBIT 8

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF TIMOTHY G. BLOOD
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, TIMOTHY G. BLOOD, declare as follows:

2 1. I am the managing partner of the law firm of BLOOD HURST O'REARDON LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, I was appointed to chair the
6 Discovery: Device Development Committee, responsible for coordinating all discovery efforts
7 related to the development of the devices at issue, including the relevant technology together with
8 the Offensive Discovery and ESI Coordination Committee. In that capacity, whenever authorized
9 by Interim Class Counsel, I fulfilled these obligations, including working with plaintiffs' retained
10 technical and engineering experts (and in particular, the experts on lithium ion batteries) and
11 drafted detailed discovery relating to issues concerning the iPhones at issue and their batteries. I
12 also coordinated and gathered information from other committees and experts and synthesized that
13 information to ensure the discovery was comprehensive, tailored, specific and relevant.

14 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
15 with years in practice, most recent hourly rates reported to the Court during the pendency of this
16 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
17 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
18 and trial experience of each professional can be found, to the extent available, in the firm resume
19 attached hereto as Exhibit C.

20 4. The detailed descriptions of the time spent by the attorneys and other professionals
21 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
22 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
23 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
24 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
25 time records are available for the Court's review should the Court desire such records.

26 5. The total number of hours expended on this litigation by my firm, as approved by
27 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
28 consolidation through July 31, 2020 is 654.70 hours. The total lodestar for my firm is \$279,158.50.

EXHIBIT A

Blood Hurst & O'Reardon LLP
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Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Aleksandr J. Yarmolinets	Associate (9 years)	\$ 415.00	88.30	\$ 36,644.50
Carlo Labrado	Staff/Project Attorney (7 years)	\$ 400.00	446.60	\$ 178,640.00
Dafne M. Maytorena	Paralegal (17 years)	\$ 280.00	6.30	\$ 1,764.00
Jennifer L. MacPherson	Counsel (20 years)	\$ 435.00	64.00	\$ 27,840.00
Thomas J. O'Reardon	Partner (13 years)	\$ 560.00	23.30	\$ 13,048.00
Timothy G. Blood	Partner (29 years)	\$ 810.00	26.20	\$ 21,222.00
TOTAL			654.70	\$ 279,158.50

EXHIBIT B

EXHIBIT B

BLOOD HURST & O'REARDON, LLP

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ 35.35
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ 32.16
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,067.51

EXHIBIT C



501 West Broadway, Suite 1490 | San Diego, CA 92101

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FIRM RESUME



Blood Hurst & O'Reardon, LLP focuses in the nationwide prosecution of complex class actions. The firm represents the interests of consumers, insurance policy holders and investors in state and federal trial and appellate courts throughout the country. The principals of Blood Hurst & O'Reardon come from a large firm that represented plaintiffs in class action litigation, where they formed the core of the consumer and insurance practice group. Blood Hurst & O'Reardon's principals have been appointed lead counsel and have held other leadership positions in a wide variety of class action matters.

Timothy G. Blood

Mr. Blood is the firm's managing partner. His practice has focused on complex litigation, including class action litigation, since the early 1990's. Mr. Blood has tried class action cases and is highly regarded in the field of consumer protection law, including California's Unfair Competition Law and Consumers Legal Remedies Act.

Mr. Blood has represented millions of retail consumers, holders of life, automobile and homeowner insurance policies, data breach victims, mortgagors, credit card customers, homeowners, and victims of race discrimination. He practices in both state and federal courts throughout the country and has represented the interests of consumers formally or informally before the Federal Trade Commission, the U.S. Consumer Products Safety Administration, the California Department of Justice, the California Legislative Analyst's Office and the California Department of Insurance. He has worked with the Federal Trade Commission to obtain record setting recoveries for consumers. In *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.), Mr. Blood's work with the Federal Trade Commission resulted in the largest consumer recovery in a false advertising action in FTC history. Other large and record-setting recoveries for consumers include a \$3.4 billion settlement in 2017 for owners of certain Toyota vehicles and the largest false advertising recovery in the history of the food industry.

Since 2010, some of Mr. Blood's court-appointed leadership positions include: Court appointed lead counsel in *Warner v. Toyota Motor Sales* (C.D. Cal); Federal Rule of Civil Procedure 23(g) counsel in *In re: Johnson & Johnson Talcum Powder Prods. Mktg., Sales Practices, and Prods. Liability Litig.* (D.N.J.); Federal Rule of Civil Procedure 23(g) counsel in *Yamagata v. Reckitt Benckiser* (N.D. Cal.); Federal Rule of Civil Procedure 23(g) counsel in *Mullins v. Premier Nutrition Corp.* (N.D. Cal.); Federal Rule of Civil Procedure 23(g) Class Counsel in *Corvello v. Wells Fargo Bank, N.A.* (N.D. Cal.); Executive Committee member in *Snyder v. the Regents of the University of California*, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty., Hon. John Shepard Wiley, Jr.); Federal Rule of Civil Procedure 23(g) Class Counsel in *Rikos v. The Procter & Gamble Co.*, (S.D. Ohio); Federal Rule of Civil Procedure 23(g) Class Counsel in *Godec v. Bayer Corp.* (N.D. Ohio); Federal Rule of Civil Procedure 23(g) Class Counsel in *Johns v. Bayer Corp.* (S.D. Cal.); Federal Rule of Civil Procedure 23(g) Class Counsel in *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.); Plaintiffs' Liaison Counsel and Steering Committee member by the United States District Court for the Southern District of California in the multidistrict litigation *In re Sony Gaming Networks and Customer Data Sec. Breach Litig.*; Class Counsel by the district court for the District of Massachusetts in *In re Reebok Easytone Litig.*; Class Counsel in *Serochi v. Bosa Dev. Cal.* by the San Diego Superior Court; Co-Lead Class Counsel by the Los Angeles Superior Court in *In re Toyota*



Motor Cases, (Toyota Unintended Acceleration Consolidated Litigation); Co-Lead Class Counsel by the United States District Court for the Southern District of California in the multidistrict litigation *In re Hydroxycut Mktg. and Sales Practices Litig.*; Co-Lead Class Counsel by the United States District Court for the Central District of California in *Johnson v. Gen. Mills, Inc.*; Co-Lead Class Counsel by the United States District Court for the Northern District of Ohio in *Gemeles v. The Dannon Co.*; Co-Lead Class Counsel by the United States District Court for the Southern District of California in *Hartless v. Clorox Co.*; and Class Counsel by the United States District Court for the Southern District of Florida in *Smith v. Wm. Wrigley, Jr. Co.*

Mr. Blood has litigated many data breach privacy actions, including leading as Co-Liaison Counsel and member of the Plaintiff's Steering Committee *In re Sony Gaming Networks and Customer Data Security Breach Litigation*, MDL 2258 (S.D. Cal.), one of the largest data breach cases at the time. He represents the City of San Diego in *People for Experian Data Corp.* Case No. 37-2019-01047183 (Cal. Super. Ct., Orange Cnty) in data breach notification action on behalf of the People of the State of California against a leading consumer credit reporting and data aggregation company and represented plaintiffs in *Patton v. Experian Data Corp.*, No. SACV 15-1871 JVS (C.D. Cal.), a multi-state data breach notification action arising out of the same conduct. Mr. Blood is a member of the Plaintiff's Executive Committee in *Snyder v. the Regents of the University of California*, JCCP No. 589243 (Cal. Super. Ct., Los Angeles Cnty), among others.

Mr. Blood has also drafted legislation aimed at modernizing data breach and related privacy laws, including drafting portions of, lobbying for and testifying before both houses of the California Legislature in support of the landmark California Consumer Privacy Act of 2018. The CCPA passed unanimously through both houses of the California legislature and provides the most sweeping digital privacy protection in the United States. It is a model for other proposed state and federal laws.

Mr. Blood has acted as lead counsel in a number of "functional food" false advertising class actions, including cases against General Mills and The Dannon Company filed in federal courts around the country. The *Dannon* litigation resulted in the largest settlement in food industry history for false advertising.

He was lead trial counsel in *Lebrilla v. Farmers Ins. Grp., Inc.* (Cal. Super. Ct., Orange Cnty.) a multistate class action which settled on terms favorable to the class after a month long trial and just before closing arguments. He was also co-lead trial counsel in *In re Red Light Photo Enf't Cases* (Cal. Super. Ct. San Diego Cnty.), an action brought on behalf of California motorists.

Mr. Blood has represented millions of purchasers of food, food supplements and over-the-counter drugs arising out of various advertising claims made by manufacturers and retailers. He has also represented owners of motor vehicles in product liability cases and consumer credit and mortgage borrowers against a number of major lending institutions, including Bank of America, Washington Mutual, Countrywide, GMAC and Wells Fargo.



Mr. Blood has wide-ranging experience litigating against life, auto and other insurance carriers on behalf of consumers. His experience litigating against life insurance companies includes representing owners, holders and beneficiaries of industrial life insurance in race discrimination cases (with class periods dating back to the late 1800's). He also represented those holding traditional life insurance policies in market conduct actions such as the "vanishing premium" life insurance actions. Mr. Blood was responsible for one of only two litigated cases where classes were certified in the vanishing premium series of cases. He was one of the few plaintiffs' attorneys to obtain class-wide recoveries in the "imitation parts" automobile insurance actions. Insurance companies against whom Mr. Blood has litigated include the American General companies, Farmers Insurance Group of companies, Mercury Insurance Group, Allstate, State Farm, Great Southern Life, Metropolitan Life, United Life Insurance Company, Midland National Life Insurance Company and General American Insurance Company.

Mr. Blood has also represented consumers in traditional false advertising actions, those victimized by so-called "negative option" sales practices, and owners of a variety of different types of faulty computer equipment and software from manufacturers. Some of these retailers and manufacturers include Apple, Dell, IBM, Procter & Gamble, General Mills, The Dannon Company, Bayer, AG, Bosa Development, Kellogg Company and General Dynamics.

Mr. Blood has been involved in many precedent-setting appellate decisions in areas which include consumer and insurance law and class action procedure. These appellate decisions include: *Kuhns v. Scottrade, Inc.*, 868 F.3d 711 (8th Cir. 2017)(first 8th Circuit decision finding Article III standing in a data breach case); *Rikos v. The Procter & Gamble Co.*, 799 F.3d 497 (6th Cir. 2015) (class certification) *cert. denied*, 2016 U.S. LEXIS 2244 (U.S. Mar. 28, 2016); *Corvello v. Wells Fargo Bank, NA*, 728 F.3d 878 (9th Cir. 2013) (consumer protection and banking); *Fitzpatrick v. Gen. Mills, Inc.*, 635 F.3d 1279 (11th Cir. 2011) (class certification, consumer law and false advertising); *Westwood Apex v. Contreras*, 644 F.3d 799 (9th Cir. 2011) (CAFA jurisdiction); *Kwikset Corp. v. Super. Ct. (Benson)*, 51 Cal. 4th 310 (2011) (consumer law and false advertising); *Martinez v. Wells Fargo Home Mortg., Inc.*, 598 F.3d 549 (9th Cir. 2010) (banking and preemption); *Troyk v. Farmers Grp., Inc.*, 171 Cal. App. 4th 1305 (2009) (insurance law); *Haw. Med. Ass'n v. Haw. Med. Serv. Ass'n*, 148 P.3d 1179 (Haw. 2006) (health insurance); *McKell v. Wash. Mut. Bank, Inc.*, 142 Cal. App. 4th 1457 (2006) (banking law and consumer law); *Santiago v. GMAC Mortg. Grp., Inc.*, 417 F.3d 384 (3d Cir. 2005) (consumer and banking law); *Lebrilla v. Farmers Grp., Inc.*, 119 Cal. App. 4th 1070 (2004) (automobile insurance and class action procedure); *Moore v. Liberty Nat'l Life Ins. Co.*, 267 F.3d 1209 (11th Cir. 2001), *cert. denied*, 535 U.S. 1018 (2002) (life insurance and civil rights); *Kruse v. Wells Fargo Home Mortg., Inc.*, 383 F.3d 49 (2d Cir. 2004) (consumer and banking law); and *Lavie v. Procter & Gamble Co.*, 105 Cal. App. 4th 496 (2003) (consumer law and false advertising).

Mr. Blood has testified before the California State Assembly and State Senate Judiciary Committees, as well as the Assembly and Senate Committees on Banking, Finance & Insurance. He has worked at both the state and federal level with lawmakers and government agencies to shape legislation to protect consumer rights, including lobbying on the Class Action Fairness Act of 2005 and working to defeat a California state ballot initiative designed to weaken the class action device.



Mr. Blood is a frequent continuing legal education speaker on topics which include complex litigation, class action procedure, data breach and privacy litigation, consumer fraud, false advertising, financial fraud litigation and insurance litigation. He has been an invited speaker for American Bar Association practice groups, the Practising Law Institute, University of California at Irvine School of Law; University of San Diego School of Law, University of Arizona Sandra Day O'Connor School of Law, Loyola Law School, Chapman University School of Law; the Grocery Manufacturers Association, the American Association of Justice, Consumer Attorneys of California, ALI-ABA, the Practising Law Institute, Bridgeport Continuing Education, Law Seminars International, and the Consumer Attorneys of San Diego, for which he has chaired multi-day seminars on class action litigation.

Mr. Blood is frequently consulted by the media. He has appeared on Good Morning America, ABC World News Tonight, and major network affiliates on behalf of his clients. He has been interviewed for stories featuring consumer rights issues and his cases by *The New York Times*, *The Wall Street Journal*, *Bloomberg*, Reuters, the Associated Press, *The Los Angeles Times*, National Public Radio, the *Daily Journal*, *Adweek*, the *Los Angeles Daily News*, CNBC, Fox News, the Korean Broadcasting Service and others.

Mr. Blood is a member of the Board of Directors of the Consumer Attorneys of California and a member of its executive board from 2014 to 2016. He was the 2015 President of the Consumer Attorneys of San Diego and a member of the CASD Foundation, a charitable giving non-profit. In 2018 he received the statewide Marvin E. Lewis Award by the Consumer Attorneys of California for his "guidance, loyalty and dedication, all of which have been an inspiration to fellow attorneys." He also was awarded the 2018 Consumer Advocate of the Year by Consumer Attorneys of San Diego. In 2007, he was a finalist for the Consumer Attorneys of California Lawyer of the Year award for his trial work in a multistate class action against Farmers Insurance. He has been named a "Super Lawyer" since 2006 and has achieved an "AV" rating by Martindale Hubbell. In 2014, Mr. Blood was named a "Titan of the Plaintiff's Bar" by the national legal publication Law360. Mr. Blood was elected a Fellow of the American Bar Foundation. Mr. Blood is also the Legislative Column Editor for *Trial Bar News*. Mr. Blood is also a founding member of the San Diego ESI Forum, a group of judges and lawyers devoted to teaching legal professionals in federal and state court about electronic discovery.

Mr. Blood was a founding partner of the firm now known as Robbins Geller Rudman & Dowd, LLP.

Mr. Blood is admitted to practice in the state of California, as well as the U.S Supreme Court, the United States Courts of Appeal for the Second, Third, Fifth, Sixth, Seventh, Eighth, Ninth and Eleventh Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California, the Eastern and Western Districts of Arkansas, the District of Colorado, the Northern District of Illinois, and the Eastern District of Michigan. Before starting Blood Hurst & O'Reardon, Mr. Blood was a partner in Milberg Weiss Bershad Hynes & Lerach, LLP and a founding partner in the firm now known as Robbins Geller Rudman & Dowd, LLP. Mr. Blood received his Juris Doctor from George Washington University in 1990 and his Bachelor of Arts with honors in Economics from Hobart College in 1987.



Leslie E. Hurst

Ms. Hurst is a co-founding partner of the firm. Prior to founding the firm, Ms. Hurst was a partner in Coughlin Stoia Geller Rudman & Robbins, LLP and an associate at Milberg Weiss Bershad Hynes & Lerach, LLP.

Her practice has focused on complex class action lawsuits, including federal multi-district litigation and California Judicial Council Coordinated Proceedings, with an emphasis on consumer fraud, false advertising, and insurance cases under California's consumer protection statutes.

Ms. Hurst works in a number of practice areas, including areas focusing on cases against: (1) life insurers for misrepresenting the terms of vanishing premium life insurance; (2) auto insurers for repairs with non-OEM parts, diminished value claims, improper collection of installment service charges and breach of contract, and against auto manufacturers for sale of defective vehicles; (3) financial institutions for a variety of conduct; (4) insurance companies for race-based discrimination in the sale of small value "industrial" or "burial" insurance policies; (5) consumer goods manufacturers for false and deceptive advertising; (6) real estate developers for fraud and false advertising; and (7) improper collection and over collection of fees from residents by the City of Los Angeles.

The most recent settlements on which Ms. Hurst was instrumental include: *Adlouni v. UCLA Health Systems* (Cal. Super. Ct., Los Angeles Cnty.) (over \$25 million in free identity theft insurance in data breach case); *Austin v. Western Concrete* (S.D. Cal.) (backpay in employment case); *Serochi v. Bosa Dev.* (Cal. Super. Ct., San Diego Cnty.) (\$16.75 million settlement to condominium purchasers for square footage misrepresentations by the developer); *Chakhalyan v. City of Los Angeles* (Cal. Super. Ct., Los Angeles Cnty.) (full refunds of overcharges and a revamping of L.A. billing practices); *Hartless v. Clorox Co.* (S.D. Cal.) (nationwide settlement in excess of \$10 million that provided 100% recovery of damages to class members); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (S.D. Fla.) (nationwide settlement in excess of \$8 million involving false advertising of infant formula); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide settlement of \$45 million); *Weight v. The Active Network, Inc.* (Cal. Super. Ct., San Diego Cnty.) (full refunds plus a multiplier); *Bransford v. City of Los Angeles* (Cal. Super. Ct., Los Angeles Cnty.) (full refunds); *Warner v. Toyota Motor Sales, U.S.A., Inc.* (C.D. Cal.) (warranty extensions, refunds and free vehicle inspections).

Ms. Hurst is also instrumental in the firm's appellate practice. She has argued before the Second, Eighth and Ninth Circuit Courts of Appeal and before California and Missouri Courts of Appeal. She obtained reversals of the trial courts in *Sonner v. Schwabe International* (9th Cir.); in *Corvello v. Wells Fargo Bank, NA* (9th Cir.), in *Goodman v. Wells Fargo Bank, NA* (Cal. 2d DCA), and in *Guerra v. San Diego Gas & Elec.* (Cal. 4th DCA). Ms. Hurst also briefs most of the firm's appeals including *Rikos v. The Procter & Gamble Co.* (6th Cir.); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (11th Cir.); *Hartless v. Clorox Co.* (9th Cir.); *Garcia v. Sony Comput. Entm't* (9th Cir.); *Gutierrez v. Wells Fargo Bank, N.A.* (9th Cir.), various SLUSA appeals in the 2nd, 8th and 9th Circuits, and *Sonner v. Schwabe International* (9th Cir.); *Sonner*



v. Premier Nutrition Corporation (9th Cir.); *Heier v. Fire Ins. Exchange* (Cal. 2nd DCA); *Reed v. Dynamic Pet Products* (Mo. Ct. App.).

Between 2003 and 2005, Ms. Hurst took a sabbatical from law and moved to Sri Lanka where she worked for CARE International as the Coordinator for Strategic Planning with an emphasis on development of CARE's long-term strategic plan for the conflict-affected areas.

Ms. Hurst is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Second, Sixth, Seventh, Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California. Ms. Hurst received her Juris Doctor degree from the University of California, Hastings College of the Law in 1995. She earned her Master of Arts degree in Sociology from the University of California, Berkeley and a Bachelor of Arts degree in Sociology (*cum laude*) from the University of San Diego. Ms. Hurst is an active member of the Consumer Attorneys of San Diego, and Consumer Attorneys of California.

Thomas J. O'Reardon II

Mr. O'Reardon is a co-founding partner of the firm. His practice focuses exclusively on complex class action lawsuits involving consumer fraud, insurance fraud and antitrust violations. Mr. O'Reardon received his Juris Doctor degree from the University of San Diego School of Law and his Bachelor of Arts degree in Politics from Wake Forest University. He is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Sixth, Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California and the Northern District of Illinois.

Prior to founding the firm, Mr. O'Reardon was an associate at Coughlin Stoia Geller Rudman & Robbins, LLP. There, Mr. O'Reardon worked on numerous complex class action litigation matters, including actions involving: annuity policies marketed and sold to senior citizens; insurer kickbacks known as "contingent commissions" in the property and casualty insurance brokerage industry; Sherman Act claims against the world's largest manufacturers of random access memory for computers; invasions of credit card holder's rights of privacy; false and deceptive advertising of consumer goods and wireless telephone services; automobile insurers' unlawful practices with respect to installment pay plans; and dangerous and defective products, including recalled children's toys. He was also part of the team representing the California Department of Insurance against five of the largest employee benefit insurance companies for violations relating to their failure to disclose payments of contingent commissions to brokers. As a result of the action, all five defendants agreed to sweeping changes in their disclosure practices.

Some of the actions on which Mr. O'Reardon has worked include: *Yamagata v. Reckitt Benckiser LLC* (N.D. Cal.) (certified class action involving false advertising of Move Free Advanced glucosamine and chondroitin supplement); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising of Joint Juice glucosamine and chondroitin supplement); *Rikos v. The Proctor & Gamble Co.* (S.D. Ohio) (certified class action involving false advertising of P&G's Align probiotic, affirmed by the Sixth Circuit); *In re*



Skechers Toning Shoes Prods. Liab. Litig. (W.D. Ky.) (nationwide settlement of \$45 million involving false advertising of Skechers' Shape-ups toning shoes products); *In re Reebok Easytone Litig.* (D. Mass.) (nationwide settlement of \$25 million involving false advertising of Reebok toning footwear and apparel products); *Murr v. Capital One Bank (USA), N.A.* (E.D. Va.) (nationwide settlement in excess of \$7.3 million involving 0% APR billing practices); *Dolfo v. Bank of Am.* (S.D. Cal.) (certified class action involving mortgage modification banking practices); *Johnson v. Gen. Mills, Inc.* (C.D. Cal.) (certified class action involving false advertising of General Mills' YoPlus yogurt, which resulted in a nationwide settlement of \$8.5 million); *Fitzpatrick v. Gen. Mills, Inc.* (S.D. Fla.) (certified class action reviewed and approved by the Eleventh Circuit); *Johns v. Bayer Corp.* (S.D. Cal.) (certified class action involving false advertising of Bayer's One-A-Day multivitamins); *Godec v. Bayer Corp.* (N.D. Ohio) (certified class action involving false advertising of Bayer's One-A-Day multivitamins, which settled on a classwide basis); *Corvello v. Wells Fargo Bank, NA* (N.D. Cal.) (certified class action involving mortgage modification practices where order granting motion to dismiss was reversed by the Ninth Circuit in a published opinion); *Rosales v. FitFlop USA LLC* (S.D. Cal.) (nationwide settlement of \$5.3 million involving false advertising of toning footwear); *Blessing v. Sirius XM Radio, Inc.* (S.D.N.Y.) (nationwide settlement valued in excess of \$180 million involving monopoly price increases arising out of the merger between Sirius and XM); *In re Dynamic Random Access Memory Antitrust Litig.* (N.D. Cal.) (settlement of more than \$300 million); *In re Mattel, Inc. [Toy Lead Paint Prods. Liab. Litig.]* (C.D. Cal.) (nationwide settlement valued at over \$50 million); *Gemelas v. Dannon Co., Inc.* (N.D. Ohio) (nationwide settlement in excess of \$45 million involving false advertising of Dannon's Activia and DanActive yogurt products); *In re Enfamil LIPIL Mktg. & Sales Practices Litig.* (S.D. Fla.) (certified class action involving false advertising of infant formula, which resulted in nationwide settlement in excess of \$8 million); *Smith v. Wm. Wrigley Jr. Co.* (S.D. Fla.) (nationwide settlement in excess of \$7 million involving false advertising of Wrigley Eclipse chewing gum and mints); *Duffer v. Chattem, Inc.* (S.D. Cal.) (nationwide settlement of up to \$1.8 million involving false advertising of ACT Total Care mouthwash); *In re Enron Corp. Sec. Litig.* (S.D. Tex.) (settlements of \$7.3 billion); *AOL Time Warner Cases* (Cal. Super. Ct., Los Angeles Cnty.) (settlements of approximately \$630 million); *Morris v. CBS Broad., Inc.* (S.D.N.Y.) (nationwide settlement on behalf of purchasers of asbestos-laden children's toys); *In re Aqua Dots Prods. Liab. Litig.* (N.D. Ill.) (multidistrict litigation on behalf of purchasers of more than 4 million toxic children's toys); *Berry v. Mega Brands, Inc.* (D.N.J.) (litigation on behalf of purchasers of more than 10 million lethal children's toys); *In re Toyota Motor Cases*, (Cal. Super. Ct., Los Angeles Cnty.) (litigation on behalf of consumers who purchased vehicles subject to "sudden unintended acceleration"); and *In re Hydroxycut Mktg. and Sales Practices Litig.* (S.D. Cal.) (multidistrict litigation on behalf of purchasers of unsafe and ineffective weight-loss products, which resulted in a nationwide settlement valued in excess of \$20 million). With the exception of the *Blessing v. Sirius XM Radio, Inc.* litigation, Mr. O'Reardon and/or his firm served as court-appointed Lead or Co-Lead Counsel in each of the above-mentioned class actions. In granting final settlement approval, which included appointing Mr. O'Reardon as Class Counsel, the Court's order in the *Johnson v. Gen. Mills, Inc.* (C.D. Cal.) action states that Mr. O'Reardon is "vastly experienced" in consumer class action litigation.



Mr. O'Reardon is an active member of the Consumer Attorneys of San Diego, the Consumer Attorneys of California, and a founding member of the CAOC Young Lawyers Division. In 2014-2018, Mr. O'Reardon was named a "Super Lawyers Rising Star," a designation provided to less than 2.5 percent of lawyers in California. He has also been a member of, and contributing author for, The Sedona Conference Working Group on Electronic Document Retention and Production. Mr. O'Reardon has been an invited speaker for the University of San Diego School of Law, Consumer Attorneys of California, the Consumer Attorneys of San Diego, and the San Diego ESI Forum on topics which include complex litigation, electronic discovery, and the class action settlement process.

Paula R. Brown

Ms. Brown is a partner with the firm. Her practice focuses on complex class action litigation, including consumer and antitrust cases in federal multi-district litigation and California Judicial Council Coordinated Proceedings. Ms. Brown has tried class action cases and is also involved in the firm's appellate practice.

Ms. Brown received her Juris Doctor degree and graduated *cum laude* from California Western School of Law in 2007 and earned her Bachelor of Arts degree in Political Science from the University of Washington in 2004. While at California Western, Ms. Brown was a member of the *California Western Law Review* and authored *Parent-Child Relationship Trumps Biology: California's Definition of Parent in the Context of Same-Sex Relationships*, 43 Cal. W. L. Rev. 235 (2006). She is admitted to practice in the state of California, as well as the United States Courts of Appeal for the Eighth and Ninth Circuits, and the United States District Courts for the Northern, Eastern, Central and Southern Districts of California and the Northern District of Illinois.

Prior to joining Blood Hurst & O'Reardon, Ms. Brown was an associate at the law firm now known as Robbins, Geller, Rudman & Dowd, LLP. While there, she represented plaintiffs in a number of complex class action litigation matters involving: price-fixing claims against the world's largest aftermarket auto lighting parts manufacturers and distributors; monopoly claims against the largest seller of portable media players; price fixing claims against containerboard manufacturers; race-discrimination claims against mortgage lenders; and false and deceptive practices in the sale of defective children's products and toys.

Some of the actions on which Ms. Brown has worked include: *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation* (D.N.J.) (nationwide false advertising); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising); *Huntzinger v. Aqua Lung America, Inc. et al.* (S.D. Cal.) (nationwide false advertising); *Medellin v. Ikea U.S. West, Inc.* (Cal Super. Ct., San Diego Cnty.) (consumer protection claims); *Serochi v. Bosa Dev.* (Cal. Super. Ct., San Diego Cnty.) (misrepresentations case); *Dennis v. Kellogg Co.* (nationwide false advertising); *In re Skechers Toning Shoes Prods. Liab. Litig.* (W.D. Ky.) (nationwide false advertising); *In re Reebok Easytone Litig.* (D. Mass.) (nationwide false advertising); *Dremak v. Urban Outfitters, Inc.* (Cal. Super. Ct., Los Angeles Cnty.) (consumer privacy); *In re Sony Gaming Networks and Customer Data Sec. Breach Litig.* (S.D. Cal.) (consumer privacy); *In re Hydroxycut Mkt. and Sales*



Practices Litig. (S.D. Cal.) (false advertising); *In re Apple iPod iTunes Antitrust Litig.* (N.D. Cal.) (monopoly claims); *In re Mattel, Inc. [Toy Lead Paint Prods. Liab. Litig.]* (C.D. Cal.) (nationwide sale of defective product); *In re Aftermarket Auto. Lighting Prods. Antitrust Litig.* (C.D. Cal.) (price fixing); *Payares v. JP Morgan Chase & Co.* (C.D. Cal.); *Salazar v. Greenpoint Mortg.* (N.D. Cal.); *Puella v. Citifinancial* (D. Mass.); *Morris v. CBS Broad., Inc.* (S.D.N.Y.) (defective product); *In re Aqua Dots Prods. Liab. Litig.* (N.D. Ill.) (defective product); and *Berry v. Mega Brands, Inc.* (D.N.J.) (defective product).

Ms. Brown is an active member of the Consumer Attorneys of San Diego, the Consumer Attorneys of California, the American Bar Association, and the American Association for Justice. In 2015, 2016, and 2017, Ms. Brown was named a “Super Lawyers Rising Star,” a designation provided to less than 2.5 percent of lawyers in California. Ms. Brown is a member of the Board of Directors of the Consumer Attorneys of California and is active in the Louis M. Welsh American Inn of Court.

Jennifer L. MacPherson

Ms. MacPherson is of counsel with the firm. Her practice focuses on complex class action litigation. Ms. MacPherson received her Juris Doctor degree from the University of San Diego School of Law in 1997 with a J.D. and an L.L.M in tax and earned her Bachelor of Arts degree in International Business and Marketing from the University of Hawaii in 1994. During law school she was a summer law clerk to the Honorable Walter S. Kirimitsu (Ret.) in the Hawaii Intermediate Court of Appeals and was a research assistant to Professor C. Hugh Friedman author of *California Practice Guide: Corporations*. She is a member of the California Bar and is licensed to practice before the United States District Courts for the Central, Southern and Northern Districts of California.

For over a decade Ms. MacPherson has prosecuted class actions on behalf of consumers, policyholders, investors, employees, and medical practitioners against the nation’s largest retailers and manufacturers of consumer products, insurers of homes and automobiles, banks, and employers for violations of federal and state consumer, antitrust, securities and labor laws. During this time she has actively litigated complex class action litigation matters involving: false and deceptive advertising by one of the nation’s largest retail mall chains for selling gift cards subject to a monthly service fee in violation of state law; truth in lending claims against a national bank for suspending borrower’s home equity lines of credit; breach of contract claims against national lenders for failing to modify borrower’s home loans after successful completion of a trial period plan; product defect claims against the world’s largest manufacturers of laptops and cell phones; RICO claims against the nation’s largest health insurance companies for denying, delaying and reducing payments to health care providers nationwide; privacy claims against national pharmacies for allegedly using prescription information to conduct targeted marketing campaigns on behalf of drug companies; data breach lawsuits against national banks and retailers for failing to properly safeguard consumer’s personal information.

Some of these actions include: *Solomon v. Anthem, Inc.* (S.D. Fla.); *In re Sony VAIO Comput. Notebook Trackpad Litig.* (S.D. Cal.); *Horvath v. LG Elecs. MobileComm U.S.A., Inc.*, (S.D. Cal.); *Kazemi v. Westfield Am., Inc.* (Cal. Super. Ct., Los Angeles Cnty.); *Frost v. LG*



Elecs. Mobilecomm U.S.A., Inc. (Cal. Super. Ct., Los Angeles Cnty.); *Shamrell v. Apple, Inc.* (Cal. Super. Ct., Los Angeles Cnty.).

Craig W. Straub

Mr. Straub is an associate with the firm. Mr. Straub's practice involves prosecuting all types of consumer fraud in complex class action litigation, with a particular focus on false advertising of consumer products as well as complex contract and intellectual property disputes between international corporations. He graduated *magna cum laude* from California Western School of Law and earned his Bachelor of Sciences degree from Texas A&M University. While at California Western School of Law, Mr. Straub received an Academic Merit Scholarship and a Wiley W. Manuel Pro Bono Services Award. Mr. Straub is a registered patent attorney with the United States Patent and Trademark Office. He brings substantial experience in complex litigation including projects at DLA Piper, Bernstein Litowitz Berger & Grossman, LLP, Cooley LLP, and other nationally recognized firms. He has been a member of the California Bar since 2007.

Mr. Straub performed significant work on behalf of Plaintiffs in the following actions: *Warner v. Toyota Motor Sales, U.S.A, Inc.* (C.D. Cal.) (\$3.4 billion settlement for owners of certain Toyota vehicles); *Mullins v. Premier Nutrition Corp.* (N.D. Cal.) (certified class action involving false advertising of Joint Juice glucosamine and chondroitin supplement); *Rikos v. The Proctor & Gamble Co.* (S.D. Ohio) (certified class action involving false advertising of P&G's Align probiotic, affirmed by the Sixth Circuit); *Terry v. JPMorgan Chase Bank, N.A* (S.D. Cal.) (\$4.3 million settlement fund for the Class alleging unfair debt collection practices); *Huntzinger v. Aqua Lung America, Inc. et al.* (S.D. Cal.) (nationwide false advertising); *Yamagata and Pelardis v. Reckitt Benckiser LLC* (N.D. Cal.) (certified class action involving false advertising of glucosamine supplement).

Aleksandr J. Yarmolinets

Mr. Yarmolinets is an associate with the firm. His practice focuses on complex class action litigation, including consumer, securities, and banking-related cases in federal multi-district litigation. Mr. Yarmolinets holds a Master of Laws degree in Securities and Financial Regulation from Georgetown University Law Center, and a juris doctor degree from California Western School of Law, *cum laude*.

Mr. Yarmolinets is a Certified Fraud Examiner and is admitted to practice law in the States of California and New York, as well as the United States Court of Appeals for the Ninth Circuit, the United States Tax Court, and the United States District Courts for the Central and Southern Districts of California, and for the District of Colorado. Mr. Yarmolinets also represented clients in FINRA's Arbitration and Mediation program.

Before joining the firm, Mr. Yarmolinets represented clients in complex securities and commercial litigation, structured and advised clients in capital formation and other complex transactions and served as an outside general counsel to numerous companies across various industries, including transportation, manufacturing, and health care.



While at law school, Mr. Yarmolinetz was a distinguished advocate and competed in several national, invitation only moot court trial competitions. Before graduating law school, he interned at the Export-Import Bank of the United States, the California Department of Business Oversight, and the San Diego County Airport Authority.

EXHIBIT 9

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF DAVID J. STONE IN
SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, David J. Stone, declare as follows:

2 1. I am a partner at the law firm of BRAGAR EAGEL & SQUIRE, P.C. (“BESPC”).

3 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees, Jeffrey
5 H. Squire, Esq., a former partner of BESPC, was appointed to the Steering Committee. Mr. Squire
6 subsequently retired from the firm, and I assumed his responsibilities on the Steering Committee.
7 The Plaintiff Steering Committee served as a pre-vetted and pre-approved reserve group that was
8 available to provide assistance and additional support to leadership.

9 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
10 with years in practice, the most recent rates reported to the Court during the pendency of this
11 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
12 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
13 and trial experience of each professional can be found, to the extent available, in the firm resume
14 attached hereto as Exhibit C.

15 4. The detailed descriptions of the time spent by the attorneys and other professionals
16 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
17 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs’
18 Executive Committee and Co-Lead Counsel pursuant to the Court’s July 3, 2018 Case
19 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
20 time records are available for the Court’s review should the Court desire such records.

21 5. The total number of hours expended on this litigation by my firm, as approved by
22 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
23 consolidation through July 31, 2020 is 17.95 hours. The total lodestar for my firm is \$14,075.00.

24 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
25 (“expenses”) totaling \$0.00, which were necessary in relation to this litigation and submitted,
26 vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel
27 pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this
28 litigation are reflected in the books and records of my firm. These books and records are prepared

1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th
5 day of August, 2020, at New York, New York.

6 /s/ David J. Stone

7 _____
8 David J. Stone

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EXHIBIT A

Bragar Egel & Squire, P.C.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Stone, David	Partner (25 years)	\$ 850.00	1.80	\$ 1,530.00
Walker, Brandon	Partner (11 years)	\$ 875.00	1.00	\$ 875.00
Passmore, Marion	Attorney (16 years)	\$ 800.00	14.15	\$ 11,320.00
Bielasz, Denia	Legal Assistant	\$ 350.00	1.00	\$ 350.00
TOTAL			17.95	\$ 14,075.00

EXHIBIT B

EXHIBIT B

Bragar Egel & Squire, P.C.

CATEGORY	AMOUNT
01. Outside Printing	\$0.00
02. Photocopies	\$0.00
03. Outside Fax Charges	\$0.00
04. Delivery Services/Messengers	\$0.00
05. Postage	\$0.00
06. Court Fees	\$0.00
07. Subpoena Fees	\$0.00
08. Witness Fees	\$0.00
09. Deposition Transcripts	\$0.00
10. Long-Distance Telephone Calls	\$0.00
11. Trial Transcripts	\$0.00
12. Trial Exhibits	\$0.00
13. Lexis / Westlaw	\$0.00
14. Litigation Support Vendors	\$0.00
15. Experts	\$0.00
16. Arbitrators/Mediators	\$0.00
17. Meals (excluding alcohol)	\$0.00
18. Taxi/Car Service/Other Ground Transport	\$0.00
19. Travel-Mileage Reimbursement	\$0.00
20. Travel-Airfare	\$0.00
21. Travel-Hotel	\$0.00
22. Travel-Rental Car	\$0.00
23. Service Fees	\$0.00
24. Miscellaneous	\$0.00
25. Assessments	\$0.00
TOTAL	\$0.00

EXHIBIT C

B|E|S BRAGAR EAGEL & SQUIRE, P.C.

FIRM RESUME

Bragar Eigel & Squire, P.C. represents clients in complex litigation throughout the country. Our practice focuses on prosecuting stockholder securities class actions, corporate governance actions, and merger actions in federal and state courts. Our attorneys have been appointed as lead counsel or co-lead counsel in hundreds of securities, corporate governance, and merger actions around the country. We also have strong practices in bankruptcy-related litigation, and we are often retained by creditor committees or post-confirmation trustees to litigate D&O and other claims for the benefit of the bankruptcy estate or creditors. We also have a breadth of experience to litigate a full range of commercial disputes.

Our attorneys come from various legal backgrounds and collectively have decades of experience litigating securities class actions, corporate governance matters, merger actions, and consumer rights actions, obtaining well over a billion dollars in recoveries for clients and class members. We litigate cases aggressively, from the initial investigation, through motion practice, discovery, trial and appeals. We are headquartered in New York City and have offices in San Francisco and Los Angeles, California.

DERIVATIVE, SECURITIES, AND MERGER LITIGATION

The core of our practice is prosecuting securities class actions, corporate governance actions, and merger actions. Our attorneys have represented stockholders in hundreds of securities class actions, individual securities actions, corporate governance actions, and merger actions.

We have an active practice before the Delaware Court of Chancery and have achieved success before the Delaware Supreme Court litigating matters involving stockholder rights, corporate governance, and limited partner rights. We are one of the nation's leading firms litigating complex legal issues under Delaware law applicable to alternative entities, including publicly-traded master limited partnerships and limited liability companies.

In the master limited partnership field, we frequently represent limited partners challenging the fairness of "conflicted" transactions between the publicly-traded partnership and its controlling parent entity. In *In re El Paso Pipeline Partners, L.P., Derivative Litigation*, we successfully tried claims before the Delaware Court of Chancery and obtained the only verdict finding that independent directors of a master limited partnership acted with *subjective* bad faith when approving a conflicted transaction with the parent. 2015 Del. Ch. LEXIS 116 (April 20, 2015).¹

In *Mesirov v. Enbridge Energy Company, Inc.*, we obtained a very favorable ruling from the Delaware Supreme Court, which clarified the standard applicable to certain conflicted

¹ The case was subsequently dismissed on appeal due to plaintiff's loss of standing.



transactions between the master limited partnership and its parent. 159 A.3d 242 (Del. March 28, 2017).

Representative Matters

Derivative Actions

- ***Mesirov v. Enbridge Energy Company, Inc., et al.***, C.A. No. 11314, Appeal No. 273, (Del. Supreme Court 2016). We prosecuted class and derivative claims on behalf of Enbridge Energy Partners, L.P. (“EEP”) against EEP’s general partner, parent, and affiliated entities. The claims arose out of a January 2015 “drop down” transaction pursuant to which the general partner sold certain pipeline assets to EEP for \$1 billion plus additional consideration in the form of a “special tax allocation”. We secured a favorable ruling from the Delaware Supreme Court, reversing in part the Chancery Court’s dismissal of the action. The action was dismissed as a result of EEP’s merger into Enbridge Inc., which deprived the plaintiff of standing. The EEP Special Committee that negotiated an increase in the merger price valued the derivative claims at \$111.2 million and asserted that Enbridge’s offer failed to account for this value. Reported decisions: 159 A.3d 242 (Del. March 28, 2017) (reversing order of dismissal); 2018 Del. Ch. LEXIS 294 (Del. Ch. August 29, 2018) (denying in part motion to dismiss third amended complaint).
- ***In re Activision Blizzard, Inc. Stockholder Litigation***, C.A. No. 8885 (Del. Ch. 2013). We were co-lead counsel prosecuting class and derivative claims on behalf of Activision’s stockholders arising out of a conflicted transaction unfairly favoring Activision’s senior management. The matter settled on the eve of trial for \$275 million, by far the largest monetary settlement in the history of the Delaware Court of Chancery and the largest cash derivative settlement in the country. In addition, the settlement provided significant corporate governance benefits to class. Reported decision: 86 A.3d 531 (February 21, 2014) (court compelled foreign national directors of controlling stockholder to respond to discovery).
- ***In re El Paso Pipeline Partners, L.P. Derivative Litigation***, C.A. No. 7141 (Del. Ch. 2011). We prosecuted claims on behalf of El Paso Pipeline Partners, L.P., a public master limited partnership, against its general partner and its sponsor, El Paso Corporation (now merged into Kinder Morgan, Inc.). The claims arose out of the 2010 “drop down” of certain pipeline assets from the general partner to the partnership. After trial, the Court found that the Special Committee that recommended approval of the transaction did not believe that the transaction was in the best interests of the partnership and, therefore, that the general partner breached the partnership agreement by engaging in the transaction. The Court found that the partnership was damaged in the amount of \$171 million.² Reported decision: 2015 Del. Ch. LEXIS 116 (April 20, 2015) (post-trial memorandum opinion finding that the three independent

² The case was subsequently dismissed on appeal due to plaintiff’s loss of standing.

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directors that approved a conflicted transaction did not believe that the transaction was in the best interests of the partnership).

- ***In re Third Avenue Trust Stockholder & Derivative Litigation***, Cons. C.A. No. 12184 (Del. Ch. 2016). We were co-lead counsel prosecuting claims for breach of fiduciary duty against the Trust's officers and its investment advisor arising out of the collapse of the Third Avenue Focused Credit Fund. The case settled for \$25 million.
- ***In re CenturyLink Sales Practices and Securities Litigation: Consolidated Derivative Action***, MDL No. 17-2795 (MJD/KMM), United States District Court for the District of Minnesota. We were appointed sole lead counsel to pursue derivative claims on behalf of CenturyLink against certain of its current and former directors and officers. The claims arise out of the company's practice of allowing its employees to add services or lines to accounts without customer permission, resulting in millions of dollars in unauthorized charges to CenturyLink customers.
- ***In re Equifax, Inc. Derivative Litigation***, Case No. 1:18-cv-17, United States District Court for the Northern District of Georgia. We represent individual and institutional stockholders prosecuting derivative claims on behalf of Equifax against certain of Equifax's current and former officers and directors for breaches of fiduciary duty arising out of Equifax's 2017 data breach.
- ***In re Align Technology, Inc. Derivative Litigation***, Lead Case No. 5:19-cv-00202-LHK, United States District Court for the Northern District of California. We represent a stockholder of Align Technology, Inc., the manufacturer of Invisalign® teeth aligners, asserting derivative claims on behalf of the company alleging that certain former directors and officers caused the company to make materially false and misleading statements concerning the company's promotions and their negative effect on gross margins and net revenues. We were appointed co-lead counsel on February 26, 2019.
- ***Baron v. Sanborn, et al.***, Case No. 3:18-cv-04391-WHA, United States District Court for the Northern District of California. We represent a stockholder of LendingClub Corporation, an on-line marketplace platform that connects borrowers to lenders. The stockholder is bringing derivative claims on behalf of the company against certain current and former directors and officers for arising out of the company's business practice of make false statements to potential borrowers concerning applicable fees and the loan approval process. The court appointed us co-lead counsel on April 25, 2019.
- ***Meldon v. Thompson, et al.***, Civil Action No.: 18-cv-10166, United States District Court for the District of New Jersey. We represent a stockholder of Freshpet, Inc., a manufacturer of foods for dogs and cats. The stockholder is bringing a derivative action on behalf of the company alleging that certain current and former directors and officers caused the company to make false and misleading statements about the company's business results and prospects. The claims arise out of the defendants'

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alleged failure to disclose expected decreases in revenues due to manufacturing problems and financial difficulties at the company's primary retail customers.

- ***Walker v. Desisto, et al.***, Civ. A. No. 17-10738-MLW, United States District Court for the District of Massachusetts. We represent a stockholder of Insulet Corporation bringing derivative claims on behalf of the company against certain of the company's current and former directors and officers for making false and misleading statements concerning market demand for the company's disposable insulin delivery system, "OmniPod." The parties have agreed to a settlement of the matter, which remains subject to the court's approval.
- ***In re Tesla Motors, Inc. Stockholder Litigation***, C.A. No. 12711, Delaware Court of Chancery. We represent institutional asset managers prosecuting direct and derivative claims on behalf of Tesla arising out of Tesla's acquisition of SolarCity Corporation. The class was certified on April 18, 2019 and discovery is ongoing.
- ***Brinckerhoff v. Texas Eastern Products Pipeline Company, L.L.C.***, C.A. No. 2427 (Del. Ch. 2010). We prosecuted claims on behalf of TEPPCO's common unitholders claiming that in a series of transactions orchestrated by TEPPCO's general partner, TEPPCO had been shortchanged by hundreds of millions of dollars. The action was resolved by a merger which benefitted TEPPCO's unitholders by more than \$400 million. Reported decision: 2008 Del. Ch. LEXIS 174 (November 25, 2008) (denial in part of motion to dismiss).
- ***Gerber v. Enterprise Products Holdings L.L.C.***, C.A. No. 5989 (Del. Ch. 2013). We served as lead counsel for derivative and class claims arising out of a variety of master limited partnership transactions, alleging that the general partner's approvals of the transactions were done in bad faith and in breach of the implied covenant of good faith and fair dealing. One action was settled by defendants agreeing to a merger that increased the value of the limited partnership units by approximately \$400 million. In another action, after the trial court dismissed the complaint, we prevailed before the Delaware Supreme Court to reinstate the claims for breach of implied covenant. The matters settled for \$12.4 million for the Master Limited Partnership unitholders. Reported decision: 67 A.3d 400, *overruled in part*, 159 A.3d 242 (Del. June 10, 2013) (reversing order of dismissal).
- ***In re Allegiant Travel Co. Stockholder Derivative Litigation***, Master File No. 3:18-01864, United States District Court for the District of Nevada. We are co-lead counsel representing stockholders in a derivative action asserting claims against Allegiant's current and former officers and directors for breaches of duties owed to the company arising out of the company's failures to maintain the safety of its airplanes.

Securities Class Actions

- ***Lefkowitz v. Synacor, Inc.***, Case No. 18-2979, United States District Court for the Southern District of New York. On October 17, 2018, we were appointed sole lead



counsel to prosecute claims on behalf of a class of Synacor stockholders alleging that Synacor, Inc. violated federal securities laws by making false and misleading statements and failing to disclose adverse facts concerning a contract with AT&T.

- ***Crago v. Charles Schwab & Co., Inc., et al.***, Case No. 3:16 Civ. 3938, United States District Court for the Northern District of California. We are co-lead counsel prosecuting claims seeking to recover damages on behalf of a class of retail brokerage customers arising out of Charles Schwab's alleged omissions regarding its order routing practices. The Court denied Charles Schwab's motion to dismiss on December 5, 2017 and the case has now proceeded into further discovery. Reported decision: 2017 U.S. Dist. LEXIS 215871 (December 5, 2017) (denial of motion to dismiss).
- ***In re Supreme Industries, Inc., Securities Litigation***, Case No. 3:17-143, United States District Court for the District of Indiana. We are co-lead counsel prosecuting claims on behalf of a class of stockholders alleging that Supreme Industries violated federal securities laws by making false and misleading representations concerning its order backlog, an indicator of its current and future financial performance.
- ***In re BP p.l.c. Securities Litigation***, Case No. 4:10-md-02185, United States District Court for the Southern District of Texas. We represent nine institutional asset managers that purchased BP stock on the London Stock Exchange and are prosecuting claims against BP for violations of English securities laws arising out of BP's false and misleading statements concerning the safety of its offshore oil rigs and operations and false and misleading statements regarding the size of the oil spill.
- ***Sudunagunta v. NantKwest, Inc., et al.***, Case No. 2:16 Civ. 1947, United States District Court for the Central District of California. We were co-lead counsel prosecuting a securities class action against NantKwest, a biotechnology company that develops immunotherapeutic agents for various clinical conditions and in which we are co-lead counsel for the plaintiff. The action resulted from NantKwest's false and misleading statements in connection with its initial public offering and failure to disclose errors in its financial filings with the SEC. On May 13, 2019, the Court granted final approval of a settlement that will provide \$12 million to the class. Reported decision: 2018 U.S. Dist. LEXIS 137084 (Aug. 13, 2018) (order granting class certification).
- ***Xu v. Gridsum Holding Inc., et al.***, Case No. 1:18 Civ. 3655, United States District Court for the Southern District of New York. We are lead counsel prosecuting claims for violations of the federal securities laws arising out of Gridsum's materially false and misleading statements and omissions regarding its financial reporting. The Court appointed us lead counsel on September 17, 2018.
- ***Shah v. A10 Networks, Inc., et al.***, No. 3:18 Civ. 1772, United States District Court for the Northern District of California. We are co-lead counsel prosecuting claims on behalf of a class of stockholders arising out of alleged violations of the federal securities laws related to materially false and misleading statements related to a failure to disclose an Audit Committee investigation prompted by A10's internal

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control issues, as well as allegations that improper revenue recognition caused false financial statements. The Court appointed us lead counsel on August 31, 2018.

- ***Cullinan v. Cemtrex, Inc., et al.***, Consolidated Case No. 2:17-cv-01067, United States District Court for the Eastern District of New York. We are co-lead counsel prosecuting claims on behalf of a class of stockholders arising out of violations of the federal securities laws related to company insider's improper sales of stock and false and misleading statements concerning the company's business operations. The court appointed us co-lead counsel on March 9, 2018. The Parties negotiated a settlement of the action for a \$625,000 cash payment to the Class, which is subject to final approval by the Court.
- ***In re Altice USA, Inc. Securities Litigation***, Index No. 711788/2018, Supreme Court of the State of New York, Queens County. We are co-lead counsel prosecuting claims on behalf of a class of stockholders arising out of violations of the federal securities laws related to the company's filing of a false and misleading proxy statement in connection with its June 2017 initial public offering.
- ***Vardanian v. Arlo Technologies, Inc., et al.***, Case NO. 19cv342418, Superior Court of the State of California, County of Santa Clara. We represent a class of Arlo Technologies, Inc., stockholders alleging claims for violation of the federal securities laws arising out of the company's Registration Statement and Prospectus issued in connection with its August 2018 initial public offering.
- ***Alden v. FAT Brands, Inc., et al.***, Case No. BC716017, Superior Court for the State of California, County of Los Angeles. We represent a class of FAT Brands stockholders alleging claims for violation of federal securities laws arising out of the company's Registration Statement and Offering Circular filed in connection with its initial public offering.
- ***Trinad Capital Master Fund, Ltd. v Majesco Entertainment Company, et al.***, C.A. No. 06-05265 (D.N.J. 2006). We represented hedge fund in opt-out securities fraud litigation against officers and directors of public company. The case resolved favorably for client.

Merger Litigation

- ***True Value Company***, C.A. No. 2018-0257, Delaware Court of Chancery. Co-lead counsel representing stockholder and independent retailer of True Value Company in a challenge to the fairness of a conflicted transaction by which each True Value stockholder would be forced to sell 70% of its shares at par value, ending up as indirect minority members of the Company. The action resulted in additional disclosures by defendants, which the Court found to be material.
- ***In re Cornerstone Therapeutics, Inc. Stockholder Litigation***, C.A. No. 8922, Delaware Court of Chancery. Co-lead counsel representing a class of Cornerstone

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Therapeutics stockholders challenging an acquisition of the company by its controlling stockholder in a “going private” transaction. The matter settled for \$17,881,555 in cash benefits to the class.

- ***Ross and Parker v. Rhône Capital, L.L.C. et al.***, Case No. CACE-16-013220 (Cir. Ct. 17th Jud. Dist., Broward Cty., Fla.). Partners of our firm were counsel in action challenging the acquisition of Elizabeth Arden by Revlon.
- ***In re Allion Healthcare, Inc. Shareholders Litigation***, C.A. No. 5022-CC (Del. Ch.). Partners of our firm co-lead counsel in action challenging a going-private transaction whereby Allion merged with H.I.G. Capital Inc. and a group of Allion stockholders. The action was settled with a \$4 million payment to Allion’s unaffiliated shareholders and additional disclosures to shareholders.
- ***In re RehabCare Group, Inc., Shareholders Litigation***, C.A. No. 6197-VCL (Del. Ch.). Partners of our firm co-lead counsel in action challenging the acquisition of RehabCare by Kindred Healthcare, Inc. which resulted in a \$2.5 million payment to RehabCare shareholders, modification of the merger agreement, and additional disclosures to shareholders.
- ***In re Atheros Communications Shareholder Litigation***, C.A. No. 6124-VCN (Del. Ch.). Partners of our firm co-lead counsel in action challenging the acquisition of Atheros by Qualcomm Incorporated which resulted in the issuance of a preliminary injunction by the Delaware Court of Chancery delaying the shareholder vote and requiring additional disclosures to shareholders.
- ***Maric Capital Master Fund, Ltd. v. PLATO Learning, Inc.***, C.A. No. 5402-VCS (Del. Ch.). Partners of our firm were lead counsel in action challenging the acquisition of PLATO by Thoma Bravo, LLC which resulted in the issuance of a preliminary injunction by the Delaware Court of Chancery requiring additional disclosures to shareholders.



BANKRUPTCY AND INSOLVENCY-RELATED LITIGATION

Our knowledge of bankruptcy law and procedure has helped us carve a niche in this often-overlapping sphere of litigation. We have a particularly strong practice representing clients who have invested in companies undergoing reorganization. Because of our expertise, we have acted as bankruptcy counsel to other firms pursuing claims on behalf of their clients. We are also involved in more traditional aspects of reorganization and bankruptcy proceedings. We are often retained by creditors committee or post-confirmation trustees to pursue claims for the benefit of the estates in question, including litigation arising out of financial misrepresentation and breaches of fiduciary duty by debtors' directors and officers.

Representative Matters

- ***Creditor Trust of Energy & Exploration Partners, Inc. v. Apollo Investment Corporation, et al.***, C.A. No. 17-04035 (Bankr. N.D. Tex. 2017). We represented a post-confirmation Creditor Trust asserting claims against Apollo Investment Corporation and affiliated entities for fraudulent conveyance arising out of Debtors' payment of penalty in connection with prepayment of debt. The matter settled favorably for the Creditor Trust.
- ***Creditor Trust of Vivaro Corporation v. Catalina Acquisitions LLC.***, JAMS Arbitration. We represented a post-confirmation Creditor Trust asserting claims for breach of promissory note. The matter settled favorably for the Creditor Trust.
- ***Hebrew Hospital Senior Housing, Inc., Plan Administrator***, C.A. 17-01240 (Bankr. S.D. 2017). We represent a post-confirmation Plan Administrator bringing claims for breach of fiduciary duty against certain former officers and directors of Hebrew Hospital Senior Housing, Inc. ("HSHS"), a bankrupt "continuing care retirement community." The Plan Administrator is also asserting claims assigned by current and former residents of HSHS asserting that they did not receive mandated disclosures.
- ***Advance Watch Company, Ltd. Creditor Trust***, C.A. No. 17-7461 (S.D.N.Y. 2017). We represent a post-confirmation Liquidating Trust asserting claims for breach of fiduciary duty against former officers and directors of Advance Watch Company, Ltd.
- ***UGHS Senior Living, Inc. Liquidating Trust***, C.A. No. 2017-75532, District Court of State of Texas, Harris County. We represented a post-confirmation Liquidating Trustee asserting claims for breach of fiduciary duty against former officers and directors. The matter settled favorably for the Creditor Trust.
- ***In re Solutions Liquidation LLC***, Adv. P. No. 18-50304 (Bankr. Del. 2018). We represent the post-confirmation Liquidating Trust bringing claims for breach of fiduciary duty against the former officers and directors of SDI Solutions LLC.
- ***Industrial Enterprises of America***, We are litigating twelve adversary proceedings in the Bankruptcy Court for the District of Delaware and one civil action in the United

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States District Court for the District of Colorado. We, along with another firm, represent a trustee in bankruptcy of a company that was the subject of a major fraud for which the two principals were convicted of fraud and jailed. We are pursuing the thirteen actions against one hundred and twenty defendants for a variety of wrongdoings, ranging from orchestrating the fraud and assisting the fraud to constructive fraudulent conveyance and unjust enrichment.

- ***In re Pitt Penn Holding Co.***, No. 09-11475 (Bankr. D. Del. 2005). We represented Industrial Enterprises of America, Inc. in twelve different adversary proceedings in the Bankruptcy Court, District of Delaware and one civil action in the United States District Court for the District of Colorado. We, along with another firm, represent a trustee in bankruptcy of a company that was the subject of a major fraud, for which the two principals were convicted and jailed. We have pursued the thirteen actions against one hundred and twenty defendants for a variety of wrongdoings ranging from orchestrating and assisting the fraud to constructive fraudulent conveyance and unjust enrichment.
- ***In re Worldcom***, No. 02-13533 (Bankr. S.D.N.Y.). We represented a patent owner in a multimillion dollar claim for patent infringement. The case resolved favorably for client.
- ***In re Enron Corp.***, No. 01-16034 (Bankr. S.D.N.Y.). Stockholders filed suit against a corporation that withdrew from a merger agreement with the debtor corporation seeking to enforce the merger agreement. The case was settled for \$6 million.
- ***In re Universal Automotive Industries, Inc.***, No. 05-27778 (Bankr. D.N.J. 2005). We represented trustee and secured lenders in claims against former officers and directors. The case resolved favorably for plaintiffs.
- ***In re Acclaim Entertainment, Inc.***, No. 04-85595 (Bankr. E.D.N.Y. 2004). We represented a trustee in litigation against former officers and directors. The case resolved favorably for trustee.
- ***In re Allou Distributors, Inc.***, No. 03-82321 (Bankr. E.D.N.Y.). We represented trustee and secured lenders in claims against former officers and directors. The case resolved favorably for plaintiffs.
- ***Arbor Place, L.P. v. Encore Opportunity Fund, L.L.C.***, No. 20436 (Del. Ch. 2003). Investors in a hedge fund sued for misrepresenting the value of the investments. The case resolved favorably for plaintiffs.



CONSUMER CLASS ACTIONS

We have extensive experience litigating class actions on behalf of consumers. We have prosecuted claims for damages arising out of data breaches, defective coin-counting machines, and consumer loyalty programs.

- ***Sateriale v. R.J. Reynolds Tobacco Co., Inc.***, United States District Court for the Central District of California. We represented a class of California adult smokers who purchased packs of Camel cigarettes and collected Camel Cash, or “C-Notes,” as part of the Camel Cash loyalty program. The class asserted claims that Reynolds breached its contract with program members when, on October 1, 2006, Reynolds removed all of the non-tobacco related merchandise from the Camel Cash program, and program members could redeem C-Notes only for cigarettes or coupons for dollars off cigarettes. In 2012, we obtained a victory before the United States Court of Appeals for the Ninth Circuit reversed the district court’s dismissal of the complaint. The Ninth Circuit found that the Camel Cash program created a unilateral contract between consumers and Reynolds. Pursuant to a settlement reached in 2016, R.J. Reynolds offered Class Members the opportunity to use C-Notes that they collected and held as of October 1, 2006, to redeem for non-tobacco merchandise. Reported decisions: 697 F.3d 777 (9th Cir. October 15, 2012) (reversing order of dismissal); 2014 U.S. Dist. LEXIS 176858 (order granting class certification); 2014 U.S. Dist. LEXIS 176858 (order denying defendant’s motion for summary judgment).
- ***Castillo v. Seagate Technology LLC***, United States District Court for the Northern District of California. We represented current and former employees of Seagate and its affiliates, and the employees’ spouses, seeking damages arising from Seagate’s March 2016 data breach in which Seagate wrongfully disclosed the employees’ 2015 Form W-2 tax information in a “phishing” scam. The matter settled in March 2018. Pursuant to the settlement, Seagate agreed to provide Class Members with the option to obtain two years of identity theft protection and to reimburse Class Members for certain economic costs. Reported decision: 2017 U.S. Dist. LEXIS 187428 (order denying in party motion to dismiss).
- ***Feinman v. TD Bank, N.A.***, Supreme Court of the State of New York, New York County. We were co-class counsel in consumer class action alleging that TD Bank’s “Penny Arcade” coin-counting machines under-counted coins deposited by consumers. Class counsel negotiated a \$7.5 million settlement in favor of the class.

GENERAL COMMERCIAL LITIGATION

Our attorneys handle both plaintiff and defendant work encompassing all aspects of commercial litigation in traditional forums and through alternate dispute resolution. We have recently brought an arbitration against a national brokerage firm, prosecuted a consumer class action involving a marketing promotion, and defended a company and its founder against claims of fraud in connection with the sale of a high-tech start-up. Although frequently involved in trial practice, much of our work is consultative in nature. As such, we act in an advisory capacity or pre-litigation mode where we attempt to solve business disagreements and partnership disputes without commencing a formal action. This often occurs when small businesses undergo a significant change, such as a partnership split or business “divorce,” or in the case of a closely held business, a transition of ownership. Additional areas of focus include commercial contract actions and personal service contracts, both in negotiation and in contests questioning the parties’ adherence to contract terms. In this regard, we have been involved in several arbitration cases involving major sports teams. We also handle cases involving insurance disputes, including contesting insurance valuations and coverage refusals.

Representative Matters

- ***Dimension Trading Partners, LLC v. Jamie F. Lissette and Hammerstone NV, Inc.***, No. 650284/2013, New York Supreme Court, New York County. We defended a proprietary trader against a claim to collect on promissory note issued in connection with the establishment of trading relationship.
- ***Ator Limited v. Comodo Holdings Limited***, No. 12-03083 (D.N.J.). We represented third-party defendants in a dispute arising out of the sale of a start-up company.
- ***Financials Restructuring Partners v. Premier Bancshares, Inc.***, No. 651283/2013, New York Supreme Court, New York County. We defended former bank holding company against attempt to foreclose upon \$6 million in debt securities.
- ***325 Schermerhorn LLC v. Nevins Realty Corp.*** We obtained a victory on summary judgment compelling defendants to pay \$3.6 million plus interest representing a returned down payment on four properties because of a transit easement assumedly known to all parties at the time the contracts were executed. Reported decision at 2009 WL 997501.
- ***Bellis v. Tokio Marine Insurance Company***. We procured a \$7 million settlement after obtaining a jury verdict on liability based on causation of damage in insurance claim. We also defeated a summary judgment motion reported at 2002 WL 193149 (S.D.N.Y.). The case involved attribution of liability for some priceless Tiffany glass that was damaged while on exhibit in Tokyo. Reported decision at 2004 WL 1637045 (S.D.N.Y.).

B|E|S BRAGAR EAGEL & SQUIRE, P.C.

- ***Paquette v. Twentieth Century Fox***. Compelled Fox television to grant “created by/inspired by” credits to authors of comic book from which television series was adapted, establishing claim of reverse passing off, *i.e.*, improperly taking credit for someone else’s work, under the Lanham Act. Reported decision at 2000 WL 235133 (S.D.N.Y.).
- ***Colton Hartnick Yamin & Sheresky v. Feinberg***, New York Supreme Court, New York County. We successfully reversed the trial court’s denial of summary judgment to law firm on impropriety of claim of malpractice. On appeal, the court dismissed the malpractice claim based on lack of facts to establish legal malpractice and punitive damages. Reported decision at 227 A.D.2d 233, 642 N.Y.S.2d 283.
- ***Raycom v. Kerns***, New York Supreme Court, Kings County. We are representing a Singapore-based aircraft part manufacturer in a breach of contract suit against a multi-national corporation.

OUR ATTORNEYS



Raymond A. Bragar

Ray Bragar is a partner of the firm. Ray started the firm in 1983 and practices general litigation with a sub-specialty in real estate and real estate litigation. He has over thirty years of experience practicing in New York State and Federal Courts. He has handled complex trials before juries and judges lasting several weeks and numerous appeals in both the State and Federal Courts. He also has extensive experience working in the nontraditional forum of alternate dispute resolution, including multiple-week trials.

Following graduation, Ray was law clerk to the Hon. Lloyd F. McMahon who was then Chief Judge for the United States District Court for the Southern District of New York. He also previously worked for the firm of Katten Muchin Rosenman LLP (formerly Rosenman & Colin, LLP).

Ray is member of the bar of the State of New York. He is also admitted to practice before the United States Supreme court, as well as in the United States Courts of Appeals for the Second, Fourth, and District of Columbia Circuits, United States District Courts for the Southern, Eastern, and Northern Districts of New York, and the United States Bankruptcy Courts for the Eastern and Southern Districts of New York. He is a member of the New York State Bar Association, where he has been a member of the Civil Practice Law & Rules Committee since 1985.

Ray is a 1972 *cum laude* graduate of the Harvard Law School and is a 1968 *magna cum laude* graduate of Rutgers University.



Lawrence P. Eagel

Larry Eagel is a partner in the firm and joined in 1994. Larry handles all types of litigation, but he is particularly skilled in the areas of securities and bankruptcy-related litigation, including class actions. Prior to 1994, he was associated with the firm of Proskauer Rose LLP. Larry was also a certified public accountant and worked in the late 1970's as an auditor with Grant Thornton & Co. (formerly Alexander Grant & Co.) in the firm's Washington, D.C. office.

Larry is member of the bars of the State of New York and the State of New Jersey. He is also admitted to practice before the United States Courts of Appeals for the Second and Third Circuits, the United States District Courts for the Southern, Eastern, and Northern Districts of New York, the United States District Court for the District of New Jersey, and the United States Tax Court. He is a member of The Association of the Bar of the City of New York, where he was a member of the Committee on Federal Legislation from 1993 to 1997.

B|E|S BRAGAR EAGEL & SQUIRE, P.C.

Larry is a 1983 *cum laude* graduate of the Brooklyn Law School, where he was a Comments Editor of the *Brooklyn Law Review*. He completed his undergraduate work at George Washington University in 1978, where he also earned an M.B.A. in 1980.



David J. Stone

David J. Stone is a partner in the firm, having joined in May 2011. David has extensive experience litigating all types of commercial matters, including securities, mortgage-backed securities, and consumer class actions. Prior to joining the firm, David was associated with Greenberg Traurig LLP, Morrison & Foerster LLP, and Cravath Swaine & Moore LLP.

David is a member of the bars of the State of New York and the State of California. He is admitted to practice before the United States Court of Appeals for the Second and Third Circuits, and the United States District Courts for the Southern and Eastern Districts of New York, the Northern and Central Districts of California, and the Southern District of Texas, and the United States Bankruptcy Courts for the Southern and Eastern Districts of New York.

David is a 1994 graduate of the Boston University School of Law, where he was an editor of the Law Review, and a 1988 *cum laude* graduate of Tufts University. Following graduation, David was law clerk to the Hon. Joseph L. Tauro who was then Chief Judge for the United States District Court for the District of Massachusetts.



W. Scott Holleman

Scott is a partner of the firm. He has a broad range of experience litigating complex claims involving securities fraud, corporate governance, mergers & acquisitions, antitrust, consumer class actions and other litigation. Scott has represented clients in federal and state courts throughout the nation.

Scott is a 2007 graduate of St. John's University School of Law, and a 2003 graduate of the University of North Carolina.

Scott is a member of the bars of the State of New York and California, and is admitted to practice before the United States Court of Appeal for the Sixth Circuit, United States District Court for the Northern District of California, United States District Court for the Eastern, Northern, and Southern Districts of New York, and the United States District Court for the Eastern District of Wisconsin.

B|E|S BRAGAR EAGEL & SQUIRE, P.C.



Melissa A. Fortunato

Melissa is a partner of the firm. She has a broad background in securities fraud, corporate governance, and other complex class action and commercial litigation on behalf of investors. Many of her cases have involved breaches of fiduciary duties by public company boards of directors, and she has represented institutional and individual stockholders in the mediation and settlement of numerous derivative and class actions.

Melissa is a 2013 *magna cum laude* graduate of the Pace University School of Law, where she was a Notes Editor of the Pace Environmental Law Review, and a 2004 *cum laude* graduate of Georgetown University.

Melissa is a member of the bars of the states of New York, New Jersey, Connecticut, and California. She is admitted to practice before the United States Court of Appeals for the Fourth and Ninth Circuits, and the United States District Courts for the Eastern, Western, and Southern Districts of New York, the District of New Jersey, and the Northern, Central, and Eastern Districts of California.



Jeffrey H. Squire

Jeffrey H. Squire is Of Counsel at the firm. Jeff was previously a partner at Kirby, McInerney & Squire LLP and Of Counsel to Wolf Popper LLP. Jeff, as lead or co-lead counsel, has prosecuted scores of class and derivative actions on behalf of the stockholders of many corporations, including: Adelpia Communications Corporation; AT&T Corporation; Bennett Funding Group; Bisys Group, Inc.; eBay, Inc.; Ford Motor Company; The Limited Corporation; Morrison Knudsen; Washington Group, Inc.; Waste Management, Inc.; and Woolworth, Inc. In such

cases, he has recovered over one billion dollars for stockholders.

Jeff's ability to prosecute sophisticated class actions successfully has often been the subject of judicial recognition:

"You have acted the way lawyers at their best ought to act. And I have had a lot of cases in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here I would say this has been the best representation that I have ever seen." *In re Waste Management, Inc. Securities Litigation*.

"Nonetheless, in this Court's experience, relatively few cases have involved as high level of risk, as extensive discovery, and, most importantly, as positive a final result for the class members as that obtained in this case." *In re Bisys Securities Litigation*.

Jeff is a 1976 graduate of the University of Pennsylvania Law School and a 1973 *cum laude* graduate of Amherst College. He is member of the bars of the State of New York and State of Pennsylvania (retired). He is also admitted to practice before the United States Courts of

B|E|S BRAGAR EAGEL & SQUIRE, P.C.

Appeals for the Second, Third, Sixth, and Seventh Circuits, and the United States District Courts for the Southern, Eastern, and Northern Districts of New York, the Northern District of Georgia, the Northern District of California, and the Southern District of Texas.



Marion Passmore

Marion Passmore is Of Counsel at the firm. Marion has a broad litigation practice, with an extensive background in securities litigation. She has prosecuted numerous securities fraud actions on behalf of institutional and individual investors. Prior to joining the firm, she co-founded a small private practice that specialized in estate planning and probate actions, civil litigation, real property, and served as city attorney for the City of Choteau, Montana.

Marion is a 2003 graduate of the University of San Diego School of Law. She received an M.B.A from the San Diego School of Business in 2004 and was also a member of the Beta Gamma Sigma Honors Society. Marion is a 2000 *cum laude* graduate of the University of Southern California.

Marion is a member of the bars of the states of California and Montana. She is admitted to practice in the United States District Courts for the Southern, Northern, and Central Districts of California and the District of Montana.



Alexandra Raymond

Alexandra Raymond is an associate at the firm. Alexandra's practice involves securities, corporate governance and merger litigation. She also has experience in corporate transactional work and finance law.

Alexandra is a 2018 graduate of Boston University School of Law. While in law school, she spent a semester at Bucerius Law School in Hamburg, Germany, studying international and comparative business law. She received a B.A. from New York University in 2014.



Derek Scherr

Derek Scherr is an associate at the firm. Derek practices commercial litigation involving contract disputes, commercial and residential real estate, partnership disputes, business fraud, and bankruptcy litigation.

Derek is a 2013 graduate of the Benjamin N. Cardozo School of Law. He received a B.A. in history from New York University in 2010.

Derek is a member of the bar of the State of New York.

B|E|S BRAGAR EAGEL & SQUIRE, P.C.



Garam Choe

Garam Choe is an associate at the firm. Garam’s practice involves securities, corporate governance and merger litigation. Garam is a 2016 graduate of St. John’s University School of Law, and a 2011 graduate of Baruch College. Garam is a member of the bar of the State of New York.



Siedel Bethune

Siedel Bethune is a staff attorney at the firm. Siedel’s practice involves securities, corporate governance and merger litigation. He has over eleven years of experience in all facets of discovery, including antitrust litigation document review, “second requests” issued by the Department of Justice or Federal Communications Commission, class action lawsuits, banking compliance litigation, mortgage securities litigation, pharmaceutical products liability litigation, patent and trademark prosecutions, criminal investigations, and internal investigations.

Siedel is a 2003 graduate of Boston College Law School, and received his B.A. from State University of New York – Stony Brook in 1999.

NON-LEGAL STAFF



Yian Chen (Data Scientist)

Yian is a Legal Support Specialist and Analyst and oversees our Institutional Monitoring Service. He focuses on securities fraud monitoring and investigations, using securities class action monitoring technology as well as his own market research. His role is to monitor and protect the interests of our clients on the service. Yian watches the stock market as well as securities class action lawsuit filings for signs of fraud-related stock declines that affect our clients’ investments.

LOCATIONS

580 California Street
Suite 1200
San Francisco, CA 94104
Tel: (415) 568-2124

885 Third Avenue
Suite 3040
New York, NY 10022
Tel: (212)308-5858

445 S. Figueroa Street
Suite 3100
Los Angeles, CA 90071
Tel: (213) 612-7222

EXHIBIT 10

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
CLASS ACTION

DECLARATION OF ARCHIE I. GRUBB, II,
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, ARCHIE I. GRUBB, II, declare as follows:

2 1. I am an attorney and partner at the law firm of BRASWELL, MURPHY &
3 GRUBB, LLC (“Braswell Murphy”) (formerly with BEASLEY, ALLEN, CROW, METHVIN,
4 PORTIS AND MILES, P.C. (“Beasley Allen”).

5 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
6 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees, I was
7 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
8 pre-approved reserve group that was available to provide assistance and additional support to
9 leadership.

10 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
11 with years in practice, most recent hourly rates reported to the Court during the pendency of
12 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
13 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
14 and trial experience of each professional can be found, to the extent available, in the firm resume
15 attached hereto as Exhibit C.

16 4. The detailed descriptions of the time spent by the attorneys and other professionals
17 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
18 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs’
19 Executive Committee and Co-Lead Counsel pursuant to the Court’s July 3, 2018 Case
20 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
21 time records are available for the Court’s review should the Court desire such records.

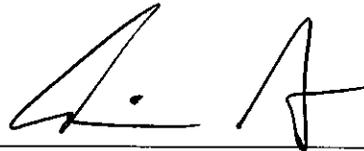
22 5. The total number of hours expended on this litigation by my firm, as approved by
23 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
24 consolidation through July 31, 2020 is 69.10 hours (61.50 Beasley Allen, 7.60 Braswell Murphy).
25 The total lodestar for my firm is \$35,239.50 (\$30,679.50 Beasley Allen, \$4,560.00 Braswell
26 Murphy).

27 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
28 (“expenses”) totaling \$57.92 (Beasley Allen), which were necessary in relation to this litigation

1 and submitted, vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-
2 Lead Counsel pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses
3 pertaining this litigation are reflected in the books and records of the Beasley Allen firm. These
4 books and records are prepared from expense vouchers, check records, and other documents and
5 are an accurate record of the expenses.

6 7. Attached hereto as Exhibit C is the firm resume for my firm.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
8 day of August, 2020, at Columbus, Georgia.



ARCHIE I. GRUBB, II

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EXHIBIT A

Braswell Murphy & Grubb (Beasley Allen)

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Grubb, Archie	Partner (15 years)	\$ 600.00	54.80	\$ 32,880.00
Gagnon, Whitney	Paralegal	\$ 165.00	14.30	\$ 2,359.50
TOTAL			69.10	\$ 35,239.50

EXHIBIT B

EXHIBIT B**Braswell Murphy & Grubb (Beasley Allen)**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	\$ 0.09
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	\$ 1.21
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$ 6.98
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous (Client Interest)	\$ 49.64
25. Assessments	
TOTAL	\$ 57.92

EXHIBIT C

BRASWELL MURPHY & GRUBB

— L A W Y E R S —

Kasie M. Braswell*
kasie@braswellmurphy.com

D. Brian Murphy**
brian@braswellmurphy.com

Archie I. Grubb, II***
archie@braswellmurphy.com

BRASWELL, MURPHY & GRUBB, LLC, represents plaintiffs in personal injury, consumer, and business litigation throughout the southeastern United States. The firm has offices in Mobile, Alabama, and Columbus, Georgia. The firm's principals, Kasie Braswell, Brian Murphy, and Archie Grubb, are licensed to practice law in all state and federal courts in Alabama, Georgia, and Mississippi.

KASIE M. BRASWELL**EDUCATION**

- Mississippi College of Law (J.D.)
- University of South Alabama (B.A., Political Science)

BAR ADMISSIONS

- Alabama State Bar
- Mississippi State Bar
- United States District Court for the Northern District of Alabama
- United States District Court for the Middle District of Alabama
- United States District Court for the Southern District of Alabama
- United States District Court for the Northern District of Mississippi
- United States District Court for the Southern District of Mississippi
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Sixth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Eleventh Circuit

MEMBERSHIPS/ACTIVITIES

- American Bar Association
- Mississippi Association for Justice
- South Alabama Trial Lawyers Association
- Mobile Bar Association
- Mobile Volunteer Lawyers Association
- National Trial Lawyers Association
- Association of Plaintiff Interstate Trucking Lawyers of America

REPLY TO:
1430 Wynnton Road
Columbus, Georgia 31906
Phone: (706) 221-7020
Fax: (251) 438-7949

*Licensed in AL & MS
**Licensed in AL, GA & MS
***Licensed in AL & GA

Mobile, Alabama Office
105 N. Conception St., Suite 100
Mobile, Alabama 36602
Phone: (251) 438-7503
Fax: (251) 438-7949

NOTABLE CASES

- Part to two-member trial team to recover what is believed to be the largest arbitration award against a trucking company in Mississippi (\$2,300,000.00)
- Verdict in Southern District of Mississippi for \$1,132,000 in tractor-trailer wreck causing neck and spine injuries
- Co-lead counsel on behalf of hundreds of plaintiffs in *In re: Mercaptan Litigation* (Circuit Court of Mobile Co., Alabama, CV-2013-000235)
- Co-lead counsel on behalf of hundreds of plaintiffs in *Housing Authority of the City of Prichard v. Mobile Gas* (Circuit Court of Mobile Co., Alabama, CV-2013-901002)

REPORTED DECISIONS

- *Harrison v. PCI Gaming Authority, et al.*, 251 So.3d 24 (Ala. 2017)

ACHIEVEMENTS/RECOGNITIONS

- Alabama Super Lawyers Rising Star, 2011-2015
- Mobile Bay Magazine "Top 40 Under 40"
- National Trial Lawyers Association "Top 40 Under 40"
- National Trial Lawyers Association Top 100 Trial Lawyers
- Multi-Million Dollar Advocates Forum

D. BRIAN MURPHY

EDUCATION

- Cumberland School of Law at Samford University (J.D.)
- Auburn University (B.A., Political Science)

BAR ADMISSIONS

- Alabama State Bar
- Mississippi State Bar
- State Bar of Georgia
- United States District Court for the Northern District of Alabama
- United States District Court for the Middle District of Alabama
- United States District Court for the Southern District of Alabama
- United States District Court for the Northern District of Mississippi
- United States District Court for the Southern District of Mississippi
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit

MEMBERSHIPS/ACTIVITIES

- Alabama State Bar Insurance Benefits Committee Co-Chair (2019-present)
- Alabama State Bar Unauthorized Practice of Law Committee (2010-2017)
- Alabama State Bar Young Lawyers Executive Committee (2009-2016)
- Mobile Bar Association, Executive Committee (2017-present)
- Mobile Bar Association Young Lawyers President (2009)
- Mobile Bar Foundation, Board of Directors
- American Bar Association
- American Association for Justice
- American Inns of Court, Paul W. Brock Chapter
- Mobile Volunteer Lawyers Association

NOTABLE CASES

- Represented numerous claimants/plaintiffs in *In re: Oil Spill by the Oil Rig "Deepwater Horizon,"* MDL No. 2179 (E.D. La.).
- Co-lead counsel on behalf of hundreds of plaintiffs in *In re: Mercaptan Litigation* (Circuit Court of Mobile Co., Alabama, CV-2013-000235)
- Co-lead counsel on behalf of hundreds of plaintiffs in *Housing Authority of the City of Prichard v. Mobile Gas* (Circuit Court of Mobile Co., Alabama, CV-2013-901002)

REPORTED DECISIONS

- *Harrison v. PCI Gaming Authority, et al.*, 251 So.3d 24 (Ala. 2017)

ACHIEVEMENTS/RECOGNITIONS

- Martindale-Hubbell AV Rating
- Alabama/Mid-South Super Lawyers, 2011, 2015-2019

PUBLICATIONS/PRESENTATIONS

- *Expert Witness Testimony in Probate Court*, 2019 Mobile County Probate Court Seminar
- *Expert Witness Testimony in Probate Court*, 2014 Mobile County Probate Court Seminar
- *Legal Branding to Advance Your Career*, Iron Bowl CLE, Birmingham, Alabama, November 2014
- *Navigating Your Legal Career*, 2012 Alabama Bar YL Sandestin Seminar
- *Texas Hurricane Toolbox*, February 2011
- *Coverage Issues in Condo Claims* (co-author), presented at Federation of Defense and Corporate Counsel Annual Meeting, Hot Springs, Virginia, July 2009

- *Successfully Settling Your Personal Injury and Property Damage Claims* (co-author), presented at National Business Institute Seminar, Mobile, Alabama, March 2009
- *Experts: Testifying, Consulting and In-House* (co-author), Primerus Defense Institute Convocation, Boca Raton, Florida, May 2007

ARCHIE I. GRUBB, II

EDUCATION

- University of Alabama School of Law (J.D.)
- University of Alabama Honors College (B.A., Political Science and History)

BAR ADMISSIONS

- Alabama State Bar
- State Bar of Georgia
- United States District Court for the Northern District of Alabama
- United States District Court for the Middle District of Alabama
- United States District Court for the Southern District of Alabama
- United States District Court for the Northern District of Georgia
- United States District Court for the Middle District of Georgia
- United States District Court for the Southern District of Georgia
- United States Court of Appeals for the Eleventh Circuit

MEMBERSHIPS/ACTIVITIES

- American Association for Justice (Class Action Litigation Group)
- Alabama Association for Justice
- Georgia Trial Lawyers Association
- Taxpayers Against Fraud Education Fund
- Columbus (Georgia) Bar Association
- Columbus Trial Lawyers Association
- Chattahoochee Circuit Bar Association

NOTABLE CASES

- Co-lead counsel in the following certified class actions related to force-placed flood insurance: *Walls v. JPMorgan Chase Bank*, No. 3:11-cv-673-DJH (W.D. Ky. Oct. 14, 2016); and *Coates v. Midfirst Bank*, No. 2:14-cv-1079-KOB (N.D. Ala. July 29, 2015)
- Appointment to Plaintiff's Steering Committee in *In re: Apple Inc. Device Performance Litig.*, MDL No. 2827 (N.D. Cal.) (settlement approval pending)

- Assistance to plaintiffs' leadership in the multiple MDL matters, including but not limited to: *In re: Blue Cross Blue Shield Antitrust Litigation*, MDL No. 2406 (N.D. Ala.) (in litigation); *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (N.D. Cal.) (consumer class settlement approved); *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777 (N.D. Cal.) (consumer class settlement approved)
- Represented one of six whistleblowers responsible for a \$39 million settlement in False Claims Act case alleging illegal kickbacks and off-label marketing by a pharmaceutical company
- Represented a group of whistleblowers who bankrupted and closed a predatory for-profit college that lied to students, accreditors, and the federal government concerning attendance, graduation rates, and job placement
- \$3.3 million for personal injuries caused by a drunk driver
- \$1.8 million for a business insurance coverage dispute
- \$1.2 million for breach of a business partnership agreement
- \$575,000 for an insurance coverage dispute
- \$400,000 for a breach of contract claim between two businesses
- \$300,000 for the purchaser of a defective product
- \$250,000 for a civil rights violation
- Multiple five and six figure settlements for personal injury claimants, consumer fraud victims, and whistleblowers

REPORTED DECISIONS

- *The Environmental Protection Commission of Hillsborough County v. Volkswagen Group of America, Inc.*, No. 18-15937 (9th Cir. June 1, 2020)

ACHIEVEMENTS/RECOGNITIONS

- Martindale-Hubbell AV Rating
- Montgomery County Bar Association, pro bono recognition (2012 & 2013)
- Chattahoochee Circuit Bar Association, President (2008)

PUBLICATIONS/PRESENTATIONS

- CLE presentations on various aspects of consumer litigation in Atlanta, Miami, New Orleans, Los Angeles, and San Juan, Puerto Rico
- Multiple CLE presentations on consumer and business litigation to over 1,000 lawyers attending Beasley Allen Legal Strategies Conference, Montgomery, AL
- CLE presentations on qui tam litigation at Cumberland School of Law (Samford University) and Troy State University.

EXHIBIT 11

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF ANTHONY F. FATA
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Anthony F. Fata, declare as follows:

2 1. I am a partner at the law firm of CAFFERTY CLOBES MERIWETHER &
3 SPRENGEL LLP.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed to the Plaintiffs' Executive Committee. In that role, I Co-Chaired the
7 Damages/Settlement Committee, which performed the following work at the direction of Interim
8 Co-Lead Counsel: legal analysis of damages available under the causes of action asserted by
9 Plaintiffs and the Class; formulating fact discovery and fact analyses pertaining to damages; and
10 identifying damages models and performing legal analyses regarding damage models. In addition,
11 my firm represented two named plaintiffs and, at the direction of Interim Co-Lead Counsel,
12 engaged in discovery and communication efforts with regard to these named Plaintiffs. Finally,
13 my firm performed a variety of other functions at the specific request and under the direction of
14 Interim Co-Lead Counsel, including assisting with the compliance of Plaintiffs' discovery
15 obligations, reviewing Plaintiffs documents, research legal issues at the request of Lead Counsel,
16 and legal and factual research and analysis concerning the pleadings.

17 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
18 with years in practice, most recent hourly rates reported to the Court during the pendency of this
19 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
20 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
21 and trial experience of each professional can be found, to the extent available, in the firm resume
22 attached hereto as Exhibit C.

23 4. The detailed descriptions of the time spent by the attorneys and other professionals
24 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
25 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
26 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
27 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
28 time records are available for the Court's review should the Court desire such records.

EXHIBIT A

EXHIBIT A**Cafferty Clobes Meriwether & Sprengel LLP**

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Anthony Fata	Partner - Date of Admittance 11/4/1999	\$ 825.00	87.20	\$ 71,940.00
Chris Tourek	Associate - Date of Admittance 10/31/2013	\$ 575.00	390.00	\$ 224,250.00
Kelly McDonald	Paralegal	\$ 300.00	7.90	\$ 2,370.00
Sharon Nyland	Paralegal	\$ 300.00	0.50	\$ 150.00
TOTAL			485.60	\$ 298,710.00

EXHIBIT B

EXHIBIT B**Cafferty Clobes Meriwether & Sprengel LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ 44.25
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ 80.00
05. Postage	\$ 21.75
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 854.65
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ 25,000.00
TOTAL	\$ 26,000.65

EXHIBIT C



Cafferty Clobes Meriwether & Sprengel LLP



Successful Solutions for Complex Litigation



Firm Overview

Cafferty Clobes Meriwether & Sprengel LLP combines the talents of attorneys with a wide range of experience in complex civil litigation. The skill and experience of CCMS attorneys has been recognized on repeated occasions by courts that have appointed these attorneys to major positions in complex multidistrict or consolidated litigation. As the representative sampling of cases listed below demonstrates, these attorneys have taken a leading role in numerous important actions on behalf of investors, employees, consumers, businesses and others. In addition, CCMS attorneys are currently involved in a number of pending class actions, as described on the Firm's web page.

Consumer Class Actions

- ***Apple iPhone Warranty Litigation (N.D. Cal.)***

This case challenged Apple's policy of denying warranty claims based on liquid contact indicators located in headphone jacks and dock connector ports of iPhones and iPod touches. Similar class actions were subsequently filed in federal courts on behalf of Apple consumers. CCMS helped negotiate and achieve a \$53 million settlement of the state and federal cases.

- ***In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Prod. Liability Litig., MDL No. 2672 (N.D. Cal.)***

CCMS worked closely with lead counsel and other class counsel in this class case challenging unlawful actions by the manufacturer defendants to mask the actual diesel emission levels in various vehicle makes and models. Judge Beyer approved a class settlement with defendants worth billions of dollars.

- ***Skeen v. BMW of N. Amer., LLC, No. 13-cv-1531 (D.N.J.)***

CCMS served as co-lead counsel in an action brought on behalf of owners of certain MINI Cooper-brand vehicles that contained a latent defect in a part of the engine known as the "timing chain tensioner" which caused the part to fail prematurely, eventually requiring replacement of that part or the entire engine. Following extensive discovery and mediation, the parties reached a global settlement on behalf of a nationwide class of vehicle owners. The efforts of the firm and its co-lead counsel resulted in a settlement which significantly extended warranty coverage, and reimbursed vehicle owners for tens of millions of dollars in out-of-pocket expenses incurred for repair and/or replacement.



- ***Ponzo v. Watts Regulator Company, 1:14-cv-14080 (D. Mass.); Klug v. Watts Regulator Company, No. 15-cv-00061 (D. Neb.)***
These consumer class cases, first brought by CCMS (D. Mass.) addressed defective water heater and “Floodsafe” branded connectors. The plaintiffs in both cases alleged that the water heater connectors were made of a material that would break down during regular use, causing leaks and ruptures that flooded class members’ homes. The efforts of the firm and its co-lead counsel resulted in a settlement that provides \$14 million to affected homeowners.
- ***Traxler v. PPG Industries, Inc., No. 15-cv-00912 (N.D. Ohio)***
CCMS served as lead counsel in this defective product action challenging certain defective deck resurfacing products. The products did not adhere properly, and instead peeled, cracked, bubbled and severely damaged the surfaces to which they were applied. In February 2017 the parties reached an agreement in principle to settle the case on behalf of a nationwide class of consumers. The efforts of the firm and its co-counsel resulted in a settlement that provides \$6.5 million to affected homeowners.
- ***In re Takata Airbag Prod. Liability Litig., MDL No. 2599 (S.D. Fla.)***
CCMS represents six named Class Plaintiffs and has been and continues to work closely with lead counsel on this multi-billion dollar case involving defective airbags installed in tens of millions of affected vehicles manufactured by most major manufacturers. Class settlements with Honda and BMW providing class members with hundreds of millions of dollars and substantial programmatic relief have been finally approved and are the subject of pending appeals.
- ***In re General Motors Corp. Air Conditioning Marketing and Sales Practices Litig., MDL No. 2818 (E.D. Mich.)***
After conducting a significant pre-suit investigation, CCMS filed the first class action in the Eastern District of Michigan seeking relief on behalf of owners of GM vehicles suffering from a defect in the air conditioning system which typically results in total system failure, necessitating significant repairs thereto. Since commencing the action, CCMS has communicated with dozens of affected consumers and worked with GM assess the scope and nature of an extended warranty program GM implemented in a purported effort to resolve the claims of certain vehicle owners. On April 11, 2018, the Court appointed CCMS co-lead counsel.



- ***Squires et al., v. Toyota Motor Corp., et al., No. 18-cv-00138 (E.D. Tex.)***
CCMS investigated, originated and filed the first and only consumer class action brought on behalf of owners of multi-model year Toyota Prius vehicles that suffer from a defect that causes windshields to crack and fail in ordinary and foreseeable driving conditions. Plaintiffs allege that Defendants have breached express and implied warranties, and have violated the consumer protection statutes of various States.
- ***Gonzalez, et al., v. Mazda Motor Corp., et al., No. 16-cv-2087 (N.D. Cal.)***
CCMS is lead counsel in a consumer class action brought on behalf of owners of Model Year 2010-15 Mazda3 vehicles with defective clutch assemblies that cause them to prematurely fail. Plaintiffs allege that Defendants have breached express and implied warranties, and have violated the consumer protection statutes of various states. *See, e.g., Gonzalez v. Mazda Motor Corp., No. 16-CV-02087-MMC, 2017 WL 345878 (N.D. Cal. Jan. 5, 2017) (denying and granting in part Defendants' motion to dismiss).*
- ***Albright v. The Sherwin-Williams Company, No. 17-cv-02513 (N.D. Ohio)***
CCMS is serving as Co-Lead Counsel in this class action concerning deck resurfacing products sold under the Duckback and SuperDeck brand names. Plaintiffs allege that defendants have breached express and implied warranties, and have violated the consumer protection statutes of various states.
- ***Anderson v. Behr Process Corp., No. 1:17-cv-08735 (N.D. Ill.)***
CCMS is serving as Co-Lead Counsel in this class action brought on behalf of purchasers of various deck coating products from 2012 through the present. After many months of mediation and settlement negotiations, and successfully opposing efforts by other plaintiffs and firms to have the JPML centralize pending cases, the parties have agreed to a proposed Class settlement which will provide substantial valuable monetary relief to Class members to refund the cost of product purchased as well as compensate them for damage to their decks and the costs of restoring and repairing the same.
- ***Bergman v. DAP Products, Inc., 14-cv-03205 (D. Md.)***
CCMS served as lead counsel in this class action on behalf of consumers who purchased various models of "XHose" garden hoses, which were flexible outdoor hoses that were predisposed to leaking, bursting, seeping, and dripping due to design defects. The court approved a nationwide settlement providing hundreds of



thousands of consumer class members with the opportunity to recover a substantial portion of their damages.

- ***In re Midway Moving & Storage, Inc.’s Charges to Residential Customers, No. 03 CH 16091 (Cir. Ct. Cook Cty., Ill.)***

A class action on behalf of customers of Illinois’ largest moving company. A litigation class was certified and upheld on appeal. See *Ramirez v. Midway Moving and Storage, Inc.*, 880 N.E.2d 653 (Ill. App. 2007). On the eve of trial, the case settled on a class-wide basis. The court stated that CCMS is “highly experienced in complex and class action litigation, vigorously prosecuted the Class’ claims, and achieved an excellent Settlement for the Class under which Class members will receive 100% of their alleged damages.”

- ***Walter Cwietniewicz d/b/a Ellis Pharmacy, et al. v. Aetna U.S. Healthcare, June Term, 1998, No. 423 (Pa. Common Pleas)***

On May 25, 2006, the court granted final approval to a settlement of a class action brought on behalf of pharmacies that participated in U.S. Healthcare’s capitation program seeking to recover certain required semi-annual payments. At the final approval hearing, the court found that “this particular case was as hard-fought as any that I have participated in” and with respect to the Class’s reaction to the settlement achieved as a result of our firm’s work: “. . . a good job, and the reason there should be no objection, they should be very very happy with what you have done.”

- ***Davitt v. American Honda Motor Co., Inc., No. 13-cv-381 (D.N.J.)***

CCMS served as plaintiffs’ counsel in a class action brought on behalf of owners of 2007-09 Honda CRV vehicles that suffered from a defect that predisposed the door-locking mechanisms to premature failure. Following extensive dismissal briefing, discovery and mediation, the parties arrived at a global settlement that provided class members with extended warranty coverage for the defect and reimbursement of out-of-pocket expenses incurred in connection therewith.

- ***Sabol v. Ford Motor Company, No. 2:14-cv-06654 (E.D. Pa.)***

CCMS served as Lead Counsel in this class case brought on behalf of owners of various model 2010-2015 Ford, Volvo and Land Rover vehicles allegedly including a defect in certain Ecoboost engines. Defendant claimed it addressed and repaired the problem through a series of recalls and repairs. After briefing summary judgment and class certification, and several years of hard fought litigation, including



substantial discovery, the parties entered into a settlement providing substantial monetary and other relief.

- ***Lax v. Toyota Motor Corp., No. 14-cv-1490 (N.D. Cal.)***

CCMS served as class counsel in an action brought on behalf of owners of certain Toyota-brand vehicles that contained a defect which caused vehicles to consume oil at accelerated rates, often resulting in catastrophic engine failure. Following extensive discovery and mediation, the parties reached a private settlement following Toyota's implementation of an extended warranty and reimbursement program for affected vehicles. ECF No. 82.

Antitrust Class Actions and Litigation

- ***In re Insurance Brokerage Antitrust Litig., MDL No. 1663 (D.N.J.)***

CCMS served as Co-Lead Counsel for plaintiffs in this class case alleging that insurance brokers and insurers conspired to allocate customers in a complicated scheme to maximize their own revenues at the expense of class members. The litigation concluded in 2013 with final approval of the last of five separate settlements that, in total, exceeded \$270 million. Judge Cecchi observed that "Class counsel include notably skilled attorneys with experience in antitrust, class actions and RICO litigation." *In re Insurance Brokerage Antitrust Litig.*, 297 F.R.D. 136, 153 (D.N.J. 2013); see also *In re Insurance Brokerage Antitrust Litig.*, MDL No. 1663, 2007 WL 1652303, at *6 (D.N.J. June 5, 2007).

- ***VisaCheck/MasterMoney Antitrust Litig., Master File No. 96-5238 (E.D.N.Y.)***

CCMS's client, Burlington Coat Factory Warehouse, and the other plaintiffs, alleged that Visa and MasterCard violated the antitrust laws by forcing retailers to accept all of their branded cards as a condition of acceptance of their credit cards. The parties entered into settlement agreements that collectively provided for the payment of over \$3.3 billion, plus widespread reforms and injunctive relief.

- ***In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litig., No. 4:14-md-02541 (N.D. Cal.)***

CCMS represents a former Division 1 college basketball player in this antitrust litigation challenging the cap imposed by the NCAA on grant-in-aid packages. The efforts of the firm and its co-counsel resulted in certification of an injunctive class and a settlement of \$209 million.



- ***Kamakahi v. American Society for Reproductive Medicine, No. 3:11-cv-01781 (N.D. Cal.)***
CCMS served as Co-Lead Counsel in a cutting edge antitrust case challenging the legality of ethical guidelines promulgated by two professional associations that limited the compensation members were permitted to pay to women providing donor services for in-vitro fertilization. Without the benefit of a parallel government case or investigation, CCMS achieved a groundbreaking settlement that required defendants to eliminate the compensation caps and to refrain from imposing similar caps in the future.
- ***In re New Motor Vehicles Canadian Export Antitrust Litig., MDL No. 1532 (D. Me.)***
CCMS served as Class Counsel in multidistrict litigation alleging that automobile manufacturers and other parties conspired to prevent lower priced new motor vehicles from entering the American market thereby artificially inflating prices. The court approved a \$37 million settlement with Toyota and the Canadian Automobile Dealers' Association.
- ***In re TriCor Indirect Purchaser Antitrust Litig., No. 05-360 (D. Del)***
CCMS served as Lead Counsel for consumer and third-party payor plaintiffs who alleged that defendants engaged in unlawful monopolization in the market for fenofibrate products, which are used to treat high cholesterol and high triglyceride levels. The court approved to a \$65.7 million settlement (an amount that excludes an initial payment to opt-out insurance companies).
- ***In re Prandin Direct Purchaser Antitrust Litig., Civ. No. 10-12141 (E.D. Mich.)***
CCMS served as Co-Lead counsel for a plaintiff class of direct purchasers of the prescription drug repaglinide, which is manufactured and marketed by Novo Nordisk under the brand-name Prandin. Plaintiffs alleged that Novo Nordisk blocked FDA approval of generic versions of the drug by wrongfully manipulating the language of the "use code" filed with the FDA in connection with a method of use patent. The court approved a \$19 million settlement.
- ***In Re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation, MDL No. 2819 (E.D.N.Y)***
CCMS is a member of the Executive Committee representing a putative class of indirect purchasers of Restasis, an eye-drop used to treat dry-eye syndrome, and allege that Defendant Allergan engaged in various anticompetitive activities to



illegally prolong the life of its patents over Restasis, and to otherwise forestall the entry of generic competition into the cyclosporine market.

- ***In re Disposable Contact Lens Antitrust Litigation*, MDL No. 2626 (M.D. Fla.)**
CCMS serves on the Defendant Discovery Committee, which is tasked with overseeing all aspects of discovery pertaining to Defendants, who are alleged to have conspired to implement retail price maintenance agreements intended to inflate the prices of disposable contact lenses to supracompetitive levels. Plaintiffs already have secured an \$8 million settlement from Defendant CooperVision.
- ***In re Automotive Parts Antitrust Litig.*, MDL No. 2311 (E.D. Mich.)**
CCMS has served as a member of Plaintiffs' Executive Committee representing the end-payor class in one of the largest civil antitrust actions in US history. As a member of the Executive Committee, CCMS has played an important role in this groundbreaking litigation in which plaintiffs have recovered over \$1 billion on behalf of end-payor consumers and businesses who allege they purchased or leased new automobiles at prices that were artificially inflated as a result of automotive component manufacturers' anticompetitive conduct.
- ***Nichols v. SmithKline Beecham Corp.*, No. Civ.A.00-6222 (E.D. Pa.)**
CCMS served as Co-Lead Counsel for consumers and third-party payors who alleged that the manufacturer of the brand-name antidepressant Paxil misled the U.S. Patent Office into issuing patents that protected Paxil from competition from generic substitutes. The court approved a \$65 million class action settlement for the benefit of consumers and third-party payors who paid for Paxil.
- ***In re Relafen Antitrust Litig.* No. 01-12239 (D. Mass.)**
The court approved a \$75 million class action settlement for the benefit of consumers and third-party payors who paid for branded and generic versions of the arthritis medication Relafen. In certifying an exemplar class of end-payors, the court singled out our Firm as experienced and vigorous advocates. *See In re Relafen Antitrust Litig.*, 221 F.R.D. 260, 273 (D. Mass. 2004). In the opinion granting final approval to the settlement, the court commented that "Class counsel here exceeded my expectations in these respects [*i.e.*, experience, competence, and vigor] in every way." *In re Relafen Antitrust Litig.*, 231 F.R.D. 52, 85 (D. Mass. 2005); *see also id.* at 80 ("The Court has consistently noted the exceptional efforts of class counsel.").



- ***In re Warfarin Sodium Antitrust Litig.*, MDL 98-1232 (D. Del.)**
Multidistrict class action on behalf of purchasers of Coumadin, the brand-name warfarin sodium manufactured and marketed by DuPont Pharmaceutical Company. Plaintiffs alleged that the defendant engaged in anticompetitive conduct that wrongfully suppressed competition from generic warfarin sodium. The Court approved a \$44.5 million settlement.
- ***In re Cardizem CD Antitrust Litig.*, MDL No. 1278 (E.D. Mich.)**
Multidistrict class action on behalf of purchasers of Cardizem CD, a brand-name heart medication. Plaintiffs alleged that an agreement between the brand manufacturer and a generic manufacturer unlawfully stalled generic competition. The court approved an \$80 million settlement for the benefit of consumers, third-party payors and state attorneys general.
- ***In re Synthroid Marketing Litig.*, MDL No. 1182 (N.D. Ill.)**
This multidistrict action arose out of alleged unlawful activities with respect to the marketing of Synthroid, a levothyroxine product used to treat thyroid disorders. The court approved a consumer settlement in the amount of \$87.4 million.

Commodities Litigation

- ***Ranchers Cattlemen Action Legal Fund United Stockgrowers of America, et al., v. Tyson, et al.*, 19-cv-01222-JRT-HB (D. Minn.)**
CCMS serves as interim co-lead counsel in this case involving alleged manipulation of cattle and cattle futures prices by major meatpackers, as well as an antitrust conspiracy.
- ***In re Libor-Based Financial Instruments*, 11-md-2262 (S.D.N.Y.)**
CCMS serves as class counsel for exchange trader plaintiffs in claims involving manipulation in violation of the Commodity Exchange Act against many of the world's largest financial institutions.
- ***Hershey/Kohen v. Pacific Investment Management Co. LLC*, No. 05 C 4681 (N.D. Ill.)**
As liaison and class counsel in action arising from PIMCO's manipulation of 10-year treasury notes futures traded on the Chicago Board of Trade, CCMS helped secure a \$118 million settlement for the class.



- ***In re Crude Oil Commodity Futures Litig., No. 11-cv-03600 (S.D.N.Y.)***
As class counsel in action arising from manipulation of NYMEX West Texas Intermediate grade crude oil futures contracts, CCMS expended significant resources assisting the class with investigation and discovery. The collective efforts resulted in a \$16.5 million settlement for the class.
- ***In re Foreign Exchange Benchmark Rates Antitrust Litigation, 13-cv-7789 (S.D.N.Y.)***
As class counsel in this action arising from manipulation of foreign exchange rates by international banks and others, CCMS has devoted significant resources toward investigation, discovery, and allocation of more than \$2 billion in settlements for the class.
- ***In re Sumitomo Copper Litig., 96 Civ. 4584(MP) (S.D.N.Y.)***
As class counsel in action arising out of manipulation of the world copper market, CCMS helped achieve settlements aggregating \$134.6 million. In awarding attorneys' fees, Judge Milton Pollack noted that it was "the largest class action recovery in the 75 plus year history of the Commodity Exchange Act." 74 F. Supp. 2d 393 (S.D.N.Y. Nov. 15, 1999).
- ***In re Soybean Futures Litig., No. 89 C 7009 (N.D. Ill.)***
As class counsel in this action against Ferruzzi Finanziaria SpA and related companies for unlawfully manipulating the soybean futures market, CCMS helped recover a \$21.5 million settlement.
- ***Lawrence E. Jaffe Pension Plan v. Household International, Inc., No. 1:02-cv-05893 (N.D. Ill.)***
Securities fraud class action. CCMS served as local counsel and helped recover a settlement of approximately \$1.6 billion.
- ***In re Kaiser Group International, Case No. 00-2263 (Bankr. D. Del.)***
On December 7, 2005, Chief Judge Mary F. Walrath of the United States Bankruptcy Court for the District of Delaware granted final approval to a settlement that produced 175,000 shares of common stock for a class of former shareholders of ICT Spectrum Constructors, Inc. (a company that merged with ICF Kaiser Group International and ICF Kaiser Advanced Technology in 1998). The settlement followed Judge Joseph J. Farnan's ruling which upheld the Bankruptcy Court's decision to award common stock of the new Kaiser entity (Kaiser Group Holdings, Inc.) to the Class of former Spectrum shareholders based on contractual provisions



within the merger agreement. See *Kaiser Group International, Inc. v. James D. Pippin (In re Kaiser Group International)*, 326 B.R. 265 (D. Del. 2005).

- ***Danis v. USN Communications, Inc., No. 98 C 7482 (N.D. Ill.)***

Securities fraud class action arising out of the collapse and eventual bankruptcy of USN Communications, Inc. On May 7, 2001, the court approved a \$44.7 million settlement with certain control persons and underwriters. Reported decisions: 73 F. Supp. 2d 923 (N.D. Ill. 1999); 189 F.R.D. 391 (N.D. Ill. 1999); 121 F. Supp. 2d 1183 (N.D. Ill. 2000).



Individual Biographies

PARTNERS



PATRICK E. CAFFERTY graduated from the University of Michigan, with distinction, in 1980 and obtained his J.D., *cum laude*, from Michigan State University College of Law in 1983. From 1983 to 1985, he served as a prehearing attorney at the Michigan Court of Appeals and as a Clerk to Judge Glenn S. Allen, Jr. of that Court. Mr. Cafferty is an experienced litigator in matters involving antitrust, securities, commodities, and the pharmaceutical industry. In 2002, Mr. Cafferty was a speaker at a forum in Washington D.C. sponsored by Families USA and Blue Cross/Blue Shield styled “Making the Drug Industry Play

Fair.” At the Health Action 2003 Conference in Washington D.C., Mr. Cafferty was a presenter at a workshop titled “Consumers’ Access to Generic Drugs: How Brand Manufacturers Can Derail Generic Drugs and How to Make Them Stay on Track.” In 2010, Mr. Cafferty made a presentation on indirect purchaser class actions at the American Antitrust Institute’s annual antitrust enforcement conference. *See Indirect Class Action Settlements* (Am. Antitrust Inst., Working Paper No. 10-03, 2010). Mr. Cafferty is admitted to the state bars of Michigan and Illinois, and holds several federal district and appellate court admissions. Mr. Cafferty has attained the highest rating, AV®, from Martindale-Hubbell and is a top rated SuperLawyer®.



BRYAN L. CLOBES is a 1988 graduate of the Villanova University School of Law and received his undergraduate degree from the University of Maryland. Mr. Clobes clerked for Judge Arlin M. Adams of the United States Court of Appeals for the Third Circuit, Judge Mitchell H. Cohen of the United States District Court for the District of New Jersey, and Judge Joseph Kaplan of the Maryland Circuit Court in Baltimore. From 1989 through June, 1992, Mr. Clobes served as Trial Counsel to the Commodity Futures Trading Commission in Washington, D.C.

Mr. Clobes has served as lead counsel in many of the firm’s class cases covering all areas of the firm’s practice, and is widely recognized as an expert in class action litigation. Mr. Clobes has authored briefs filed with the Supreme Court in a number of class cases, served as a panelist for class action, consumer and antitrust CLE programs, has sustained and maintained the highest rating, AV®, from Martindale-Hubbell, and has been named a



“Super Lawyer” for the past twelve years. Mr. Clobes is admitted to the bar in New Jersey and Pennsylvania, and admitted to practice in several federal district and appellate court admissions.



ANTHONY F. FATA graduated from the Miami University of Ohio (B.A., 1995), and *with honors* from the Ohio State University College of Law (J.D. 1999), where he was elected to the Order of the Coif and served as Managing Editor of The Ohio State Journal on Dispute Resolution. Mr. Fata began his career at McDermott Will & Emery, where he defended SEC enforcement actions as well as securities, consumer and product defect class actions. Since joining CCMS, Mr. Fata has successfully prosecuted a wide range of commodities, securities, antitrust and consumer class actions. Mr. Fata has

also successfully represented clients in securities arbitrations, corporate investigations, securities/commodities regulatory proceedings, commercial litigation and transactional matters. Mr. Fata serves as an Adjunct Professor for the Seton Hall University Law School’s M.S.J. and L.L.M. online programs, where he has taught Securities Regulation and Compliance, Regulating Brokers and Dealers, Corporate Governance Enforcement and Risk Management, Corporate Finance, and Corporate Law. Mr. Fata has authored numerous articles concerning the securities industry, corporate governance, internal investigations and class actions. Mr. Fata serves on the Editorial Board of the Chicago Bar Association’s *CBA Record*. He also serves as an investigator on the Chicago Bar Association’s Judicial Evaluation Committee. He is admitted to the bar in Illinois, and holds several federal and appellate court admissions.



DANIEL O. HERRERA received his law degree, *magna cum laude*, and his MBA, with a concentration in finance, from the University of Illinois at Urbana-Champaign in 2008. Mr. Herrera received his bachelor’s degree in economics from Northwestern University in 2004. Mr. Herrera joined CCMS as an associate in 2011 and is resident in its Chicago, Illinois Office. Since joining CCMS, Mr. Herrera has successfully prosecuted a wide range of antitrust, consumer and commodities class action. Prior to joining CCMS, Mr. Herrera was an associate in the trial practice of Mayer Brown LLP, a Chicago-based national law firm, where

he defended corporations in securities and antitrust class actions, as well as SEC and DOJ investigations and enforcement actions. Mr. Herrera also routinely handled commercial matters on behalf of corporate clients. Mr. Herrera is licensed to practice in Illinois and holds several federal district and appellate court admissions.



ELLEN MERIWETHER received her law degree from George Washington University, *magna cum laude*, in 1985. She was a member of the *George Washington Law Review* and was elected to the Order of the Coif. Ms. Meriwether received a B.A. degree, *with highest honors*, from LaSalle University in 1981. Ms. Meriwether is on the Board of Directors of the American Antitrust Institute (AAI), is Editorial Board Co-Chair of ANTITRUST, a publication by the section of Antitrust Law of the American Bar Association and serves as Vice-Chair of the Board of Directors of the Public Interest Law Center, in Philadelphia. Since 2010,

Ms. Meriwether has been included in the US News and World Report Publication of “Best Lawyers in America” in the field of Antitrust. She has been named a “Pennsylvania Super Lawyer” since 2005 and has attained the highest rating, “AV”, from Martindale-Hubbell. She is a frequent presenter on topics relating to complex, class action and antitrust litigation and has published a number of articles on subjects relating to class actions and antitrust litigation, including, among others: “The Fiftieth Anniversary of Rule 23: Are Class Actions on the Precipice?,” *Antitrust*, (Vol. 30, No. 2, Spring 2016); “Motorola Mobility and the FTAIA: If Not Here, Then Where?,” *Antitrust*, Vo. 29, No.2 Spring 2015); “Comcast Corp. v. Behrend: Game Changing or Business as Usual?,” *Antitrust*, (Vol. 27, No. 3, Summer 2013). Links to these articles and others authored by Ms. Meriwether can be found on the firm’s website. Ms. Meriwether is admitted to the bar of Supreme Court of Pennsylvania and is admitted in a number of federal district court and appellate court jurisdictions.



NYRAN ROSE RASCHE received her undergraduate degree *cum laude* from Illinois Wesleyan University in 1995, was awarded a graduate teaching fellowship for law school, and earned her law degree from the University of Oregon School of Law in 1999. Following law school, Ms. Rasche served as a law clerk to the Honorable George A. Van Hoomissen of the Oregon Supreme Court. She is the author of *Protecting Agricultural Lands: An Assessment of the Exclusive Farm Use Zone System*, 77 Oregon Law Review 993 (1998) and *Market Allocation through Contingent Commission Agreements: Strategy and*

Results in In re Insurance Brokerage Antitrust Litigation (with Ellen Meriwether), *The Exchange: Insurance and Financial Services Developments* (Spring 2015). Since joining CCMS, Ms. Rasche has successfully prosecuted a wide range of antitrust, consumer class, securities and commodities class actions. Ms. Rasche has been admitted to practice in the state courts of Oregon and Illinois, as well as the United States District Courts for the



Northern District of Illinois and the Southern District of Illinois. She is also a member of the American and Chicago Bar Associations.



JENNIFER WINTER SPRENGEL received her law degree from DePaul University College of Law, where she was a member of the DePaul University Law Review. Her undergraduate degree was conferred by Purdue University. Ms. Sprengel is an experienced litigator in matters involving commodities, antitrust, insurance and the financial industries. In addition, Ms. Sprengel is a committee member of the Seventh Circuit Electronic eDiscovery Pilot Program and is a frequent speaker regarding issues of discovery. Links to some of her presentations and articles can be found on the firm's website.

She also serves as co-chair of the Antitrust Law subcommittee of the ABA Class Action and Derivative Suits committee. She is admitted to practice law in Illinois, holds several federal district and appellate court admissions, and has attained the highest rating, AV®, from Martindale-Hubbell. Ms. Sprengel serves as the managing partner of the Firm.

ASSOCIATES



NICKOLAS J. HAGMAN received his undergraduate degree, *magna cum laude*, from the University of Minnesota in 2008. Mr. Hagman earned his law degree from Marquette University Law School, *cum laude*, in 2013, with a Certificate in Litigation. During law school, Mr. Hagman served as an associate editor of the Marquette Law Review, was a member of the Pro Bono Society, and worked as an intern for the late Wisconsin Supreme Court Justice N. Patrick Crooks, and current Wisconsin Supreme Court Justice Rebecca Dallet. Following law school, Mr. Hagman served as a judicial

clerk in the Milwaukee County Circuit Court for two years. Prior to joining CCMS in 2019, Mr. Hagman was an associate at a plaintiff-side consumer class action firm for five years. Mr. Hagman is licensed to practice in Illinois and Wisconsin, and before the United State District Courts for the Northern District of Illinois and Eastern District of Wisconsin. He is also a member of the Wisconsin Bar Association and Chicago Bar Association, where he is a member of the Class Action and Consumer Committees.



KAITLIN NAUGHTON received her law degree from the George Washington University Law School in 2019, where she served as managing editor for the *George Washington Journal of Energy & Environmental Law*. Ms. Naughton earned her bachelor's degree in political science and sociology with distinction from Purdue University in 2015. Ms. Naughton joined CCMS in 2019 and is resident in its Chicago, Illinois office. She is licensed to practice in Illinois and before the United State District Court for the Northern District of Illinois.



BRIAN P. O'CONNELL received his law degree in 2013 from Northwestern University Pritzker School of Law, where he served as Executive Articles Editor for the *Journal of International Human Rights Law* and was a teaching assistant at the Center on Negotiation and Mediation. In 2009, Mr. O'Connell received B.A from Stanford University, where he served as a staff writer, features editor and, finally, Editor-in-Chief of *The Stanford Review*. Following law school, Mr. O'Connell served a legal fellowship in the chambers of Judge Marvin E. Aspen of the United States District Court for the

Northern District of Illinois. Prior to joining CCMS, Mr. O'Connell was an associate at a firm specializing in securities and commodities litigation. Mr. O'Connell is licensed to practice in Illinois and California, as well as the United States District Court for the Northern District of Illinois. He is also a member of the Illinois State and Chicago Bar Associations.



JOHN SCHEFLOW received his law degree from the University of Wisconsin Law School in 2014, and his bachelor's degree from Miami University in 2009. Mr. Scheflow joined CCMS's Chicago Office in 2015, and is currently representing plaintiffs in antitrust, consumer, securities, and commodities class actions. Mr. Scheflow has also successfully represented clients in commercial litigation and transactional matters. Prior to joining CCMS, Mr. Scheflow represented individuals in personal injury and mass tort cases. Mr. Scheflow is licensed to practice in Illinois and Wisconsin and before the United States

District Courts for the Northern District of Illinois and Western District of Wisconsin.



CHRISTOPHER P.T. TOUREK received his law degree, *cum laude*, from the University of Illinois College of Law in 2013. In law school, he was a member of the Federal Civil Rights Clinic. Mr. Tourek earned his bachelors from Lafayette College. Mr. Tourek joined CCMS in 2017 and is resident in its Chicago, Illinois Office. Prior to joining CCMS, Mr. Tourek was an associate at a consumer protection class action firm for three years, during which time he earned the distinction of *Super Lawyers Illinois Rising Star—Class Action/Mass Torts* for 2016 and 2017. Mr. Tourek is licensed to practice in the state courts

of Illinois and Washington, D.C., as well as the United States District Courts for the Northern District of Illinois, Southern District of Illinois, and the Eastern District of Michigan.

SENIOR COUNSEL



DOM J. RIZZI received his B.S. degree from DePaul University in 1957 and his J.D. from DePaul University School of Law in 1961, where he was a member of the *DePaul University Law Review*. From 1961 through 1977, Judge Rizzi practiced law, tried at least 39 cases, and briefed and argued more than 100 appeals. On August 1, 1977, Judge Rizzi was appointed to the Circuit Court of Cook County by the Illinois Supreme Court. After serving as circuit court judge for approximately one year, Judge Rizzi was elevated to the Appellate Court of Illinois, First District, where he served from 1978 to 1996. Judge Rizzi became

counsel to the firm in October 1996.

EXHIBIT 12

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF GAYLE M. BLATT IN
SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, GAYLE M. BLATT, declare as follows:

2 1. I am a partner at the law firm of CASEY GERRY SCHENK FRANCAVILLA
3 BLATT & PENFIELD, LLP.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed to the Plaintiffs' Executive Committee. In that role, I and my firm served on the
7 plaintiff vetting and defensive discovery committee. We were responsible for the vetting and
8 interviewing of hundreds of Plaintiffs and individuals who were interested in serving as Plaintiffs
9 in the consolidated and subsequent class action complaints, obtaining all available relevant
10 information as part of that process, generating the plaintiff specific portions of the consolidated
11 and other complaints, and collecting, maintaining and storing named Plaintiffs' retired devices,
12 assisting Plaintiffs during the forensic imaging of Plaintiffs' devices, responding to
13 interrogatories and amended responses to interrogatories, obtaining documents and preparing
14 responses to requests for production, assisting in deposition preparation and defending
15 depositions of certain Plaintiffs, assisting as requested with meet and confer obligations
16 regarding discovery and forensic collection issues, coordinating with Plaintiffs on issues as
17 needed by lead counsel and coordinating with named Plaintiffs' individually retained counsel to
18 accomplish additional and ongoing necessary tasks and communications throughout the
19 litigation. My firm and I are continuing to provide assistance and communications with named
20 Plaintiffs and/or their counsel regarding the settlement and claims submission.

21 3. The individuals of my firm who worked on this matter are listed in Exhibit A,
22 along with years in practice, most recent hourly rates reported to the Court during the pendency
23 of litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the
24 attached Exhibit A conform to the professional rates set at my firm. Further detail regarding the
25 litigation and trial experience of each professional can be found, to the extent available, in the
26 firm resume attached hereto as Exhibit C.

27 4. The detailed descriptions of the time spent by the attorneys and other
28 professionals of my firm in this litigation was prepared from contemporaneous, daily time

1 records prepared and maintained by my firm, and submitted, vetted and approved by the Chair of
2 the Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018
3 Case Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148).
4 Detailed time records are available for the Court's review should the Court desire such records.

5 5. The total number of hours expended on this litigation by my firm, as approved by
6 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
7 consolidation through July 31, 2020 is 2,465.50 hours. The total lodestar for my firm is
8 \$1,464,451.50.

9 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
10 ("expenses") totaling \$36,276.99, which were necessary in relation to this litigation and
11 submitted, vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead
12 Counsel pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining
13 this litigation are reflected in the books and records of my firm. These books and records are
14 prepared from expense vouchers, check records, and other documents and are an accurate record
15 of the expenses.

16 7. Attached hereto as Exhibit C is the firm resume for my firm.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
18 day of August, 2020, at San Diego, California.

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21 _____
22 GAYLE M. BLATT
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EXHIBIT A

Casey Gerry

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Blatt, Gayle M.	Partner - 35	\$ 900.00	917.20	\$ 825,480.00
Barron, Seth	Associate - 1	\$ 340.00	39.50	\$ 13,430.00
Barron, Seth	Law Clerk/Paralegal	\$ 275.00	107.80	\$ 29,645.00
Behan, Wendy	Partner - 22	\$ 685.00	6.20	\$ 4,247.00
Casey, David, III	Associate - 1	\$ 340.00	139.60	\$ 47,464.00
Casey, David, S.	Partner - 46	\$ 900.00	3.10	\$ 2,790.00
Chun, Angela J.	Associate - 13	\$ 600.00	5.10	\$ 3,060.00
Del Castillo, Ana	Associate -10	\$ 425.00	161.50	\$ 68,637.50
Flower, June	Paralegal	\$ 215.00	26.80	\$ 5,762.00
Guerra, P. Camille	Associate - 12	\$ 595.00	515.10	\$ 306,484.50
Jagir, Jessica	Associate - 9	\$ 450.00	0.80	\$ 360.00
Narasimhan, Ajit	Paralegal	\$ 215.00	88.30	\$ 18,984.50
Ratajesak, Vicki	Paralegal	\$ 215.00	129.90	\$ 27,928.50
Robinson, Jeremy	Partner - 23	\$ 800.00	0.20	\$ 160.00
Sinning, Nancy	Paralegal	\$ 265.00	3.70	\$ 980.50
Williams, Alyssa	Associate admitted 11/14/2016	\$ 340.00	320.70	\$ 109,038.00
TOTAL			2465.50	\$ 1,464,451.50

EXHIBIT B

EXHIBIT B**Casey Gerry**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ 17.00
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ 408.41
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ 444.32
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 5,176.41
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ 166.43
18. Taxi/Car Service/Other Ground Transport	\$ 837.26
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ 2,535.32
21. Travel-Hotel	\$ 1,212.19
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ 479.65
25. Assessments	\$ 25,000.00
TOTAL	\$ 36,276.99

EXHIBIT C

CaseyGerry

CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

FIRM RESUME

**110 Laurel St.
San Diego, CA 92101
T: 619-238-1811
F: 619-544-9232
www.caseygerry.com**

FIRM OVERVIEW

Founded in 1947, San Diego based firm of Casey Gerry Schenk Francavilla Blatt & Penfield, LLP “CaseyGerry” is one of the oldest plaintiffs’ law firms in California and is nationally recognized. Our firm focuses on complex civil litigation, with an emphasis on consumer protection, class actions, product defect, pharmaceutical and serious personal injury matters. Our attorneys have held numerous leadership roles in coordinated cases at both the state and federal level. We have prosecuted a variety of consumer fraud, unfair business practices, TCPA, product defect, and other complex mass torts and class action matters. We have litigated cases against companies such as Volkswagen, Exxon, Sony, Toyota, General Motors, AT&T, Mitsubishi, Apple, Bank of America, American Express, Honda, Discover Financial Services, and Yahoo!, among others.

Casey Gerry represented then Lt. Gov. Gray Davis in his private attorney general action against the tobacco industry. We were successful in obtaining a settlement of over \$25 billion for the citizens of California, and also took part in successfully resolving other similar tobacco cases in other states. Our firm also was part of the trial team and played a leadership role in the Exxon Valdez litigation, which resulted in a \$5 billion verdict.

The firm has extensive experience in class action, mass tort and other complex litigation and firm members have recently served on court-appointed leadership committees, including cases against the NFL, Volkswagen, Audi, Yahoo!, Wells Fargo and Chrysler.

The firm's experienced lawyers have earned numerous local, regional and national accolades and awards bestowed for professional success. Our lawyers have been president of, or currently hold, leadership positions and longtime affiliations with the California State Bar Association, American Association for Justice (AAJ, formerly known as American Trial Lawyers Association “ATLA”), Consumer Attorneys of California, Consumer Attorneys of San Diego (CASD), San Diego County Bar Association, Lawyers Club of San Diego, California Women Lawyers, North County Bar Association, Korean American Bar Association San Diego, South Asian Bar Association of San Diego, and Tom Homann LGBT Law Association. Our partners have been elected to such prestigious organizations as the American Board of Trial Advocates and the International Academy of Trial Lawyers International Society of Barristers. Four partners have served as president of the Consumer Attorneys of San Diego. Five of the firm’s partners are members of the American Board of Trial Advocates (ABOTA), and partner Frederick Schenk currently serves as Vice President of the executive board of the San Diego chapter of ABOTA.

CASEYGERRY ATTORNEYS

David S. Casey, Jr.

David S. Casey, Jr. is the senior partner of CaseyGerry, the firm that his father founded in 1947. He began his career as a prosecutor and has handled over 70 jury trials during the course of his over forty-year legal career. He is a past president of the Association of Trial Lawyers of America (now the American Association for Justice), Consumer Attorneys of California, Western Trial Lawyers Association, and San Diego Trial Lawyers Association (now Consumer Attorneys of San Diego).

Mr. Casey is a proven leader nationwide. During his tenure as president of ATLA (now AAJ), which at the time was an organization of approximately 60,000 lawyers nationwide, he was one of a small group of people who proposed the Victims Compensation Fund for victims of the unprecedented terrorist attacks of September 11, 2001. Thereafter, AAJ formed Trial Lawyers Care (TLC) to coordinate what would become one of the largest pro bono programs in history. TLC helped 1,739 eligible claimants from 35 states and 11 countries, and the recovery to these claimants exceeded \$2 billion dollars.

Mr. Casey is also a leader in the state of California. He undertook a lead role in California on behalf of then Lieutenant Governor Gray Davis in his private attorney general action against the Tobacco Industry, instigated when the state of California declined to participate in the litigation with other states' Attorney Generals. This litigation involved multiple billion-dollar companies, who had been involved in litigation over the effects of tobacco use for decades. Mr. Casey was involved in extensive negotiations in Washington, DC, and proposed legislation. After Gov. Davis' election as Governor of California, a global settlement resulted in the resolution of all claims.

During the course of his career, Mr. Casey has represented American POWs in litigation for having been treated as slave laborers during World War II and his firm was co-counsel in the Exxon Valdez Oil Spill litigation. He also represented Honda dealers in one of the most massive fraud schemes on Honda dealers in the history of the United States.

Most recently, Mr. Casey was appointed to serve on the Plaintiffs' Steering Committee for *In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, in which he represents the interests of approximately 500,000 owners and lessees of Volkswagen diesel vehicles in the third largest car recall in history. He also currently serves on the PSC for *In re: National Football League Players' Concussion Injury Litigation*, representing the interests of thousands of former NFL players and *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Product Liability Litigation*.

David S. Casey, Jr., has been recognized over the past two years by the Los Angeles Daily Journal as one of the top 25 Plaintiff's Attorneys in the State of California. Having opted out of the class action, he currently represents the family of Junior Seau against the NFL in the national head injury litigation, as well as representing the family of Tony Gwynn for the wrongful death resulting from his use of smokeless tobacco.

Mr. Casey continues to serve the legal community currently as the Lawyer Representative for the United States District Court, Southern District of California and as a current board member for the Ninth Judicial Circuit Historical Society. He is honored to have been inducted into the San Diego Consumer Attorneys Hall of Fame. He is also a member of such prestigious, invitation-only, organizations, such as the International Academy of Trial Lawyers, International Society of Barristers and American Board of Trial Advocates.

Gayle M. Blatt

Heading the firm's complex litigation practice group, Ms. Blatt concentrates her practice on consumer class actions, data breach cases, and pharmaceutical and medical device cases. She joined CaseyGerry more than 30 years ago, and has become well known for representing injured clients and consumers in a wide range of high profile, multi-million-dollar cases.

Ms. Blatt has been appointed to the Plaintiffs' Executive Committees in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828, *In re: Apple Inc. Device Performance Litigation*, and to the five-member PEC overseeing the class action litigation related to the massive Yahoo data breaches. She also serves on a committee in the consolidated data breach class action *Adkins v. Facebook, Inc.* She also currently serves as Co-Liaison Counsel in *In re: Incretin Mimetics Product Liability Litigation*, and her previous roles as liaison counsel in prominent cases include *In re: Sony Gaming Networks and Customer Data Security Breach Litigation* and *In re: Hydroxycut Marketing and Sales Practices Litigation*.

She also serves on a committee in the consolidated data breach class action *Adkins v. Facebook, Inc.* Her previous roles as liaison counsel in cases include *In re: Sony Gaming Networks and Customer Data Security Breach Litigation*, *In re: Hydroxycut Marketing and Sales Practices Litigation*, and she currently serves as liaison counsel in *In re: Incretin Mimetics Product Liability Litigation*.

Ms. Blatt has received three Outstanding Trial Lawyer awards from the Consumer Attorneys of San Diego and has been named to San Diego's Top 25 Female Attorneys and the Top 10 San Diego Lawyers for 2019 and 2020 by *San Diego Super Lawyers*. Ms. Blatt was named one of San Diego's Best Attorneys of 2019 by San Diego Daily Metro and one of San Diego's most influential women of 2018 by the San Diego Daily Transcript, Top 50 Influential Professionals, San Diego Daily Transcript 2019 and named one of the Top 500 Influential Business Leaders, San Diego Business Journal 2019. She was named one of the 2019 and 2020 Lawdragon 500 Leading Plaintiff Consumer Lawyers and Ms. Blatt is listed annually in Best Lawyers.

For ten years, Ms. Blatt served on the Board of Director of the Consumer Attorneys of San Diego and served as President of the organization in 2007. As President, she was honored as Trial Lawyer Association Chapter President of the Year by Consumer Attorneys of California. Ms. Blatt currently serves on the Board of Trustees for her alma mater, California Western School of Law. She also serves on the board of the Tom Homann Law Association Foundation and is currently serving as the President of the San Diego County Bar Foundation.

Frederick Schenk

Mr. Schenk is a tenacious litigator and CaseyGerry partner for decades and concentrates his practice on products liability, serious personal injury, and asbestos law. In fact, Frederick, who has been with CaseyGerry for more than 30 years, achieved the largest verdict ever in San Diego against an asbestos manufacturer – Owens Corning Fiberglass – obtaining a \$2.4 million verdict in punitive damages as well as economic losses.

In addition, he is a specialist in auto collision litigation and co-author of the LexisNexis California Automobile Litigation Handbook. Over the years, Schenk has received numerous awards and honors for his work – including recognition as an Outstanding Trial Lawyer from the Consumer Attorneys of San Diego, and twice recognized by Best Lawyers as San Diego's Trial Lawyer of the Year in the area of mass torts and class actions. He has remained active in both community and professional groups, and finds tremendous gratification in his work as an attorney, especially when he provided services to the families of the victims of 9/11 via Trial Lawyers Care, the largest pro bono program in the history of American jurisprudence.

Mr. Schenk received numerous awards, including San Diego County Bar Association's Community Service Award and Consumer Attorneys of San Diego's Outstanding Trial Lawyer Award. He serves on the Board of Governors for the American Association for Justice and is a member of the Board of Directors for the San Diego Chapter of American Board of Trial Advocates.

He is past president of the San Diego County Fair board, and California Governor Jerry Brown re-appointed him to another four-year term on the board, which oversees all activities at the Del Mar Fairgrounds.

Jeremy Robinson

Mr. Robinson, known for his analytical and perceptive approach, is Chair of CaseyGerry's Motion and Appellate Practice. A long time CaseyGerry attorney, he is dedicated and extremely knowledgeable about all facets of the law, and works with every attorney in the firm on key legal issues, motions, civil writs and appeals.

Mr. Robinson is one of CaseyGerry's chief analysts and strategists in the complex litigation arena. He has drafted and argued motions for class certification, oppositions to motions to dismiss and motions for summary judgment, and many other motions. He is also often called upon to create comprehensive research templates for difficult or novel cases, and to draft the corresponding complaints.

A founder and barrister of the San Diego Appellate Inn of Court, Mr. Robinson also has prosecuted many appeals, including cases in front of the First, Second and Fourth District Courts of Appeal as well as the Ninth Circuit.

Mr. Robinson is a regular contributor to publications regarding emerging legal issues and is also a frequently sought-after speaker on legal matters that affect not only the legal community, but also the public at large.

He coauthored a chapter in "Litigating Tort Cases," a publication that seeks to expand the ideas of leading attorneys from around the country. Mr. Robinson was the Tort Column Editor for the Consumer Attorneys of San Diego's "Trial Bar News" for ten years, from 2006-2016, was selected to the Board of Directors for the Consumer Attorneys of California in 2009. He has been a featured speaker in the statewide legal education program "What's New in Trial and Tort" since 2007. He also has presented several Continuing Legal Education seminars for various organizations, including the San Diego County Bar Association and CEB.

Robert Francavilla

Mr. Francavilla is a widely-respected trial lawyer and was recently honored as Consumer Attorneys of San Diego's Trial Lawyer of the Year for 2017. He has made an important difference in the lives of many, as well as earned many accolades and high-profile verdicts and settlements over the years. Specializing in serious personal injury, premises liability and highway design cases, he has successfully handled the gamut of complex cases, including tragic losses involving wrongful death, paraplegia, quadriplegia, severe burns, loss of limbs and major orthopedic injuries.

Mr. Francavilla has received honors including LA Daily Journal's Top 25 Plaintiff's Lawyers and Consumer Attorneys of San Diego's Outstanding Trial Lawyers Award on six separate occasions, among other awards.

Thomas Penfield

During his almost 30-year tenure with the firm, Mr. Penfield has handled numerous multi-million-dollar cases, concentrating his practice on personal injury, products liability and class actions, including serving as co-counsel in a jury trial representing H&H Cerritos against U.S. Mineral Products, Inc., obtaining a \$14.1 million verdict. He has also been involved in numerous class action lawsuits, including a case against the City of San Diego – an effort that helped residents reclaim millions in damages that was mischarged for sewer services – which was settled for \$40 million.

With a distinguished legal background, he was a supervising trial lawyer with the Defenders Program of San Diego and then a clinical Professor at the University of San Diego School of Law before joining CaseyGerry in 1988. Mr. Penfield continues to teach as an adjunct professor at the University of San Diego School of Law, and regularly lectures both nationally and internationally on trial techniques and persuasion.

Mr. Penfield served as President of the North County Bar Association. He is one of only nine attorneys in California to earn the recognition of Diplomate in the National College of Advocacy for American Association for Justice. He is also a member of the American Board of Trial Advocates and a Master in the American Inns of Court.

Thomas Luneau

With a legal career spanning three decades, Mr. Luneau has had his share of

formidable opponents in the courtroom over the years. He started his career as a state-licensed private investigator, joining CaseyGerry in 1982 as an investigator.

Now a talented litigator who has prosecuted many complex cases, he focuses his practice primarily on premises and products liability and serious personal injury cases, earning numerous multi-million verdicts and settlements — including cases involving defective industrial drilling machinery, motorcycle lane splitting injuries, concussion injuries, wrongful death and more. Other high profile matters he has handled include cases involving abuse by a CHP officer who intentionally broke the ankle of handcuffed suspect (4th amendment violation excessive force), and the wrongful death of inmate at Donovan State Prison (8th amendment violation cruel and unusual punishment).

In addition, he has successfully represented numerous military and law enforcement personnel and their family members from entities including the San Diego Police Department, the San Diego County Sheriff's Department, Riverside County Sheriff's Department, California Highway Patrol and the United States Border Patrol.

Mr. Luneau is a member of the American Board of Trial Advocates. He's received numerous awards, including Consumer Attorneys of San Diego's Outstanding Trial Lawyer Award.

Jason Evans

Jason is an attorney specializing in complex litigation and personal injury. Throughout his young career, he has handled hearings, pleadings, depositions, trial, mediations and memoranda for a number of multi-million dollar civil and class actions.

He previously worked for the San Diego Volunteer Lawyer program, drafting requests for restraining orders for victims of domestic and elder abuse, and was a legal assistant for Spach, Capaldi and Waggaman, LLP, in Newport Beach.

Awards include - 2017 CASD Outstanding Trial Lawyer Award, 2018 edition of San Diego Super Lawyers, 2015 SD Metro 40 Under 40 Awards, San Diego Daily Transcript Top Young Attorney 2014 and Super Lawyers: Rising Star 2014-2017

P. Camille Guerra

P. Camille Guerra is a key member of the complex litigation team, working with partners Gayle M. Blatt to concentrate on cyber-security cases like Yahoo Inc., consumer fraud litigation such as Volkswagen Diesel, Fiat/Chrysler Diesel, and Wells Fargo; as well as other high profile consumer class actions, including a national case involving anti-competitive behavior by the major tuna companies in the U.S.

With a Master's of advanced studies in health policy and the law, Camille is keenly focused on addressing complex healthcare issues related to the law. Her recent research on counterfeit Avastin was the subject of an article she co-authored in the prestigious Nature Reviews Clinical Oncology. Her most recent publication is "USA Criminal and Civil Prosecutions Associated with Illicit On-line Pharmacies: Legal Analysis and Global Implications," which appeared in Med Access.

A native of San Diego, she speaks fluent Spanish and has studied Arabic, French, Italian, Russian, and Farsi. In her spare time, she enjoys international travel, playing sports, and volunteering for Thomas Jefferson School of Law as the alumni mentor to the Middle Eastern, Armenian, and Muslim student associations.

Srinivas Hanumadass

Focusing his practice on personal injury, Srinivas prides himself in getting to know his clients and conveying their stories in a heartfelt, straightforward and sincere manner. This approach has brought him success in the form of millions recovered for his clients, as well as an array of recent accolades and respect from his colleagues.

For the past two years, Srinivas has been recognized as a Super Lawyer in Personal Injury Law. The California Daily Journal named Srinivas one of their "Top 40 Attorneys Under 40" — among 60,000 California lawyers that qualify in that age range.

Srinivas is a leader in the legal community and formerly served as a Vice President of the San Diego County Bar Association. Last year, he was selected as one of only sixteen attorneys nationwide to participate in the sixth class of

the Leadership Academy for the American Association for Justice (AAJ), the country's preeminent plaintiff's attorney organization. He has long been involved in County Bar's diversity initiatives, including the Diversity Fellowship Program. Committed to inclusivity in and out of the practice of law, Srinivas believes in opening doors for others. He mentors several younger lawyers and law students throughout the year. He regularly volunteers to speak on panels involving networking. He is the two-time past president of the South Asian Bar Association and past Scholarship Committee chair of Lawyers Club of San Diego, an organization dedicated to the advancement of women in the law and society. And since 2012, Srinivas has volunteered with Just in Time, an organization which assists foster youth in transition.

Srinivas earned a J.D. from Thomas Jefferson School of Law, where he was a member of Thomas Jefferson Law Review, a fellow at the Center for Global Legal Studies, earned the Cal-Witkin Award and Jefferson Medal for the highest grade in criminal law and received high honors in trial practice and advanced trial practice.

Adam Levine

Adam is a key member of the serious personal injury team, focusing on product defect, premises, auto and aviation cases. He has worked on a variety of serious cases including: a federal product defect case involving a military parachute that deployed inside an airplane, killing a decorated Navy Seal; a federal case against the Border Patrol after one its agents crashed a truck into a client riding a motorcycle; a product defect and negligence case where his client suffered a serious arm injury while riding as a passenger in a UTV; a case against the City of San Diego that settled for \$1 million after his client tripped over uneven concrete in a crosswalk and suffered permanent injuries; and high-profile litigation against Big Tobacco involving smokeless tobacco or "dip."

He is on the board of directors for the Consumer Attorneys of San Diego, is co-chair of the personal injury section of the North County Bar Association, is on the board of directors for the NLD section of the Consumer Attorneys of California, and writes for the product defect column in the Trial Bar News. He was recognized by *Super Lawyers Magazine* as one of San Diego's legal Rising Stars of 2017 and 2018, and was named among the top 40 Under 40 by *The Daily Transcript and San Diego Metro Magazine*. Adam graduated at the top of his law school class and worked as a federal judicial intern for the

Honorable Irma E. Gonzalez (Ret.) before joining CaseyGerry. He is also a licensed architect.

Awards include San Diego Super Lawyers Rising Stars, 2017-2018, The Daily Transcript Top 40 under 40, 2016, SD Metro Top 40 under 40, 2016, 14 American Jurisprudence Awards, CWSL, Kennedy Scholar, Academic Excellence Award, Trustees' Award, CWSL, Academic Excellence Award, CWSL and Trustees' Award, CWSL

Jillian Hayes

A graduate of California Western School of Law, Jillian Hayes specializes in serious personal injury litigation. Before practicing plaintiff's personal injury, she focused her practice on insurance defense and now uses the knowledge she gained working closely with insurance adjusters to help injured victims. Jillian is an accomplished litigator who has handled all aspects of her cases, including trial. Jillian's practice includes representing numerous victims of sexual assault and other privacy violations, along with other substantial injuries.

Jillian serves as a board member of the Association of Business Trial Lawyers. She has been honored by the Daily Transcript as a Top 40 under 40 business professional and has been named a San Diego Rising Star by Super Lawyers. She serves on the advisory board of the Online Courtroom project, a task force providing research and recommendations to the court regarding improving the online operations of the litigation process.

Meagan Verschueren

Meagan L. Verschueren litigates catastrophic personal injury cases. Her work with CaseyGerry is extensive, including emphasis on personal injury cases that involve severe burns, traumatic brain injuries, spinal cord injuries, amputations, and permanent disabilities. She regularly handles matters in the areas of personal injury, wrongful death, product liability, premises liability, and elder abuse. Originally from Michigan, she earned her undergraduate degree from the University of Tampa, after which she settled in San Diego and graduated from California Western School of Law.

Meagan is currently serving a two-year term as co-President of the Tom Homann Law Association, and has been named one of San Diego Metro Magazine's Top 40 under 40.

David S. Casey III

David Casey is an attorney specializing in personal injury and complex litigation. He had worked extensively for both the complex litigation and personal injury teams at Casey Gerry. Recently, he participated in the TAP program as one of the first participants, during which time he tried multiple criminal cases as a volunteer deputy district attorney with the South Bay office of the San Diego County District Attorney.

David attended the University of San Diego and focused his time at school on trial advocacy and complex litigation. He received a CALI award for his paper analyzing American and European attitudes toward online privacy and the “right to be forgotten.” David externed for the Honorable Anthony Battaglia at the United States District Court for the Southern District of California. He also interned and graduated from Gerry Spence’s acclaimed Trial Lawyers College in 2018.

James M. Davis

James Davis is an integral part of the complex litigation team and specializes in class action litigation. James’ practice focuses on the protection of consumer rights. Before joining Casey Gerry, James was a prosecuting attorney at the San Diego County District Attorney’s Office- Environmental Protection and Consumer Fraud Units. In the role, he served as lead prosecutor in civil law enforcement, prosecuted environmental and consumer fraud felony cases, developed cases with federal, state and county agencies, including FBI and DOJ, Department of Consumer Affairs, Department of Environmental Health and others. In addition, James has worked with the University of San Diego Veterans Legal Clinic providing representation to veterans against for-profit educational institutions.

Eric Ganci

Eric Ganci is a graduate of Thomas Jefferson School of Law. He is a member of the complex litigation team.

Katie McBain

Katie McBain is a 2015 graduate of California Western School of Law. She is a member of the complex litigation team.

Svetlana Volkova

Svetlana is a graduate of California Western School of Law and is a member of the complex litigation team.

Tarina Mand

Tarina Mand is a 2017 graduate of California Western School of Law. Tarina is a member of the complex litigation team.

SELECT LEADERSHIP POSITIONS

- *In re: Intel Corp. CPU Marketing, Sales Practices*, MDL 2828
- *In re: Apple Inc. Device Performance Litigation*, MDL 2827
- *In re: Wells Fargo Collateral Protection Insurance Litigation*, MDL NO. 2797
- *In re: Chrysler-Dodge-Jeep Ecodiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777
- *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672
- *In re: YAHOO! Inc. Customer Data Security Breach Litigation*, MDL No. 2752
- *In re: National Football League Players’ Concussion Injury Litigation*, MDL No. 2323
- *In re: World War II Era Japanese Forced Labor*, MDL No. 1347
- *In re: Apple and AT&T iPad Unlimited Data Plan Litigation*, Case No. 10- cv-02553, USDC, ND CA
- *In re: Hydroxycut Marketing and Sales Practice Litigation*, MDL No. 2087
- *In re: Sony Gaming Networks and Customer Data Security Breach Litigation*, MDL No. 2258
- *In re: Incretin Mimetics Products Liability Litigation*, MDL No. 2452
- *Ellis v. R.J. Reynolds Tobacco Co.*
- *Scott v. American Tobacco*, No. 01-2498 (La. 9/25/01), 795 So.2d

1176, and No. 02-2449 (La. 11/15/02), 830 So.2d 294, and No. 2004-2095 (La. App. 4th Cir. 2/7/07)

- *In re: American Honda Motor Co., Inc. Dealerships Relations Lit.*, MDL No. 1069
- *In re the Exxon Valdez*, Case No. CV-89-00095-HRH, Exxon Shipping Co v. Baker, 554 U.S. 471 (2008)
- *Rose v. Bank of America*, Case No. 11-cv-02390
- *Steinfeld v. Discover Financial Services, et al.*, Case No. 12-cv-01118
- *Villa, et al. v. City of Chula Vista*, 37-2011-00093296, Superior Court of California, San Diego
- *Gehrich, et al. v. Chase Bank USA, N.A., et al.*, Case No. 12-cv-05510
- *Blue Shield of California Affordable Care Act Cases*, JCCP 4800
- *Galvez v. Waste Management*, JCCP 4534
- *Shames v. City of San Diego, et al.*, Case No. GIC 831539, Superior Court of California, San Diego
- *Cardiff v. General Motors Corporation*, coordinated with *Valve Automation and Controls, Inc., et al v. General Motors Corp., et al.*, Case No. EC 016530, Superior Court of California, San Diego

EXHIBIT 13

1 **Cohen Milstein Sellers & Toll PLLC**
Douglas J. McNamara
2 1100 New York Ave., N.W., Suite 500
3 Washington, D.C. 20005
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
14 PERFORMANCE LITIGATION)
)) CLASS ACTION

15 DECLARATION OF DOUGLAS J.
16 MCNAMARA IN SUPPORT OF NAMED
17 PLAINTIFFS' MOTION FOR FINAL
18 APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

19 Judge: Hon. Edward J. Davila
20 Courtroom: 4, 5th Floor
Date: December 4, 2020
21 Time: 10:00 a.m.
22
23
24
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1 I, Douglas J. McNamara, declare as follows:

2 1. I am a partner at the law firm of COHEN MILSTEIN SELLERS & TOLL LLC,
3 and a member of Court-appointed Plaintiffs' Executive Committee.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed as Co-Chair of the Expert Committee. In that role, I sought out experts and worked with
7 experts in reviewing the Consolidated Complaints, developing liability and damages theories, and
8 reviewing discovery requests.

9 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
10 with years in practice, and most recent hourly rates reported to the Court during the pendency of
11 this litigation. I hereby attest that the billing rates used on the attached Exhibit A conform to the
12 professional rates set at my firm. Further detail regarding the litigation and trial experience of each
13 professional can be found, to the extent available, in the firm resume attached hereto as Exhibit C.

14 4. The billing rates charged by the attorneys and other professionals at my firm and
15 their years of experience are set forth in Exhibit A attached hereto

16 5. The detailed descriptions of the time spent by the attorneys and other professionals
17 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
18 maintained by my firm and vetted and approved by the Chair of the Plaintiffs' Executive
19 Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case Management No. 3:
20 Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed time records are
21 available for the Court's review should the Court desire such records.

22 6. The total number of hours expended on this litigation by my firm, as approved by
23 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
24 consolidation through July 31, 2020 is 104.45 hours. The total lodestar for my firm is \$68,322.50.

25 7. Attached hereto as Exhibit B is a summary of expenses/charges ("expenses")
26 totaling \$25,940.97, which were necessary in relation to this litigation and approved by the Chair
27 of the Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018
28 Case Management No. 3. The expenses pertaining this litigation are reflected in the books and

1 records of my firm. These books and records are prepared from expense vouchers, check records,
2 and other documents and are an accurate record of the expenses.

3 8. Attached hereto as Exhibit C is a firm resume for my firm and pages specific to the
4 attorneys who worked on this matter.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
6 day of August, 2020, at Arlington, VA.

7 /s/ Douglas J. McNamara

8 _____
Douglas J. McNamara

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EXHIBIT A

Cohen Milstein Sellers & Toll, PLLC

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Friedman, Andrew, N.	Partner (35)	\$ 940.00	3.10	\$ 2,914.00
McNamara, Douglas, J.	Partner (22)	\$ 770.00	65.70	\$ 50,589.00
Handmaker-Guido, Sally Mae	Associate (7)	\$ 570.00	10.35	\$ 5,899.50
Johnson, Brian	Staff Attorney (7)	\$ 395.00	14.00	\$ 5,530.00
Fiore, Cris	Paralegal (n/a)	\$ 300.00	0.50	\$ 150.00
Wozniak, Mariah	Paralegal (n/a)	\$ 300.00	10.10	\$ 3,030.00
Jennifer J. Kim	Paralegal (n/a)	\$ 300.00	0.70	\$ 210.00
			104.45	\$ 68,322.50

EXHIBIT B

EXHIBIT B**Cohen Milstein Sellers & Toll PLLC**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	\$ 85.65
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$ 133.76
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	\$ 721.56
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-parking	
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,940.97

EXHIBIT C

COHENMILSTEIN

COHEN MILSTEIN SELLERS & TOLL PLLC

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:

- Wynn Resorts, Ltd. Derivative Litigation No. A-18-770013-B (Eighth Jud. Dist. Ct., Clark Cnty., Nev.): Cohen Milstein represented New York State Common Retirement Fund and the New York City Pension Funds as Lead Counsel in a derivative shareholder lawsuit against certain officers and directors of Wynn Resorts, Ltd., arising out of their failure to hold Steve Wynn, the former CEO and Chairman of the Board, accountable for his longstanding pattern of sexual abuse and harassment of female employees. In March 2020, the Court granted final approval of a \$90 million settlement in the form of cash payments and landmark corporate governance reforms, placing it among the largest, most comprehensive derivative settlements in history.
- National Association of the Deaf v. Harvard & MIT (D. Mass.): In February 2020 and June 2020, Cohen Milstein and co-counsel successfully settled the second of two groundbreaking class actions on behalf of deaf and hearing-impaired individuals. The landmark settlements are historic because they require two of the most lauded academic research institutions in the world to include closed captioning on all content, including videos and podcasts, available to the public online, establishing a precedent for academia and business worldwide.
- Sutter Health Antitrust Litigation No. CSG 14-538451 (Sup. Ct., San Fran. Cty., Cal.): Cohen Milstein is part of a small team of firms representing a certified class of self-funded employers and union trust funds against Sutter Health, a large hospital chain in Northern California, for restraining hospital competition through anticompetitive provider agreements. In October 2019, on the eve of trial, the case settled for \$575 million and comprehensive injunctive relief, subject to approval by the Court.
- In Re Equifax, Inc., Customer Data Security Breach Litigation No.: 1:17-md-2800-TWT (N.D. Ga.): On December 19, 2019 the court granted final approval a landmark \$1.5 billion settlement concluding this data breach class action affecting more than 147 million people in the U.S. The settlement consists of a record-breaking \$425 million in monetary and injunctive benefits and requires Equifax to spend \$1 billion to upgrade its security and technology. Cohen Milstein was on the Plaintiffs' Steering Committee.
- 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 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 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.
- Relvas v. The Islamic Republic of Iran, et al., No. 1:14-cv-01752-RCL (D.D.C.): On February 28, 2018 U.S. District Court Judge Royce C. Lamberth, for the District of Columbia, ordered the Republic of Iran to pay \$920 million to 80 families of soldiers and other military service members who were killed or injured in the 1983 bombing of the U.S. Marine barracks in Beirut, Lebanon. The Beirut Marine Barracks bombing, which killed 241 American servicemembers and injured numerous others, was the deadliest state-sponsored terrorist attack against United States citizens before September 11, 2001.
- Moody's Litigation: 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: 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.
- 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 for \$175 million a few weeks before trial was set to begin.
- Providence Health Services Church Plan Litigation No. 2:14-cv-01720-JCC (W.D. Wash.): Cohen Milstein served as co-lead counsel to a class of defined benefit participants of Providence's health & Service Case Balance Retirement Plan who alleged that fiduciaries underfunded the pension plan because they improperly operated it under the ERISA "church plan" exemption. In March 2017, the court granted final approval of a \$315.9 million settlement, one of the largest settlements of its kind, and requires Providence to continue making minimum plan contributions that aim to fully fund the plan by 2029.
- Bon Secours Health System Church Litigation No. 1:16-cv-01079-RDB (D. Md.): Cohen Milstein served as lead counsel to a class of defined benefit participants of seven Bon Secours Health System Inc. pension plans which improperly operated under the "church plan" exemption of ERISA. In May 2017, the court granted final approval of a settlement of over \$102 million, one of the largest settlements of its kind.

- 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.
- Mincey v. Honda Motor Company, et al. No. 22787197 (Circ. Ct. Duval Cty, Fla.): On July 15, 2016, Cohen Milstein resolved a closely watched lawsuit against the Japanese company and airbag maker, Takata, involving the injury and eventual death of a woman whose car was involved in a minor accident in 2014. The confidential resolution was announced moments before a critical hearing in which a judge in Jacksonville, Fla., could have considered allowing punitive damages and for the company's chief executive, Shigehisa Takada, to submit a civil deposition.
- 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 concerning compliance with underwriting standards.
- In re Urethane Antitrust Litigation (Polyether Polyol Cases) 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.
- United States of America et al., ex rel. Lauren Kieff, v. Wyeth, No. 03-12366 (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.
- 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.

- 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.
- 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.
- 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.
- Keepseagle v. Vilsack Civil Action 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, and the D.C. Circuit declined USDA's request to review that decision. On October 19, 2010, the case reached a historic settlement, with the USDA agreeing to pay \$680 million in damages to thousands of Native American farmers and ranchers and forgive up to \$80 million worth of outstanding farm loan debt.
- In re Parmalat Securities Litigation No. 1:04-md-1653 (S.D.N.Y.): Cohen Milstein, as co-lead counsel, successfully negotiated several settlements totaling approximately \$90 million, including two settlements with Parmalat's outside auditors. Judge Lewis A. Kaplan remarked that plaintiffs' counsel "did a wonderful job here for the class and were in all respects totally professional and totally prepared. I wish I had counsel this good in front of me in every case." Parmalat's bankruptcy filing was the biggest corporate bankruptcy in Europe, and in December 2003, the U.S. Securities and Exchange Commission filed a suit charging Parmalat with "one of the largest and most brazen corporate financial frauds in history." During the litigation, the company subsequently emerged from bankruptcy, as a result we added "New Parmalat" as a defendant because of the egregious fraud committed by the now-bankrupt old Parmalat. New Parmalat strenuously objected and Judge Kaplan of the Southern District of New York ruled in the class plaintiffs' favor, a ruling which was affirmed on appeal. This innovative approach of adding New Parmalat enabled the class to obtain an important additional source of compensation, as we subsequently settled with New Parmalat for shares worth approximately \$26 million.

- Dukes v. Wal-Mart Stores, Inc. No. C-01-2252 (N.D. Cal.): Cohen Milstein is co-lead counsel in this sex discrimination case. In 2004, the U.S. District Court certified a nationwide class action lawsuit for all female employees of Wal-Mart who worked in U.S. stores anytime after December 26, 1998. This was the largest civil rights class action ever certified against a private employer, including approximately 1.5 million current and former female employees. That ruling was appealed, and while affirmed by the Ninth Circuit, was reversed by the Supreme Court in June 2011. Cohen Milstein argued the case for the plaintiffs-respondents in the Supreme Court. Since then, the *Dukes* action has been amended to address only the Wal-Mart regions that include stores in California, and other regional class cases have been or are soon to be filed. This litigation to resolve the merits of the claims – whether Wal-Mart discriminates against its female retail employees in pay and promotions – continues.
- Rubin v. MF Global, Ltd. No. 08-CV-02233 (S.D.N.Y.): Acting as co-lead counsel in this class action, the Firm represented the Central States, Southeast and Southwest Areas Pension Fund which was one of the co-lead plaintiffs in the case. In September 2010, as a result of Plaintiffs’ decision to appeal, the U.S. Second Circuit Court of Appeals vacated in part the lower court’s dismissal of the case and remanded the case for further proceedings. In overturning the District Court decision, the Second Circuit issued a decision which differentiated between a forecast or a forward-looking statement accompanied by cautionary language -- which the Appellate Court said would be insulated from liability under the bespeaks caution doctrine -- from a factual statement, or non-forward-looking statement, for which liability may exist. Importantly, the Second Circuit accepted Plaintiffs’ position that where a statement is mixed, the court can sever the forward-looking aspect of the statement from the non-forward-looking aspect. The Court further stated that statements or omissions as to existing operations (and present intentions as to future operations) are not protected by the bespeaks caution doctrine. Mediation followed this decision and resulted in a settlement comprised of \$90 million in cash.
- Hughes v. Huron Consulting Group No. 09-CV-04734 (N.D. Ill.): Cohen Milstein represented lead plaintiffs the Public School Teachers’ Pension & Retirement Fund of Chicago and the Arkansas Public Employees Retirement System (“APERS”) in this case against Huron Consulting Group, founded by former Arthur Anderson personnel following its collapse in the wake of the Enron scandal. In August 2010, the District Court for the Northern District of Illinois denied defendants’ motions to dismiss in their entirety and upheld plaintiffs’ allegations that defendants intentionally improperly accounted for acquisition-related payments, which allowed plaintiffs to move forward with discovery. The case was settled for \$40 million, comprised of \$27 million in cash and 474,547 shares in Huron common stock, with an aggregate value at the time of final approval in 2011 of approximately \$13 million.
- In re Lucent Technologies Securities Litigation No. 00-621 (D.N.J.): A settlement in this massive securities fraud class action was reached in late March 2003. The class portion of the settlement amounts to over \$500 million in cash, stock and warrants and ranks as the second largest securities class action settlement ever completed. Cohen Milstein represented one of the co-lead plaintiffs in this action, a private mutual fund.
- Nate Pease, et al. v. Jasper Wyman & Son, Inc., et al. No. 00-015 (Knox County Superior Court, Me.): In 2004, a state court jury from Maine found three blueberry processing companies liable for participating in a four-year price-fixing and non-solicitation conspiracy that artificially lowered the prices defendants paid to approximately 800 growers for wild blueberries. The jury ordered defendants Cherryfield Foods, Inc., Jasper Wyman & Son, Inc., and Allen’s Blueberry Freezer, Inc. to pay \$18.68 million in damages, the amount which the growers would have been paid absent the defendants’ conspiracy. After a mandatory trebling of this damage figure under Maine antitrust law, the total amount of the verdict for the plaintiffs is just over \$56 million. The firm served as co-lead counsel.
- In re StarLink Corn Products, Liability Litigation MDL No. 1403 (N.D. Ill.): Cohen Milstein successfully represented U.S. corn farmers in a national class action against Aventis CropScience USA Holding and Garst Seed Company, the manufacturer and primary distributor of StarLink corn seeds. StarLink is a genetically modified corn variety that

the United States government permitted for sale as animal feed and for industrial purposes, but never approved for human consumption. However, StarLink was found in corn products sold in grocery stores across the country and was traced to widespread contamination of the U.S. commodity corn supply. The Firm, as co-lead counsel, achieved a final settlement providing more than \$110 million for U.S. corn farmers, which was approved by a federal district court in April 2003. This settlement was the first successful resolution of tort claims brought by farmers against the manufacturers of genetically modified seeds.

- Snyder v. Nationwide Mutual Insurance Company No. 97/0633 (Sup. Ct. N.Y. Onondaga Cty.): Cohen Milstein served as one of plaintiffs' principal counsel in this case on behalf of persons who held life insurance policies issued by Nationwide through its captive agency force. The action alleged consumer fraud and misrepresentations. Plaintiffs obtained a settlement valued at more than \$85 million. The judge praised the efforts of Cohen Milstein and its co-counsel for having done "a very, very good job for all the people." He complimented "not only the manner" in which the result was arrived at, but also the "time ... in which it was done."
- Oncology & Radiation Associates, P.A. v. Bristol Myers Squibb Co., et al. No. 1:01CV02313 (D.D.C.): Cohen Milstein has been co-lead counsel in this case since its inception in 2001. Plaintiffs alleged that Bristol-Myers Squibb unlawfully monopolized the United States market for paclitaxel, a cancer drug discovered and developed by the United States government, which Bristol sells under the brand name Taxol. Bristol's scheme included a conspiracy with American BioScience, Inc., a generic manufacturer, to block generic competition. Cohen Milstein's investigation and prosecution of this litigation on behalf of direct purchasers of Taxol led to a settlement of \$65,815,000 that was finally approved by U.S. District Judge Emmet G. Sullivan on August 14, 2003 and preceded numerous Taxol-related litigations brought by the Federal Trade Commission and State Attorneys General offices.
- Kruman v. Christie's International PLC, et al. No. 01-7309 (S.D.N.Y.): A \$40 million settlement on behalf of all persons who bought or sold items through Christie's or Sotheby's auction houses in non-internet actions was approved in this action. Cohen Milstein served as one of three leading counsel on behalf of foreign plaintiffs. The Court noted that approval of the settlement was particularly appropriate, given the significant obstacles that faced plaintiffs and plaintiffs' counsel in the litigation. The settlement marked the first time that claims on behalf of foreign plaintiffs under U.S. antitrust laws have been resolved in a U.S. court, a milestone in U.S. antitrust jurisprudence.
- Roberts v. Texaco, Inc. 94-Civ. 2015 (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 not only at Texaco but in the corporate context as a whole ...".
- Trotter v. Perdue Farms, Inc. No. 99-893 (D. Del.): This suit on behalf of hourly workers at Perdue's chicken processing facilities – which employ approximately 15,000 people – forced Perdue to pay employees for time spent "donning and doffing," that is, obtaining, putting on, sanitizing and removing protective equipment that they must use both for their own safety and to comply with USDA regulations for the safety of the food supply. The suit alleged that Perdue's practice of not counting donning and doffing time as hours worked violated the Fair Labor Standards Act and state law. In a separate settlement with the Department of Labor, Perdue agreed to change its pay practices. In addition, Perdue is required to issue retroactive credit under one of its retirement plans for "donning and doffing" work if the credit would improve employees' or former employees' eligibility for pension benefits. Cohen Milstein was co-lead counsel.

Awards & Recognition

- In 2020, Florida Trend named Poorad Razavi a **“Legal Elite”** in the Civil Trial section.
- In 2020, Law360 named Jamie Bowers a **“Rising Star – Benefits.”**
- In 2020, Law360 named Emmy L. Levens a **“Rising Star – Class Actions.”**
- In 2020, Law360 named Shaylyn Cochran a **“Rising Star – Employment.”**
- In 2020, Legal 500 named Cohen Milstein a **“Top-Tier”** firm in Labor and Employment: Labor and Employment Disputes (including Collective Actions): Plaintiff.
- In 2020, Legal 500 named Cohen Milstein a **“Leading Practice”** in Antitrust, Products Liability, and Securities Litigation.
- In 2020, Florida Super Lawyers recognized Nicholas C. Johnson, Leslie M. Kroeger, Stephan A. LeClainche, Theodore J. Leopold as **“Super Lawyers”** in the area of Personal Injury Law (Plaintiff); Adam J. Langino recognized as a **“Rising Star”** in Personal Injury Products: Plaintiff.
- In 2020 Law360 named Cohen Milstein’s Daniel A. Small a **“Law360 Titan of the Plaintiffs Bar”** for his decades of successful work in antitrust litigation.
- In 2020, The National Law Journal named Cohen Milstein’s John Sheehan a **“2020 Plaintiffs’ Trailblazer”** in environmental law.
- In 2020, Daily Business Review named Cohen Milstein’s Leslie M. Kroeger a **“2020 DBR Distinguished Leader.”**
- In 2020, Super Lawyers recognized seventeen Cohen Milstein attorneys as **“2020 Washington, DC Super Lawyers”** and seven Cohen Milstein attorneys as **“2020 Washington, DC Rising Stars.”**
- In 2020, Chambers USA recognized Cohen Milstein as a leading firm in the **“Antitrust: Plaintiffs – Nationwide”** category.
- In 2020, Lawdragon recognized eight Cohen Milstein lawyers in the **“2020 Lawdragon 500 Leading Plaintiff Consumer Lawyers”** list.
- In 2020, Lawdragon recognized twelve Cohen Milstein lawyers in the **“2020 Lawdragon 500 Leading Lawyers in America”** list.
- In 2020, American Lawyer Media and The National Trial Lawyers named Cohen Milstein **“Antitrust Law Firm of the Year.”**
- In 2020, *Law360* named Cohen Milstein **“Practice Group of the Year – Benefits”** for the firm’s work in 2019.
- In 2020, *Law360* named Cohen Milstein **“Practice Group of the Year – Consumer Protection”** for the firm’s work in 2019.
- In 2019, *Law360* named Cohen Milstein’s Sharon K. Robertson **“Life Sciences – MVP”** for her cutting-edge “pay for delay” antitrust class actions in the Life Sciences industry.
- In 2019, *Law360* named Cohen Milstein’s Karen L. Handorf a 2019 **“Benefits – MVP”** for her exemplary work in ERISA litigation.
- In 2019, Lawdragon named Cohen Milstein’s Agnieszka Fryszman and Steve Toll to **“Lawdragon Legends,”** a list recognizing 30 of the “nation’s elite lawyers” who have been named to the Lawdragon 500 for at least ten years.
- In 2019, ALM and *The National Trial Lawyers* named seven of Cohen Milstein’s practice areas to its **“Elite Trial Lawyer – Finalist”** list and recognized Karen L. Handorf Recognized as one of its **“Elite Women of the Plaintiffs Bar”** (2020).
- In 2019, the Seven Hills School awarded Cohen Milstein’s Kalpana Kotagal with the **“Norma Martin Goodall Distinguished Alumni Award.”**
- In 2019, the *Chicago Business Journal* named Cohen Milstein’s Carol V. Gilden a 2019 **“Woman of Influence.”**
- In 2019, the American Antitrust Institute honored Cohen Milstein’s Jessica Weiner with an **“Outstanding Antitrust Litigation Achievement Award.”**
- In 2019, Lawdragon named 15 Cohen Milstein lawyers to its 2019 **“500 Leading Plaintiff Financial Lawyers”** list.
- In 2019, *Law360* named Cohen Milstein’s Mary Bortscheller a **“Rising Star.”**

- In 2019, *The Best Lawyers in America* named 12 Cohen Milstein attorneys to its 2020 **“Best Lawyers in America”** list.
- In 2019, *The Best Lawyers in America* named Cohen Milstein’s Karen L. Handorf as **“ERISA Litigation Lawyer of the Year – Washington, DC.”**
- In 2019, *The Best Lawyers in America* named Cohen Milstein’s Stephan A. LeClainche **“Medical Malpractice Lawyer of the Year – West Palm Beach, FL.”**
- In 2019, Public Justice Foundation named Cohen Milstein one of five finalists for the **“Trial Lawyer of the Year Award.”**
- In 2019, Cohen Milstein’s Environmental Toxic Tort practice was named a winner of The National Law Journal’s **“Elite Trial Lawyers” Award**, and Cohen Milstein’s Agnieszka Fryszman and Sharon Robertson were named winners of *The National Law Journal’s* **“Elite Women of the Plaintiffs Bar” Award**.
- In 2019, six of Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Plaintiff Consumer Lawyers.”**
- In 2019, Cohen Milstein’s Carol V. Gilden received Lawyer Monthly Magazine’s **“Women in Law Award.”**
- In 2019, four of Cohen Milstein partners were named to Benchmark Litigation’s **“40 & Under Hot List.”**
- In 2019, Cohen Milstein’s Christine E. Webber received the Washington Lawyers’ Committee for Civil Rights and Urban Affairs’ **“Roderic V.O. Boggs Award.”**
- In 2019, Cohen Milstein’s Nicholas C. Johnson and Poorad Razavi were named to Florida Trend’s **“Legal Elite.”**
- In 2019, Cohen Milstein’s Nicholas C. Johnson was appointed to serve on the **AAJ Board of Governors**.
- In 2019, *The National Law Journal* named Cohen Milstein an **“Elite Trial Lawyer”** finalist in five practice areas and named Agnieszka Fryszman and Sharon Robertson **“Elite Women of the Plaintiffs Bar.”**
- In 2019, *Law360’s* 2019 Glass Ceiling Report named Cohen Milstein among **“The Best Law Firms for Female Attorneys.”**
- In 2019, *The Legal 500* recognized Cohen Milstein’s Antitrust, Civil Rights & Employment, Products Liability, and Securities Litigation practices as **“Leading Practices,”** and named seven Cohen Milstein attorneys among their **“Leading Lawyers,” “Next Generation Lawyers,”** and **“Rising Stars.”**
- In 2019, Cohen Milstein was named to *The National Law Journal’s* **“Pro Bono Hot List.”**
- In 2019, 21 Cohen Milstein attorneys were recognized as **“Super Lawyers,”** and nine Cohen Milstein attorneys were recognized as **“Rising Stars.”**
- In 2019, Cohen Milstein’s Takisha D. Richardson was named a **Florida Bar Association’s Wm. Reece Smith, Jr. Leadership Academy Fellow**.
- In 2019, six of Cohen Milstein’s Civil Rights & Employment Litigation lawyers were named among the **“Lawdragon 500 Leading Plaintiff Employment Lawyers 2019.”**
- In 2019, the *Daily Business Review* honored Cohen Milstein with three Professional Excellence Awards, including Theodore J. Leopold, **DBR’s 2019 “Distinguished Leaders” award**, Nicolas C. Johnson, **DBR’s 2019 “On the Rise” award**, and the firm’s Sexual Abuse, Sex Trafficking, and Domestic Violence Litigation team, **DBR’s 2019 “Innovative Practice Areas” award**.
- In 2019, four Cohen Milstein lawyers received **“The Burton Awards’ Law360 Distinguished Legal Writing Award - Law Firm.”**
- In 2019, nine Cohen Milstein lawyers were named among the **“Lawdragon 500 Leading Lawyers in America.”**
- In 2018, *The National Law Journal* and *Trial Lawyer Magazine*, named Steven J. Toll and Betsy A. Miller among **“America’s 50 Most Influential Trial Lawyers.”**
- 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 Clainche, 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, 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.
- In 2014, Cohen Milstein's Antitrust Practice was selected as a **"Practice Group of the Year"** by *Law360*.
- In 2014, Cohen Milstein Partner Kit Pierson was selected as an **"Antitrust MVP"** by *Law360*.
- In 2014, Cohen Milstein was named a **"Most Feared Plaintiffs Firm"** by *Law360* for the second year in a row. In 2014, Cohen Milstein was selected as an **Elite Trial Lawyer** firm by *The National Law Journal*.
- Cohen Milstein Partners Steven J. Toll, Joseph M. Sellers, Kit A. Pierson, and Agnieszka M. Fryszman Selected to the **2014 Lawdragon 500**.
- Released in 2015, Joseph M. Sellers, Theodore J. Leopold, and Leslie M. Kroeger listed in **"Best Lawyers in America."**
- Released in 2014, the 2013 SCAS 50 Report on Total Securities Class Action Settlements ranked Cohen Milstein as a top firm.
- In 2014, Cohen Milstein's Theodore J. Leopold was named among the **"Top 100" Florida Super Lawyers**, Leslie M. Kroeger was named to the **"Florida Super Lawyers,"** and Diana L. Martin was named a **"Florida Rising Star."**
- In 2014, Cohen Milstein attorneys Leslie M. Kroeger and Adam J. Langino were recognized in **Florida Trend's "Florida Legal Elite."** Kroeger is recognized as Legal Elite and Langino is listed as an Up-and-Comer.
- In 2014, Cohen Milstein was selected to the selected to the **National Law Journal's Midsize Hot List**.
- In 2014, Cohen Milstein was recognized as a **"Highly Recommended Washington, DC Litigation Firm"** by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2014, Cohen Milstein was ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500** for the sixth year in a row.
- In 2014, Partner Richard Koffman was named, for the fourth consecutive year, in the Legal 500 United States **"Leading Lawyers"** list under the category of "Litigation - Mass Tort and Class Action: Plaintiff Representation - Antitrust".
- In 2014, Cohen Milstein attorneys Agnieszka Fryszman, Julie Goldsmith Reiser, Joseph Sellers, Daniel Sommers, and Steven Toll were recognized as **Local Litigation Stars** by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2014, Cohen Milstein attorneys R. Joseph Barton, 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 2014, Cohen Milstein attorneys Monya Bunch, S. Douglas Bunch, Jeffrey Dubner, Johanna Hickman, Joshua Kolsky, Kalpana Kotagal, Emmy Levens, and Michelle Yau were selected as **Washington DC Rising Stars** by *Super Lawyers*.
- In 2014, Cohen Milstein Partner Carol V. Gilden was selected as the Illinois Pension Fund Attorney of the Year.

- In 2014, Best Lawyers named Cohen Milstein Partner Joseph Sellers D.C. Litigation - Labor & Employment Lawyer of the Year.
- In 2013, for the third-year in a row, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2013, Cohen Milstein was named a "**Most Feared Plaintiffs Firm**" by Law360.
- In 2013, Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500 for the fifth year in a row.
- In 2013, Cohen Milstein attorneys Joseph Barton, Andrew Friedman, Agnieszka Fryszman, Karen Handorf, Kit A. Pierson, Julie G. 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 2013, Cohen Milstein attorney Michelle Yau was selected as **Washington DC Rising Stars** by Super Lawyers. In 2013, Cohen Milstein Partner Carol V. Gilden was selected as a **2013 Illinois Super Lawyer**. She has been selected every year since 2005.
- In 2012, for the second-year in a row, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2012, Cohen Milstein was the recipient of the Judith M. Conti Pro Bono Law Firm of the Year Award from the Employment Justice Center.
- In 2012, Cohen Milstein was recognized as a "Highly Recommended Washington, DC Litigation Firm" by Benchmark Plaintiff: The Definitive Guide to America's Leading Plaintiff Firms and Attorneys.
- In 2012, Cohen Milstein was ranked as a top firm by the 2011 SCAS Report on Total Securities Class Action Settlements.
- In 2012, Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States by the Legal 500 for the fourth year in a row.
- In 2012, Partner Joseph M. Sellers was selected as a **Washington DC Super Lawyer**. Mr. Sellers was also selected for this prestigious award in 2007, 2008, 2009, 2010, and 2012.
- In 2012, Partner Steven J. Toll was selected as a **Washington DC Super Lawyer**. Mr. Toll was also selected for this prestigious award in 2007, 2009, 2010, and 2011.
- In 2012, Partner Daniel S. Sommers was selected as a **Washington DC Super Lawyer**. Mr. Sommers was also selected for this prestigious award in 2011.
- In 2012, Partner Christine E. Webber was selected as a **Washington DC Super Lawyer**. Ms. Webber was also selected for this prestigious award in 2007.
- In 2012, Partner Agnieszka M. Fryszman was selected as a **Washington DC Super Lawyer**. In 2012, Partner Kit A. Pierson was selected as a **Washington DC Super Lawyer**.
- In 2012, Partner Carol V. Gilden was selected as an **Illinois Super Lawyer**. Ms. Gilden was also selected for this prestigious award in 2005, 2006, 2007, 2008, 2009, 2010, and 2011.
- In 2011, Cohen Milstein was selected to the *National Law Journal* **Plaintiffs' Hot List**.
- In 2011, Partner Joseph M. Sellers was selected as a "**Visionary**" by The *National Law Journal*.
- In 2011, Partner J. Douglas Richards, Of Counsel Joel Laitman, and Of Counsel Christopher Lometti were selected as **New York - Metro Super Lawyers**.
- In 2011, Partner Joseph M. Sellers and the *Keepseagle v. Vilsack* team were selected as a finalist for the **2011 Trial Lawyer of the Year Award** from the Public Justice Foundation.
- In 2011, **Cohen Milstein was ranked as a Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500 for the third year in a row.
- In 2011, Partners Steven Toll, Joseph Sellers, and Daniel Sommers were selected as **Washington DC Super Lawyers**. Partner J. Douglas Richards, Of Counsel Joel Laitman and Christopher Lometti were selected as **New York - Metro Super Lawyers**. Partner Carol Gilden was selected as an **Illinois Super Lawyer**.
- In 2011, Cohen Milstein was a recipient of The *National Law Journal's* **Pro Bono Award**. The Firm was named one of the "six firms that best reflect the pro bono tradition."
- In 2010, Partner Joseph M. Sellers was selected as one of "**The Decade's Most Influential Lawyers**" by The *National Law Journal*.
- In 2010, Partner Steven J. Toll was named one of Law360's "**Most Admired Attorneys**". In 2010, Partner Andrew N. Friedman was selected as a **Washington DC Super Lawyer**.

- In 2010, Partner Agnieszka M. Fryszman was selected as a finalist for the **Trial Lawyer of the Year Award** from the Public Justice Foundation.
- In 2010, Partners Joseph M. Sellers and Agnieszka M. Fryszman were both selected as one of the **Lawdragon 500 Leading Lawyers in America**.
- In 2010, Cohen Milstein was once again ranked as a **Leading Plaintiff Class Action Antitrust Firm in the United States** by the Legal 500.

COHENMILSTEIN



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Practice Areas

- Consumer Protection
- Securities Litigation & Investor Protection

Admissions

- District of Columbia
- New York

Education

- George Washington University Law School, J.D., 1983
- Tufts University, B.A., *magna cum laude*, 1980

Andrew N. Friedman is a Partner at Cohen Milstein and the Co-Chair of the firm's Consumer Protection practice group.

Practicing in the class action field since 1985, Mr. Friedman is a nationally recognized leader in the area of complex, multi-state class action lawsuits against manufacturers and consumer service providers, such as banks, insurers, credit card companies, and others, who is ready to take litigation all the way through trial.

In 2018, Mr. Friedman was named *Law360's* "MVP – Data Privacy and Security," an award recognizing only five lawyers in the United States in this emergent area of law. In addition, under his leadership, Cohen Milstein's Consumer Protection practice has received numerous industry awards, including *Law360's* "Practice Group of the Year – Consumer Protection" (2018) and *The National Law Journal's* "Elite Trial Lawyers – Consumer" award (2018), as well as *Law360's* "Practice Group of the Year – Privacy" (2017).

Over the years, Mr. Friedman has been court-appointed Lead or Co-Lead Counsel in numerous high-profile and often precedent-setting class actions, bringing relief to millions of consumers and recovering hundreds of millions of dollars in class actions, including:

- ***In re: Marriott International Inc. Customer Data Security Breach Litigation (D. Md.)***: In April 2019, Mr. Friedman was appointed Consumer Plaintiffs' Co-Lead Counsel.
- ***Facebook 2018 Data Breach Litigation (N.D. Cal.)***: In February 2019, Mr. Friedman was appointed Co-Lead Interim Class Counsel.
- ***In re Anthem Data Breach Litigation (N.D. Cal.)***: Mr. Friedman was Co-Lead Counsel in a data breach class action involving the theft of personal identification and health information of more than 78 million customers of Anthem, the second largest health insurance company in the nation. The lawsuit involved novel claims and cutting-edge damage theories, resulting in a \$115 million settlement – at the time, the largest data breach settlement in history.
- ***Symantec, Corp. and Digital River, Inc. (D. Minn.)***: Mr. Friedman also litigated a lawsuit against a four-year long nationwide class action battle related to the marketing of a re-download service in conjunction with the sale of Norton software. The case settled in a \$60 million all-cash deal one month before the case was about to go to trial – one of the most significant consumer settlements in years.

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- **Nationwide (N.D.N.Y.) and Country Life (Cook Cty. Ill. Cir. Ct.):** Mr. Friedman was one of the principal counsel in cases against two of the largest insurance companies in which plaintiffs asserted sales marketing abuses in the marketing of so-called “vanishing premium policies,” where insurance agents sold insurance policies to unsuspecting consumers promising that after a relatively short time the dividends generated from the policy would be so high as to be able to fully pay the premiums. In fact, the calculations of the policies were based on unrealistic interest rate projections and, therefore, the premiums never “vanished.” *Nationwide* resulted in a settlement valued at between \$85 million and \$103 million, while a settlement with Country Life made \$44 million in benefits available to policyholders.
- **Keithly v. Intelius, Inc. (W.D. Wash.):** Mr. Friedman was Co-Lead Counsel, where he negotiated two nationwide settlements with Intelius, Inc., relating to negative option programs and improper post-transaction marketing. The combined settlements made \$12 million in cash available to the Class.
- **Home Depot Data Breach Litigation (N.D. Ga.):** Mr. Friedman was a member of the Plaintiffs’ Steering Committee, representing financial institutions and headed the expert committee. This class action lawsuit arose out of the Home Depot data breach, a cyber-attack that affected hundreds of financial institutions and more than 40 million consumers who used their debit and credit cards to patronize Home Depot. On September 22, 2017, the court granted final approval of a \$25 million settlement.
- **HCA Litigation (M.D. Fla.):** Mr. Friedman was one of the principal counsel in the a state-wide consumer class action in Florida federal court. Plaintiffs alleged that post-car accident emergency room patients were billed inflated fees for emergency radiology services, in excess of the amount allowed by law, covered in part by their mandatory Florida Personal Injury Protection (PIP) insurance. In December 2018, the Court granted final approval of an injunctive relief settlement of \$220 million.

Mr. Friedman has also litigated important consumer product lawsuits, including one against Thomson Consumer Electronics, which resulted in a settlement that made up to \$100 million available for persons who paid for unreimbursed repairs to defective televisions. In addition, Mr. Friedman was one of the principal counsel in the Dex-Cool Litigation, a nationwide lawsuit alleging that General Motors sold millions of cars with defective coolant that gummed up and caused corrosion to engines. GM settled ahead of trial, offering relief of cash payments of up to \$800 per repair.

Prior to his current role as Co-Chair of the Consumer Protection group, Mr. Friedman was a member of Cohen Milstein’s Securities Litigation & Investor Protection practice, litigating many important matters, including *Globalstar Securities Litigation* in which he served as one of the lead trial counsel. The case settled for \$20 million during the second week of the trial. In addition, Mr. Friedman served as Co-Lead or principal counsel in *Norman Frank et al. v. David L. Paul* (a recovery of over \$18 million); *In re Jiffy Lube Securities Litigation* (D. Md.) (a recovery of over \$12 million); and *In re Immunex Securities Litigation* (W.D. Wash.) (a recovery of \$14 million).

Currently, Mr. Friedman is litigating such notable matters as:

- **In re: Marriott International Inc. Customer Data Security Breach Litigation (D. Md.):** On April 29, 2019, the Court appointed Mr. Friedman Consumer Plaintiffs’ Co-Lead Counsel to oversee a putative nationwide class action related to the data breach of personal information of nearly 400 million customers of Starwood-branded hotels, subsequently acquired by Marriott in 2016, making it one of the largest data breaches in U.S. history.
- **Facebook 2018 Data Breach Litigation (N.D. Cal.):** On February 14, 2019, the Court appointed Mr. Friedman Co-Interim Class Counsel in a putative nationwide class action against Facebook for

COHENMILSTEIN

breach of personal data. According to Facebook, the data breach was the result of a software vulnerability that existed for over a year (July 2017 – September 2018).

- ***In re Equifax, Inc., Customer Data Security Breach Litigation (N.D. Ga.):*** Mr. Friedman is a member of the Plaintiffs' Steering Committee and is Co-Chair of the Expert Committee in this data privacy breach class action against Equifax, a leading credit-reporting company that safeguards some of the most sensitive financial and personal information of over 147 million individuals across the United States, for its failure to inform the public of a massive data breach and theft of client data. On July 22, 2019, a settlement was preliminarily approved. If granted final approval, the settlement – which will consist of a record-breaking cash fund and credit monitoring for class members and require Equifax to spend \$1 billion to upgrade its security and technology – would resolve this litigation, as well as state and federal investigations.
- ***GCDC, et al. v. The Hartford (D.D.C.):*** Cohen Milstein is representing D.C.-based restaurants and small businesses in a class action against The Hartford Financial Services Group, Inc. for its failure to cover COVID-19-related business interruption losses.

Mr. Friedman is a noted speaker who has appeared on numerous panels for legal education seminars and institutional investor conferences on the issues of consumer and securities class actions. In 2011, Lawdragon named him one of the Leading Plaintiffs' Lawyers. His work has been cited in the media and he was profiled in the April 14, 2000, *Washington Business Journal*.

Prior to joining Cohen Milstein, Mr. Friedman served as an attorney with the U.S. Patent and Trademark Office.

Mr. Friedman attended Tufts University, graduating *magna cum laude* and was elected *Phi Beta Kappa*, with a B.A. in Psychology. He earned his J.D. from the National Law Center, George Washington University.

COHENMILSTEIN



Douglas J. McNamara, Partner

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Practice Areas

- Consumer Protection

Admissions

- District of Columbia
- New York

Education

- New York University, J.D., 1995
- SUNY Albany, B.A., *summa cum laude*, Departmental Honors, 1992

Douglas J. McNamara is a Partner, and a member of the firm's Consumer Protection practice group. In this 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, involving issues of preemption, choice of law, and class certification. He is a hands-on litigator who takes pleasure in the details, facts, and documents of each case. 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 has worked on numerous cases involving dangerous pharmaceuticals and medical devices, light cigarettes, defective consumer products, and environmental torts. Mr. McNamara is currently litigating the following notable matters:

- ***In re Apple Inc. Device Performance Litigation***: On January 9, 2018, Cohen Milstein and co-counsel, filed a putative nationwide class action against Apple Inc., on behalf of owners of Apple's iPhone SE, 6, 6 Plus, 6s, 6s Plus, 7, and 7 Plus, for unfair and deceptive business practices in violation of California Business & Professions Code § 17200 and making material misrepresentations and failing to disclose material information related to Apple's iOS software operating system updates for Apple iPhones. Mr. McNamara was appointed to the Plaintiffs' Steering Committee and is Co-Chair of the Expert Committee.
- ***HCA Litigation***: Cohen Milstein is lead counsel in a class action, alleging that post-car accident emergency room patients were billed inflated fees for emergency radiology services, in excess of the amount allowed by law, covered in part by their mandatory Florida Personal Injury Protection (PIP) insurance. In August 2018, Cohen Milstein filed for preliminary approval of an injunctive relief settlement that could save PIP patients an estimated \$220 million.
- ***Cape Fear River Contaminated Water Litigation***: On January 4, 2018, Cohen Milstein was appointed Interim Co-Lead Class Counsel in a consolidated toxic tort class action filed against DuPont and Chemours, alleging that for more than four decades the companies polluted the Cape Fear River near Wilmington, North Carolina with a chemical called GenX, contaminating the water supply of five counties, and misrepresented their conduct to state and federal regulators.

COHENMILSTEIN

- ***Johnnessohn, et al. v. Polaris***: In October 2016, Cohen Milstein filed a class action on behalf of purchasers of Polaris Sportsman four-wheel all-terrain vehicles (ATVs) for violating state consumer protection and warranty laws related to a design defect of its exhaust system. The exhaust system gets so hot that it can burn riders and melt the ATV's components.
- ***BK Trucking Co., et al. v. PACCAR, Inc. et al.***: On August 20, 2015, Cohen Milstein and co-counsel filed a putative class action against PACCAR, the third-largest manufacturer of medium- and heavy-duty trucks in the world, and its subsidiaries, Kenworth Truck Company and Peterbilt Motors for breach of warranty and other products liability and unfair business practices related to the manufacture and sale of its 2010 PACCAR MX-13 diesel engines, which include a specially designed and defective emissions control unit, which causes engine power loss and shut downs, impeding commerce.

Some of Mr. McNamara's recent successes include:

- ***Lumber Liquidators Chinese-Manufactured Flooring Products Liability Litigation***: Cohen Milstein is co-lead counsel in a consumer class action lawsuit, alleging the nationwide retailer sold Chinese-made laminate flooring containing hazardous levels of the carcinogen formaldehyde while falsely labeling their products as meeting or exceeding California emissions standards, a story that was profiled twice on 60 Minutes in 2015. On October 9, 2018, the Court granted final approval of a \$36 million settlement. Mr. McNamara was involved in all aspects of the litigation, including discovery, writing and arguing pleadings, and settlement.
- ***Khoday et al. v. Symantec Corp. et al.***: Cohen Milstein was lead counsel in a nationwide class action involving the marketing to consumers of a re-download service in conjunction with the sale of Norton software. In April 2016, the case settled in a \$60 million all-cash deal a month before it was to go to trial – one of the most significant consumer settlements in years. Mr. McNamara was involved in all aspects of the case, from managing the litigation to overseeing a staff of contract attorneys to settlement discussions.
- ***Caterpillar Engine Product Liability Litigation***: Cohen Milstein was co-lead counsel on behalf of 22 trucking and transportation companies in 18 states in a class action lawsuit against Caterpillar alleging that the MY2007 CAT engine, designed to meet the EPA's tougher Clean Air Act emissions standards, was defective, causing power loss and shutdowns that prevented or impeded vehicles from transporting goods or passengers. Caterpillar sought to dismiss the case claiming EPA approval of the engine preempted any state law claims. Mr. McNamara was the architect of the successful opposition to the motion, and he was involved in all aspects of the litigation. On September 20, 2016, the Court granted final approval of the \$60 million settlement.

Mr. McNamara also is actively involved in the firm's high-profile *pro bono* litigation, including:

- ***National Association for the Advancement of Colored People v. Donald J. Trump, President of the United States***: Cohen Milstein is representing the NAACP and two unions in a lawsuit against President Donald J. Trump, Department of Homeland Security and other U.S. immigration enforcement agencies and their efforts to terminate the Deferred Action for Childhood Arrivals (DACA) program. Plaintiffs prevailed before the U.S. Supreme Court.

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Prior to joining Cohen Milstein in 2001, Mr. McNamara was a litigation associate at an international defense firm, 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 a course on environmental and toxic torts as an adjunct at George Washington University School of Law.

Mr. McNamara graduated *summa cum laude* from SUNY Albany, and he earned his J.D. from New York University School of Law.

COHENMILSTEIN



Sally Handmaker Guido, (Former Associate)

Washington, DC

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Practice Areas

- Consumer Protection

Admissions

- California
- District of Columbia

Education

- University Virginia School of Law, J.D., 2011
- University of Southern California, B.A., *summa cum laude*, Phi Beta Kappa, 2007

Sally Handmaker Guido is an Associate at Cohen Milstein and a member of the firm's Consumer Protection practice group. She is also a member of the firm's eDiscovery and Summer Associate committees.

Ms. Handmaker Guido litigates class actions to enforce consumer rights under federal and state laws, in particular issues related data privacy, false advertising, breach of warranty and other types of deceptive business practices, as well as defective products.

Previously a Litigation Associate at a top-tier defense firm, Ms. Handmaker Guido brings unique perspective and relevant complex litigation experience to her work, including experience in antitrust, securities, sports, intellectual property, and employment litigation.

Ms. Handmaker Guido is currently litigating the following notable matters:

- ***In re Equifax, Inc., Customer Data Security Breach Litigation:*** On September 8, 2017, Cohen Milstein filed a class action against Equifax, a leading credit-reporting company that safeguards some of the most sensitive financial and personal information of over 143 million individuals across the United States, for its failure to inform the public of a massive data breach and theft of client data. Cohen Milstein was appointed to the Plaintiffs' Steering Committee on the consumer side of the litigation and is Co-Chair of the Expert Committee.
- ***In re Apple Inc. Device Performance Litigation:*** On January 9, 2018, Cohen Milstein and co-counsel, filed a putative nationwide class action against Apple Inc., on behalf of owners of Apple's iPhone SE, 6, 6 Plus, 6s, 6s Plus, 7, and 7 Plus, for unfair and deceptive business practices in violation of California Business & Professions Code § 17200 and making material misrepresentations and failing to disclose material information related to Apple's iOS software operating system updates for Apple iPhones. Cohen Milstein was appointed to the Plaintiffs' Steering Committee and is Co-Chair of the Expert Committee.
- ***Ariza v. Luxottica Retail North America (LensCrafters):*** Cohen Milstein represents a putative class of purchasers of LensCrafters' Accufit Digital Measurement System (Accufit) services, who allege that LensCrafters used false, misleading advertising and deceptive sales practices about Accufit being "five times more accurate" in measuring pupillary distance than traditional methods, to induce customers to purchase LensCrafter's higher-priced prescription lens products. Ms. Handmaker Guido is Lead Associate in this litigation.

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Some of her past successes include:

- ***In re Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Product Liabilities Litigation:*** Ms. Handmaker Guido was Lead Associate in this class action against Lumber Liquidators alleging that the company falsely labeled its products as meeting or exceeding California Air Resource Board Emission standards with regard to the level of formaldehyde, a carcinogen, contained therein. In August 2018, the Court granted final approval of a \$36 million settlement. Cohen Milstein was Co-Lead Counsel.
- ***In re Anthem, Inc. Data Breach Litigation:*** Cohen Milstein was Co-Lead Counsel on behalf of a putative class of approximately 80 million insureds involving the massive data breach of Anthem, Inc. in 2015, one of the nation's largest for-profit health care companies, resulting in the theft of personal and health information. In August 2018, the Court granted final approval of a \$115 million settlement, the largest data breach settlement in history. Ms. Handmaker Guido was involved in all aspects of the litigation.
- ***In re Home Depot, Inc. Customer Data Security Breach Litigation:*** Cohen Milstein was a member of the Plaintiffs' Steering Committee in this class action and chair of the Expert Committee, representing financial institutions that issued more than 56 million debit and credit cards to Home Depot patrons. The case arose out of the 2014 Home Depot data breach that affected hundreds of financial institutions and more than 40 million consumers. In September 2017, the Court granted final approval of a \$25 million settlement.
- ***In re Vizio, Inc., Consumer Privacy Litigation:*** Cohen Milstein is a member of the Plaintiffs' Steering Committee in this closely-watched data privacy class action alleging that Vizio Smart TVs contain a default feature that tracks what viewers watch and then matches this information with other information collected about the customers, allowing Vizio to sell personal information about its customers to third parties for profit without adequately disclosing such collection and dissemination of data. The Court largely denied two rounds of Vizio motions to dismiss, sustaining novel and ground-breaking claims under the Video Privacy Protection Act and the Wiretap Act. Ms. Handmaker Guido was responsible for drafting significant portions of Plaintiffs' opposition to these motions and, in particular, the briefing related to the Wiretap Act claims. She was also closely involved in the discovery process. A potential settlement has been reached in this matter.

Ms. Handmaker Guido maintains an active *pro bono* practice involving notable matters, such as:

- ***Vivian Englund v. World Pawn Exchange, LLC:*** Successfully represented the estate of a Kristen Englund in a wrongful death case of first impression in Oregon state court and nationally, addressing the legal liability for federally licensed firearms dealers involved in online straw sales. The landmark settlement establishes important legal precedent at the state and federal levels regarding gun dealer responsibility for online sales of firearms.

She has also been recognized for her *pro bono* work with the Lawyers Committee for Civil Rights Under Law's Voting Rights Project.

Ms. Handmaker Guido is a member of The Sedona Conference, specifically Working Group 1: Electronic Document Retention & Production, and Working Group 11: Data Security and Privacy Liability. She is also an active member of the American Association for Justice (AAJ), having published several articles for AAJ publications, including "Ethical Concerns and Suggested Approaches to Ghostwritten Class Action Objections," *AAJ Class Action Litigation Group Newsletter* (Summer 2018), and "Good Counsel: Using Conjoint Analysis to Calculate Damages," *AAJ Trial Magazine* (June 2018).

Ms. Handmaker Guido attended the University of Southern California, graduating *summa cum laude* with a B.A. in Psychology and a B.A. in Political Science, and where she was elected to *Phi Beta Kappa*. Her

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undergraduate honors thesis, "'How Did You Feel?': Increasing Child Sexual Abuse Witnesses' Production of Evaluative Information," was published in the American Psychological Association's *Law and Human Behavior* journal.

Ms. Handmaker Guido received her J.D. from the University of Virginia School of Law. While in law school, she served as an intern at the U.S. Department of Justice's Criminal Division focusing on cases involving child sexual abuse. She also served on the board of The Virginia Innocence Project, the University of Virginia's arm of the national litigation and public policy organization dedicated to exonerating wrongfully convicted people through DNA testing and reforming the criminal justice system. Ms. Handmaker Guido also participated in the University of Virginia School of Law's Moot Court program and served on the Editorial Board of the *Journal of Law & Politics*.

COHENMILSTEIN



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Practice Areas

- Consumer Protection

Admissions

- District of Columbia
- Kansas
- Missouri
- Virginia

Education

- George Washington University Law School, J.D., 2012
- Webster University, M.A., 2007
- Missouri State University, B.A., magna cum laude, 2005

Clerkships & Fellowships

- Law Clerk, Hon. Margaret L. Sauer and Hon. Janette K. Rodecap, 16th Circuit Court of Jackson County, Missouri

Brian E. Johnson is an Associate at Cohen Milstein and a member of the Consumer Protection practice group, where he assists in the development of potential cases and provides support in all aspects of current litigation.

Prior to joining Cohen Milstein, Mr. Johnson was an Associate at a Missouri-based law firm where he represented consumers in financial lawsuits involving the Fair Debt Collection Practices Act, Fair Credit Reporting Act and the Telephone Consumer Protection Act. Following law school, Mr. Johnson served as a Law Clerk for the Honorable Margaret L. Sauer and the Honorable Janette K. Rodecap, 16th Circuit Court of Jackson County, Missouri.

Mr. Johnson is a graduate of Missouri State University, where he received a dual B.A., *magna cum laude*, in History and German in 2005. He earned his J.D. from the George Washington University Law School in 2012. Mr. Johnson also studied at Webster University in Vienna, Austria, earning a M.A. in International Relations in 2007.

EXHIBIT 14

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF DEREK G. HOWARD
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Derek G. Howard, declare as follows:

2 1. I am the founder of DEREK G. HOWARD LAW FIRM.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, I personally acted as Liaison
6 Counsel with the related state court actions that were pending in the Superior Court of San
7 Francisco County. This job required *inter alia*, attendance at hearings, daily and often rapid
8 attention to both cases on a variety of matters, including accurate reporting and recommendations
9 on discrete developments in both cases. This work included opposing efforts by the Defendant to
10 potentially use the state court proceedings as a lever to gain advantage in the federal litigation and
11 our work otherwise providing prompt actions in order to keep this case working collaboratively
12 and efficiently with state counsel all in connection with the spirit of F.R.Civ.P. 1.

13 3. Consistent with the July 3, 2018 Case Management Order No. 3 our firm
14 maintained contemporaneous documentation of time and costs, and the work performed. All of the
15 work at our firm came directly from one of the Co-Lead firms again consistent with CMO No. 3,
16 at p.3:1-5. The individuals of my firm who worked on this matter are listed in Exhibit A, includes
17 an attorney Eva Gao, a UC Hastings graduate who was admitted to the California bar in 1994. Ms.
18 Gao is also bi-lingual and her services were used in translating foreign documents. Exhibit A also
19 includes the most recent hourly rates reported to the Court during the pendency of this litigation,
20 hours spent, and total lodestar. I hereby attest that the billing rates used on the attached Exhibit A
21 conform to the professional rates set at my firm. Further detail regarding the litigation and trial
22 experience of each professional can be found, to the extent available, in the firm resume attached
23 hereto as Exhibit C as well as our website at www.derekhowardlaw.com

24 4. The detailed descriptions of the time spent by the attorneys and a paralegal in our
25 firm in this litigation was prepared from contemporaneous, daily time records prepared and
26 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
27 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
28

1 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
2 time records are available for the Court’s review should the Court desire such records.

3 5. The total number of hours expended on this litigation by my firm, as approved by
4 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
5 consolidation through July 31, 2020 is 197.25 hours. (Our firm did not record or report any time
6 during the year 2020. The total lodestar for the firm is \$156,135.00.)

7 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
8 (“expenses”) totaling \$27,087.97, including a \$25,000 assessment fat the outset of the litigation
9 for the Shared Litigation Fund which was used by Co-Lead Counsel. I believe they were necessary
10 in relation to this litigation and submitted, vetted and approved by the Chair of the Plaintiffs’
11 Executive Committee and Co-Lead Counsel pursuant to the Court’s July 3, 2018 Case
12 Management No. 3. The expenses pertaining this litigation are reflected in the books and records
13 of my firm which are maintained and update every month. These books and records are prepared
14 from expense vouchers, check records, and other documents and are an accurate record of the
15 expenses.

16 7. Attached hereto as Exhibit C is the firm resume for my firm.

17 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
18 day of August, 2020, at Mill Valley, California

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s/Derek G. Howard

Derek G. Howard

EXHIBIT A

Law Firm of Derek Howard

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Derek Howard	Attorney - 34 years	\$ 875.00	165.90	\$ 145,162.50
Eva Guo	Attorney - 26 years	\$ 350.00	31.35	\$ 10,972.50
TOTAL			197.25	\$ 156,135.00

EXHIBIT B

EXHIBIT B**Law Firm of Derek Howard**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	\$ 1,549.88
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 529.39
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$ 8.70
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$ 25,000.00
TOTAL	\$ 27,087.97

EXHIBIT C



DEREK G. HOWARD

_____ Law Firm, Inc. _____

Firm Resume for the Derek G. Howard Law Firm

The Derek G. Howard Law Firm, Inc., provides consumers with decades of experience in complex litigation, including expertise in the areas of business fraud, deceptive practices, and antitrust violations in major consumer-oriented industries. The Howard Law firm also maintains an active practice in the area of sport-related legal disputes.

Mr. Howard has served as Co-Lead Counsel, an Executive Committee Member and associated counsel in antitrust and complex litigation for over two decades of practice. Representative antitrust cases include: *In re International Air Transportation Surcharge Antitrust Litigation* (N.D. Cal.) and *In re Transpacific Passenger Air Transportation Antitrust Litigation* (both recovering millions in antitrust action against airlines alleging price fixing of fuel surcharges on international flights); *In re TFT-LCD Antitrust Litigation* (alleged horizontal price fixing case recovering over \$1 billion cash for indirect purchaser consumers); *Freight Forwarders Antitrust Litigation* No. 1:08-cv-42-JG-VVP (E.D.N.Y.); *Fond du Lac Bumper Exchange et al v. Jui Li Enterprise Company Ltd.* (E.D. Wisc); *In re Western States Wholesale Natural Gas Antitrust Litig.* (MDL 1566)

The firm also specializes in personal trust litigation and law class actions on behalf of trust beneficiaries. Representative cases, all resulting in settlements or verdicts in favor of the class may be found at: *In re Medcap Capital Services Litigation* (C.D.Cal.)(recovering over \$219 million from indenture trustees on behalf of class of victims of the Medcap Ponzi Scheme); *Henderson v Bank of New York Mellon* (D. Mass.); *Stoody-Broser v. Bank of America* (N.D.Cal.), *Banks v. Northern Trust* (L.A.

Sup.Ct.), *Seaman v. Wells Fargo* (S.F. Sup.Ct. Cal.); *Nickel v. Bank of America* (N.D. Cal.), *Fisher v. Bank of America* (N.D. Cal.) all recovering millions in cash following complex litigation over allegedly improper trust fees.

Mr. Howard received his undergraduate degree from the University of Pennsylvania. He has earned his J.D. at Golden Gate University School of Law, and an M.A. in Sport Management at the University of San Francisco where he is also an Adjunct Professor. He has received numerous third party nominations, awards and peer election for achievement in the practice of law. IN 2020, Mr. Howard was again peer selected as one of the *Top 100 Attorneys in Northern California*. More details may be found at www.derehowardlaw.com

EXHIBIT 15

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF AMY E. KELLER IN
SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Amy E. Keller, declare as follows:

2 1. I am a partner at the law firm of DICELLO LEVITT GUTZLER LLC.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee ("EC") as Co-Chair of the Law and Briefing
6 Committee ("LBC") together with my colleague Kathleen Herkenhoff of Haeggquist & Eck, LLP.
7 (ECF No. 100 ("Lead Order")). I, along with a limited number of individuals at my firm,
8 performed a number of duties in the action, including extensive research, factual investigation and
9 drafting of the Consolidated Amended Complaint (the "CAC") (Dkt. 145). This work included
10 analyzing the dozens of filed complaints, legal and factual research to evaluate potential claims,
11 analyzing the relevant Apple devices, batteries and iOS at issue, as well as Apple's statements in
12 media sources (press releases, analyst conference calls, trade events, annual Apple conferences,
13 licensing agreements, etc.), marketing materials, packaging and packaging inserts, patent
14 applications, SEC filings, analyst conferences and responses to customer complaints and/or
15 inquiries concerning these items. After the filing of the CAC, the LBC provided substantial
16 additional legal research and drafting related to the opposition to Apple's motion to dismiss the
17 CAC. The LBC worked at the direction of Co-Lead Counsel to research and draft the Second
18 Amended Complaint (Dkt. No. 244) (the "SAC"), including substantial work to counter Apple's
19 arguments concerning the relevant devices and scope of intrusion. After the filing of the SAC, the
20 LBC was again involved in providing factual and legal research and drafting related to the
21 opposition to the Apple's motion to dismiss the SAC. (Dkt. No. 280). The LBC also performed
22 analysis of Apple's answer to the SAC (Dkt. No. 365), and performed further legal research
23 connected with additional pleadings, jurisdictional issues, plaintiff fact discovery, and offensive
24 discovery, including briefs submitted to the Special Discovery Master regarding depositions of
25 former plaintiffs, depositions of class representatives, production of electronic data, and
26 depositions of Apple executives.

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1 3. While the above is not an exhaustive recitation or summary of all work performed
2 by the LBC, whether by me personally, my Co-Chair Ms. Herkenhoff, members of my firm, or the
3 LBC collectively, it is intended only to highlight key work projects, and demonstrates our active
4 involvement in this litigation under the leadership and supervision of Interim Co-Lead Counsel.
5 While we performed our work in an efficient and collaborative manner, we were also certain to
6 provide Interim Co-Lead Counsel with the most thorough analysis of the claims, arguments, and
7 defenses that were brought in this MDL.

8 4. The individuals of my firm who worked on this matter in the period from May 15,
9 2018 to July 31, 2020 are listed in Exhibit A, along with years in practice, the most recent hourly
10 rates reported to the Court in the litigation, hours spent, and total lodestar. I hereby attest that the
11 billing rates used on the attached Exhibit A conform to the professional rates set at my firm as of
12 our firm's most recent report to the Court. Further detail regarding the litigation and trial
13 experience of each professional may be found, to the extent available, in the firm resume attached
14 hereto as Exhibit C.

15 5. The detailed descriptions of the time spent by the attorneys and other professionals
16 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
17 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
18 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
19 Management Order No. 4 (Dkt. No. 163).

20 6. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020, is 663.60 hours. The total lodestar for my firm is
23 \$423,732.00.

24 7. Attached hereto as Exhibit B is an itemized description of expenses/charges
25 ("expenses") totaling \$26,058.09, which were necessary in relation to this litigation and submitted,
26 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
27 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this

1 litigation are reflected in the books and records of my firm. These books and records are prepared
2 from expense vouchers, check records, and other documents and are an accurate record of the
3 expenses.

4 8. Attached hereto as Exhibit C is the firm resume for my firm.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
6 day of August, 2020, at Chicago, Illinois.

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8 /s/ Amy E. Keller
9 AMY E. KELLER
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EXHIBIT A

DiCello Levitt Gutzler LLC

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Amy Keller	Partner- 12 yrs	\$ 750.00	361.60	\$ 271,200.00
Adam J. Levitt	Partner- 27 yrs	\$ 985.00	7.70	\$ 7,584.50
Adam Prom	Associate- 6 yrs	\$ 500.00	0.10	\$ 50.00
Audree Lebdjiri	Paralegal- 15 yrs	\$ 300.00	3.40	\$ 1,020.00
John Tangren	Partner- 14 yrs	\$ 800.00	0.70	\$ 560.00
Justin Abbarno	Law Clerk- 3 yrs	\$ 325.00	9.90	\$ 3,217.50
Justin J. Hawal	Associate- 6 yrs	\$ 500.00	280.20	\$ 140,100.00
TOTAL			663.60	\$ 423,732.00

EXHIBIT B

EXHIBIT B**DiCello Levit Gutzler LLC**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 837.36
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	\$ 25.73
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous (Teleconference)	\$ 195.00
25. Assessments	\$ 25,000.00
TOTAL	\$ 26,058.09

EXHIBIT C



DICELLO LEVITT GUTZLER

Chicago

Ten North Dearborn Street
Sixth Floor
Chicago, Illinois 60602
312.214.7900

Cleveland

Western Reserve Law
Building
7556 Mentor Avenue
Mentor, Ohio 44060
440.953.8888

New York

444 Madison Avenue
Fourth Floor
New York, New York
10022
646.933.1000

St. Louis

9200 Litzsinger Road
St. Louis, Missouri
63144
440.953.8888

DiCello Levitt Gutzler LLC's Experience and Representative Cases

Representing institutional investors, individuals, businesses, and public clients, the firm's attorneys have successfully prosecuted and settled numerous complex cases and class actions, resulting in billions of dollars in recoveries for their clients and other class members. Partners Mark DiCello, Adam Levitt, and Greg Gutzler lead a top-notch team of recognized leaders who share a collective depth of experience and steadfast commitment to justice. Their tireless advocacy on behalf of their clients is well-known, recently leading Mike Bowers, Georgia's former Attorney General, to characterize a settlement obtained by Adam Levitt and Amy Keller on behalf of small business owners against a major credit card processor as a "work of art," and "one of the best pieces of legal work I have ever observed." *Champs Sports Bar & Grill v. Mercury Payment Systems, LLC*, No. 16-cv-00012 (N.D. Ga.).

Based in Chicago, Cleveland, New York, and St. Louis with a nationwide practice, the firm's attorneys have successfully led—and are presently leading—many large class and multidistrict actions, including against industry titans such as Apple, Intel, General Motors, and Equifax, and representing businesses and investors in arbitrations and litigation in multiple courts.

REPRESENTATIVE MULTIDISTRICT AND CLASS ACTION CASES

<i>Arnold Black v. Detective Randy Hicks, et al.</i> , No. 108958 (Ct. App. Ohio)	\$50 million jury verdict affirmed for victim of civil rights abuses.	Trial and Appellate Counsel
<i>Attorney General Dana Nessel, on behalf of the people of the State of Michigan v. 3M Company, et al.</i> , No. 20-003366-NZ (Cir. Ct. Kent County)	Action on behalf of the State of Michigan for damages caused by polyfluoroalkyl chemicals manufactured and distributed by defendants.	Special Assistant Attorneys General
<i>In re Fairlife Milk Products Marketing and Sales Practices Litigation</i> , No. 19-cv-3924 (N.D. Ill.)	Nationwide multidistrict class action involving sales practices of milk products.	Co-Lead Counsel
<i>In re American Medical Collection Agency, Inc., Customer Data Security Breach Litig.</i> , No. 19-md-2904 (D.N.J.)	Data breach affecting millions of patients whose personal information in laboratory records was exposed by a collections company.	Co-Lead Counsel
<i>In Re: Marriott International, Inc., Customer Data Security Breach Litigation</i> , No. 19-md-02879 (D. Md.)	Data breach affecting nearly 400 million people.	Co-Lead Counsel
<i>T.S. Kao, Inc., et al. v. North American Bancard, LLC, et al.</i> , No. 16-cv-4219 (N.D. Ga.)	Nationwide settlement for \$15 million pending approval for merchants who were overcharged for credit card processing services.	Co-Lead Counsel
<i>In re Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation</i> , No. 18-md-02828 (D. Or.)	Nationwide class action related to security flaws in Intel-manufactured CPUs.	Plaintiffs' Steering Committee
<i>In re Apple Inc. Device Performance Litigation</i> , No. 18-md-02827 (N.D. Cal.)	International class action concerning device performance throttling.	Plaintiffs' Executive Committee

<i>In re Polaris Marketing, Sales Practices, and Products Liability Litigation</i> , No. 18-cv-0939 (D. Minn.)	Nationwide class action against off-road vehicle manufacturer related to design defects impacting driver safety.	Co-Lead Counsel
<i>In re Equifax, Inc. Customer Data Security Breach Litigation</i> , No. 17-MD-02800 (N.D. Ga.)	Data breach affecting nearly 150 million people.	Co-Lead Counsel
<i>State of New Mexico, ex rel. Hector H. Balderas v. Takata Corporation</i> , No. D-101-CV-2017-00176 (Santa Fe 1st Jud. Dist., N.M.)	Consumer protection lawsuit brought by state attorney general involving defective and dangerous airbags.	Counsel by Special Commission
<i>Champs Sports Bar & Grill v. Mercury Payment Systems, LLC</i> , No. 16-cv-00012 (N.D. Ga.)	Card processing fee class action resulting in nationwide settlement of \$52 million for small businesses.	Co-Lead Counsel
<i>Sloan v. General Motors LLC</i> , No. 16-cv-07244 (N.D. Cal.)	Excessive oil consumption defect class action.	Co-Lead Counsel
<i>State of New Mexico, ex rel. Hector H. Balderas v. Volkswagen Group of America</i> , No. D-101-CV-2016-00131 (Santa Fe 1st Jud. Dist., N.M.)	Consumer protection lawsuit related to corporation's use of defeat device to circumvent state consumer and environmental laws.	Counsel by Special Commission
<i>In re Volkswagen "Clean Diesel" Marketing, Sales Practices and Products Liability Litigation</i> , No. 15-md-2672 (N.D. Cal.)	Vehicle emissions/defeat device class action litigation resulting in over \$16 billion in total settlements for consumers.	Plaintiffs' Steering Committee
<i>In re General Motors LLC Ignition Switch Litigation</i> , No. 14-md-2543 (S.D.N.Y.)	Ignition switch defect class action.	Executive Committee
<i>In re Navistar MaxxForce Litigation</i> , No. 14-cv-10318 (N.D. Ill.)	Nationwide truck emissions control system defect class action.	Co-Lead Counsel
<i>NCUA v. RBS Securities, Inc.</i> , No. 13-cv-6726 (S.D.N.Y.)	Securities litigation related to residential mortgage-backed securities; accepted offer of judgment for \$129.6 million, plus fees	Represented Government Agency
<i>In re Adobe Systems, Inc. Privacy Litigation</i> , No. 13-cv-05226 (N.D. Cal.)	Data breach affecting 38 million customer accounts.	Executive Committee
<i>CMFG Life Ins. Co. v. RBS Sec. Inc.</i> , No. 12-cv-037 (W.D. Wis.)	Securities litigation related to residential mortgage-backed securities; recovery amounts confidential.	Counsel for Large Wisconsin Corporation
<i>Roberts v. Electrolux Home Products, Inc.</i> , No. 12-cv-1644 (C.D. Cal.)	Defective dryer class action resulting in \$35.5 million nationwide settlement.	Co-Lead Counsel

<i>In re Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation</i> , MDL No. 2284 (E.D. Pa.)	Tree and shrub damage from defective herbicide class action resulting in \$550 million settlement.	Co-Lead Counsel
<i>In re Sony Gaming Networks and Customer Data Security Breach Litigation</i> , No. 11-md-02258 (S.D. Cal.)	Data breach case affecting 77 million accounts.	Co-Lead Counsel
<i>In re Michaels Stores Pin Pad Litigation</i> , No. 11-cv-3350 (N.D. Ill.)	Data breach lawsuit concerning compromised payment information.	Co-Lead Counsel
<i>In re StarLink Corn Products Liability Litigation</i> , No. 01-md-1403 (N.D. Ill.)	Biotechnology class action concerning contamination of U.S. corn supply with unapproved genetically modified trait resulting in \$110 million settlement.	Co-Lead Counsel
<i>In re Genetically Modified Rice Litigation</i> , No. 06-md-1811 (E.D. Mo.)	Biotechnology mass tort concerning contamination of U.S. rice supply resulting in aggregate settlements exceeding \$1.1 billion.	Co-Lead Counsel
<i>In re Porsche Cars Plastic Coolant Tubes Litigation</i> , No. 11-md-2233 (S.D. Ohio)	Nationwide class action involving defective engine coolant tubes resulting in \$45 million settlement.	Co-Lead Counsel
<i>In re: Reebok Easytone Litigation</i> , No. 10-CV-11977 (D. Mass.)	False advertising class action resulting in \$25 million, non-reversionary settlement fund.	Class Counsel
<i>In re Pharmatrak, Inc. Privacy Litigation</i> , No. 00-cv-11672 (D. Mass.)	Internet privacy lawsuit related to collection of personal information without consent.	Co-Lead Counsel
<i>NCUA v. Barclays Capital, Inc.</i> , No. 13-cv-6727 (S.D.N.Y.) & No. 12-cv-1631 (D. Kan.)	Securities litigation related to residential mortgage-backed securities; settled for \$325 million combined.	Represented Government Agency
<i>NCUA v. Wachovia Capital Markets LLC</i> , No. 13-cv-6719 (S.D.N.Y.) & No. 11-2649 (D. Kan.)	Securities litigation related to residential mortgage-backed securities; settled for \$53 million combined.	Represented Government Agency
<i>NCUA v. Morgan Stanley & Co., Inc.</i> , No. 13-cv-6705 (S.D.N.Y.) & No. 13-cv-2418 (D. Kan.)	Securities litigation related to residential mortgage-backed securities; settled for \$225 million combined.	Represented Government Agency
<i>NCUA v. RBS Securities, Inc., et al.</i> , No. 11-cv-2340 (D. Kan.) & No. 11-cv-5887 (C.D. Cal.)	Securities litigation related to residential mortgage-backed securities; settled for \$1.1 billion.	Represented Government Agency

<i>Monsanto Co. v. Syngenta Seeds, Inc.</i> , No. 07-cv-543 (E.D. Mo)	Breach of licensing agreement related to access to Monsanto’s newest patented soybean technology; resulted in favorable settlement agreement.	Represented Large Biotechnology Corporation
<i>Gulf Power v. Peabody</i> , No. 06-cv-270 (N.D. Fla.)	Defending breach of coal supply agreement; tried to successful verdict.	Represented Large Energy Company
<i>Monsanto Co. v. Delta & Pine Land Company</i>	Confidential arbitration re licensing fees and obligations related Monsanto’s patented cotton technology.	Represented Large Biotechnology Corporation
<i>Monsanto Co. v. Syngenta Seeds, Inc.</i> , No. 2107CC-01361 (Missouri State Court, St. Louis County)	Licensing dispute related to Monsanto’s patented soybean technology; tried to successful verdict; received all remedies sought, including declaratory judgment and injunctive relief.	Represented Large Biotechnology Corporation
<i>Monsanto Co. v. Garst Seed Co.</i> , No. 2104CC-04999 (Missouri State Court – St. Louis County)	Breach of contract case. Won summary judgment.	Represented Large Biotechnology Corporation
<i>In re DoubleClick, Inc. Privacy Litigation</i> , No. 00-cv-0641 (S.D.N.Y.)	Internet privacy class action.	Co-Lead Counsel
<i>Supnick v. Amazon.com, Inc.</i> , No. C00-0221P (W.D. Wash.)	Internet privacy lawsuit related to installation of tracking software.	Co-Lead Counsel
<i>Monsanto Co. v. E.I. du Pont De Nemours & Co. Inc.</i> , No. 00-cv-00952 (E.D. Mo.)	Patent infringement lawsuit; tried to successful \$1 billion verdict, the fourth-largest patent-infringement jury verdict in U.S. history	Represented Large Biotechnology Corporation

DiCello Levitt Gutzler LLC's Experienced Roster of Attorneys

Acknowledged as Super Lawyers and Leading Lawyers by Law Dragon, and AV-Rated by Martindale-Hubbell, the attorneys of DiCello Levitt are recognized as best in their field by prominent legal publications. In addition, the firm's attorneys have been included in the Law Bulletin's 40 Under 40 award, National Trial Lawyers 40 Under 40 list, and the *Best Lawyers in America* publication.

Beyond recognition from legal publications, the firm's attorneys have contributed to the legal community through scholarship and speaking engagements, including as a panelist for the Women's Bar Association of Illinois, testifying before the Illinois Supreme Court Rules Committee on class action practice, and chairing an annual class action litigation conference in Chicago.



Amy E. Keller
Partner

EMAIL:

akeller@dicellolevitt.com

EDUCATION

The John Marshall Law School,
Chicago, Illinois, J.D., *Law Review*

University of Michigan,
Ann Arbor, Michigan, B.A.

PRACTICE AREAS

- Antitrust Litigation
- Appellate Litigation
- Class Action Litigation
- Commercial Litigation
- Data Security Litigation
- Employment Litigation
- Financial Fraud Litigation
- Human Trafficking Litigation
- Privacy Litigation
- Product Liability Litigation

HONORS

- Honoree, Elite Women of the Plaintiffs' Bar, *ALM and National Law Journal* (2020)
- Women Worth Watching, *Profiles in Diversity Journal* (2019)
- Super Lawyer: Rising Star, Illinois (2016-present)
- National Trial Lawyers, Top 40 Under 40 (2018)
- Plaintiff Trailblazer, *National Law Journal* (2018)

ACTIVITIES

- American Law Institute
- Public Justice Foundation
- Sedona Conference Working Group 11
- *Law 360* Editorial Advisory Board

Serving as Co-Chair of the Law and Briefing Committee in this action, Amy has built a national reputation as a zealous consumer advocate, directing litigation in nationwide class action cases.

Amy Keller has experience successfully litigating a variety of complex litigation cases in leadership positions across the United States. As the Firm's Technology Practice Chair, Ms. Keller is the youngest woman ever appointed to serve as co-lead class counsel in a nationwide class action. In the multidistrict litigation pending against Equifax related to its 2017 data breach, Ms. Keller represents nearly 150 million class members and helped to secure a \$1.5-billion settlement. *In re Equifax, Inc. Customer Data Security Breach Litig.*, No. 17-md-02800 (N.D. Ga.). In another case, against Marriott, Ms. Keller represents nearly 300 million consumers. *In re Marriott International, Inc. Customer Data Security Breach Litig.*, No. 19-md-02879 (D. Md.). And in another, Ms. Keller is co-lead counsel for patients whose private medical information was potentially exposed in a nationwide data breach. *In re American Medical Collection Agency, Inc., Customer Data Security Breach Litig.*, No. 19-md-2904 (D.N.J.). Ms. Keller's numerous other leadership positions have also required sophistication in not only understanding complex legal theories, but also presenting multifaceted strategies to ensure a favorable result. See, e.g., *Catalano v. BMW of North America, LLC, et al.*, No. 15-cv-04889 (S.D.N.Y.) (settlement counsel, nationwide settlement providing replacement of certain electrical parts in automobiles); *Roberts, et al. v. Electrolux Home Prods., Inc.*, No. 12-cv-01644 (C.D. Cal.) (co-lead settlement counsel, \$35 million relief).

Ms. Keller's expertise spans a wide variety of practice areas and topics—including consumer protection, warranty, product liability, and financial fraud litigation. Ms. Keller's experience also extends to the development of briefing and strategy at the district and appellate court level concerning ascertainability of class members in consumer class actions, personal jurisdiction challenges in multi-state cases, complex damages models, and the enforceability of arbitration clauses in consumer contracts. See, e.g., *Conagra Brands, Inc. v. Briseño, et al.*, 138 S. Ct. 313 (2017); *Bell v. PNC Bank, Nat. Ass'n*, 800 F.3d 360 (7th Cir. 2015); and *Sloan v. General Motors LLC*, 27 F. Supp. 3d 840 (N.D. Cal. 2018), among others. A staunch advocate for animal rights and environmental protection, Ms. Keller also serves as co-lead counsel in the pending livestock welfare case, *In re Fairlife Milk Products Litig.*, No. 19-cv-3924 (N.D. Ill.), and as an appointed Special Assistant Attorney General for the State of Michigan in its litigation against chemical manufacturers and distributors for pollution across the state. *Attorney General Dana Nessel, on behalf of the people of the State of Michigan v. 3M Company, et al.*, No. 20-003366-NZ (Cir. Ct. Kent County).

Ms. Keller is an elected member of the American Law Institute, and a two-time chair of the Chicago Bar Association Class Action Committee, where she gave a number of presentations on topics impacting large-scale consumer class actions, including presentations on emerging legal issues in privacy cases. Ms. Keller is recognized by Illinois Super Lawyers as a "Rising Star," and is a board member and Executive Committee member of Public Justice, a not-for-profit legal advocacy organization. She is a member of the Sedona Conference's Working Group 11, which focuses on litigation issues surrounding technology, privacy, artificial intelligence, and data security. In 2018, Ms. Keller was named a *National Law Journal* Plaintiff Trailblazer, and one of the "Top 40 Under 40" trial lawyers in Illinois by National Trial Lawyers. She is also on the production team, and is a writer and dancer for the Chicago Bar Association's annual Bar Show, now in its 97th year, and is the President of the Chicago Art Deco Society, where she has been recognized for her leadership in landmark preservation efforts.

Additional Members of the Firm

Our attorneys have the ability to successfully try cases across the spectrum of complex commercial litigation, financial fraud and securities litigation, public litigation, class actions, defective drug and device cases, catastrophic injuries, and other areas of law. The firm boasts an impressive roster of additional attorneys.



Mark A. DiCello
Partner

EDUCATION

Cleveland-Marshall College of Law,
J.D.

University of Dayton, B.A.

One of the nation's leading plaintiffs' attorneys, Mark regularly acts as lead and co-lead counsel in major personal injury and mass tort actions, with substantial recoveries for victims of injustice.

Mark DiCello has established a national practice representing victims ranging from individuals suffering catastrophic personal injuries to classes of plaintiffs affected by harmful medical devices, pharmaceutical products, chemicals, and automobiles. In recent years, he has been appointed co-lead counsel in massive multidistrict litigation involving defective pelvic mesh devices and was appointed to a plaintiffs' committee in a products liability litigation over metal hip implants, which ultimately led to over \$12 billion in settlements. Always seeking to improve his craft, he has completed the curriculum of the Trial Lawyers College.

Mr. DiCello holds leadership positions in the Association of Plaintiffs' Interstate Trucking Lawyers of America, as well as The National Trial Lawyers. Mark is frequently asked to speak to gatherings of trial lawyers, and has addressed national organizations on topics ranging from defective medical devices, medical malpractice, environmental catastrophes, and advanced trial skills.



Adam J. Levitt
Partner

EDUCATION

Northwestern University Pritzker
School of Law, J.D.

Columbia College, Columbia
University, A.B., *magna cum laude*

Adam operates one of the nation's leading commercial litigation practices, achieving billions in recoveries for clients.

A founding partner of DiCello Levitt, Adam Levitt is one of the nation's leading advocates for plaintiffs in commercial litigation, class actions, mass torts, and public client cases. He has extensive experience leading multidistrict and other nationwide complex litigation lawsuits, with a substantial focus on deceptive trade practices, financial fraud, sophisticated technology issues, and new approaches to compound legal issues.

A leader in the field of developing novel approaches to damages methodologies, Mr. Levitt has recovered billions of dollars for clients and class members. As co-lead counsel in three of the largest biotechnology class actions in history, he recovered more than \$1.7 billion for class members: *In re Genetically Modified Rice Litig.* (E.D. Mo.) (securing settlements exceeding \$1.1 billion); *In re Imprelis Herbicide, Sales Practice and Products Liability Litig.* (E.D. Pa.) (\$550 million settlement); and *In re StarLink Corn Products Liability Litig.* (N.D. Ill.) (\$110 million settlement). Mr. Levitt devised the market loss damages model used in every similar case since *StarLink*. His legal writing related to these novel theories and damages modeling earned Mr. Levitt the Burton Award for Finest Law Firm Writer (2017) and the American Agricultural Law Association's Professional Scholarship Award (2017).



Greg Gutzler
Partner

EDUCATION

University of Michigan Law School,
J.D.

University of California, Berkeley,
B.A.

Greg is a well-respected litigator, having represented both corporate clients and consumers in the largest cases in the country.

Mr. Gutzler is an experienced trial lawyer with a track record of results in high-stakes cases, handling all aspects of complex commercial litigation, including securities fraud, antitrust, Lanham Act, whistleblower, ERISA, RICO, patent infringement, breach of contract, unfair competition, and appraisal litigation. Greg has litigated extensively on both the plaintiff and defense side, working at his own boutique firm, as well as one of the nation's most prestigious plaintiffs' firms, and before that, as a partner of an Am Law 100 defense firm. Greg is a trusted advocate, chosen by clients when they need candid, creative, and aggressive approaches to create business solutions and decisive litigation successes.

Greg represents hedge funds, private equity funds, venture capitalists, individuals, companies, and governmental entities in complex lawsuits in federal and state court, and arbitration, across the United States and internationally. Greg currently represents a series of hedge funds and private equity investors in multiple commercial arbitrations in the finance sectors, involving damages in the billions.



Kenneth P. Abbarno
Partner

EDUCATION

Cleveland-Marshall College of Law,
J.D.

Canisius College, B.A.

Kenneth has led multiple million-dollar trials involving medical malpractice, products liability, and transportation claims.

Mr. Abbarno's practice includes a wide range of civil litigation including, but not limited to, catastrophic injury cases, transportation industry litigation, toxic torts, products liability, professional liability, employer intentional tort, and other complex litigation. He has tried well over 50 civil lawsuits, and has handled cases in Ohio, Pennsylvania, West Virginia, Virginia, Kentucky, Indiana and New York.

Selected as an Ohio Super Lawyer every year since 2010, Mr. Abbarno is also an Inside Business Leading Lawyer, rated by The Best Lawyers in America, and named Transportation Lawyer of the Year in Cleveland. He has a Superb Avvo rating of 10 out of 10.



Frank Amanat
Partner

EDUCATION

Harvard Law School, J.D. *cum laude*

University of Pennsylvania, B.A.
summa cum laude

Editor, *The Harvard Law Review*,
Volumes 103-04

Frank Amanat has almost three decades of litigation expertise, shepherding the largest single recovery the Department of Justice has ever obtained in a civil penalty action under FIRREA.

Frank Amanat is a veteran litigator with over 29 years of experience in a broad range of complex legal matters, with particular expertise in areas of constitutional and administrative law, as well as class action litigation, complex and mass torts, financial fraud, regulatory fraud, health care fraud, pharmaceutical litigation, False Claims Act litigation, asset forfeiture, civil rights, environmental, labor and employment, bankruptcy, and immigration. He regularly addresses legal issues of considerable complexity and importance, and litigate, or provide legal advice on, significant questions of constitutional, statutory, and common law. At DiCello Levitt Gutzler, he specializes in representing victims of fraudulent and illegal conduct, as well as whistleblowers, governmental entities, and other plaintiffs, in a wide range of complex litigation, including class actions and multidistrict litigation, focusing on financial and securities fraud, health care fraud, civil rights, mass torts, and other commercial litigation.

Prior to joining DiCello Levitt Gutzler, Frank spent 24 years at the Department of Justice, including more than two decades as an Assistant United States Attorney and then Senior Counsel at the U.S. Attorney's Office for the Eastern District of New York (Brooklyn), plus stints at the Office of Legal Policy and the Office of Immigration Litigation. From 2013 to 2018, Frank served as lead counsel for the Government in the successful investigation and prosecution of Barclays Bank and two of its former executives for fraud in connection with the sale of residential mortgage-backed securities (RMBS); the \$2 billion settlement, reached in early 2018, is the largest single recovery the Department of Justice has ever obtained in a civil penalty action filed under FIRREA.



Robert F. DiCello
Partner

EDUCATION

Cleveland-Marshall College of Law,
J.D.

Northwestern University, M.A.

University of Dayton, B.A.

A powerful storyteller and trial lawyer, Robert has earned multi-million-dollar recoveries for victims.

Mr. DiCello has extensive experience advocating for clients in mass tort and class action litigation, in addition to maintaining a growing practice focused on curbing police misconduct, government abuse, and catastrophic injury. He represents victims of police abuse around the country, earning jury verdicts of \$22 million in 2016, \$8.7 million in 2017, and \$50 million in 2019 (recently affirmed) for various cases involving police misconduct. A powerful storyteller before juries, he also frequently represents clients before appellate courts.

Working in the largest prosecutor's office in the country out of law school—the Cuyahoga County Prosecutor's Office—Mr. DiCello rose to manage as many as eight prosecutors in four different courts. During that time, he tried more than 40 jury trials, involving major felonies from financial crimes to violent crimes to drug offenses.

He received a master's degree in music from Northwestern University, and his law degree from Cleveland-Marshall College of Law, where he served as Editor-in-Chief of *The Cleveland State Law Review*. In 2014, he attended and completed the curriculum of the Trial Lawyer's College.



Daniel R. Flynn
Partner

EDUCATION

Indiana University Maurer School of Law, J.D., *cum laude*

Illinois Wesleyan University, B.A.

Dan has dedicated his career to protecting the environment and ensuring that people are afforded a safe and healthful place to work.

Dan’s work includes the representation of governmental entities, individual consumers, and corporate clients—all with one primary goal in mind: ensuring the protection of human health and the environment. His stewardship ensures not only that polluters be held responsible for contamination and clean-up, but that corporate entities understand their responsibilities under state and federal environmental laws. As a result of Dan’s advocacy in counseling clients on compliance, his corporate clients lead their respective industries in environmental stewardship efforts under a number of rules and regulations including the Clean Water Act (CWA), the Clean Air Act (CAA), the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the Emergency Planning and Community Right-to-Know Act (EPCRA), and the Resource Conservation and Recovery Act (RCRA). Most recently, Dan joined a team of other DiCello Levitt attorneys and appointed Special Assistant Attorneys General to file lawsuits against polluters in the State of Michigan, seeking to hold them responsible for contaminating the environment with poly- and perfluoroalkyl chemicals, sometimes referred to as “forever chemicals.”

Dan frequently counsels clients on developing and maintaining state-of-the-art safety and health programs that ensure all employees enjoy safe and healthful workplaces, and works closely with both his clients and the Occupational Safety and Health Administration (OSHA) to enhance employee safety and health well beyond OSHA’s minimum requirements.



Chris Stombaugh
Partner

EDUCATION

Drake University School of Law, J.D.,
with honors

University of Wisconsin, B.A.

Chris uses a multidisciplinary approach to trial advocacy through the use of cognitive neuroscience.

Mr. Stombaugh concentrates his practice in the areas of personal injury, wrongful death, medical negligence and product liability. He has been a consistent thought leader on applying cognitive neuroscience techniques to trial advocacy as a trial lawyer and as a frequent instructor to other trial lawyers for most of his 25-year career.

His expertise has led to several record setting jury verdicts, often seven and eight figures. The Wisconsin native’s professional passion is to empower deserving people to have their stories heard and cared about by juries in courtrooms across America.

A member of the Wisconsin Association for Justice since 1997, Mr. Stombaugh served as the organization’s President for the 2014 term. He is also a member of the Iowa Association for Justice as well as the American Association for Justice. He has been chosen as a Wisconsin Super Lawyer every year since 2010 and has a 10/10 Avvo Rating. He speaks regularly to state bar and trial lawyer associations nationwide on modern and effective trial advocacy.



John E. Tangren
Partner

EDUCATION

University of Chicago Law School, J.D.

University of Chicago, B.A.

John has gained widespread recognition as an extraordinary attorney with particular success in nationwide consumer and antitrust class actions.

John Tangren maintains a national practice in consumer class action litigation, with vast experience in the field of automotive defect litigation. Mr. Tangren—who has spent the last decade advocating for plaintiffs—is presently leading DiCello Levitt’s efforts in several nationwide class cases, including *Sloan v. Gen. Motors LLC* (N.D. Cal.) and *In re Polaris Mktg., Sales Practices, and Prods. Liab. Litig.* (D. Minn.).

Mr. Tangren has also successfully represented consumer plaintiffs on the appellate level. He played a significant role in the briefing for two impactful Seventh Circuit decisions in the class action field: *Messner v. Northshore University HealthSystem*, 669 F.3d 802 (7th Cir. 2012), which reversed the district court’s denial of class certification and has been cited in over 400 cases since then for its guidance regarding class certification; and *In re Text Messaging Antitrust Litigation*, 630 F.3d 622 (7th Cir. 2010), which was decided on the briefs in an opinion written by Judge Posner. In both cases, Mr. Tangren crafted successful narratives regarding highly technical facts (in the health care and cellular services contexts) and applied them to complex areas of law (the sufficiency of complaint allegations and class certification showings) in such a way as to demonstrate to the appeals court why the consumer plaintiffs should carry the day.



Mark Hamill
Senior Counsel

EDUCATION

Northwestern University Law School, J.D., *cum laude*

Washington & Jefferson College, B.A.

Mark represents plaintiffs in all aspects of direct and class actions.

Mr. Hamill concentrates on commercial, antitrust, securities, and consumer cases, often taking a lead role with expert witnesses in finance, accounting, and economics topics. He also serves as eDiscovery counsel in many of his cases, leveraging his depth of experience in this area as an attorney, and as an eDiscovery project manager serving Fortune 500 and major accounting firm clients in large-scale, high intensity projects.

Prior to joining the firm, Mr. Hamill represented Direct Action Purchaser plaintiffs in antitrust cases, advancing their interests and coordinating with counsel in parallel actions. He also represented shareholders in securities class actions at a securities boutique firm in New York, including a Chinese reverse merger case where his deposition and class certification work were instrumental to achieving a favorable settlement for the class.

Before taking on eDiscovery projects and plaintiff representations, Mr. Hamill practiced law with some of Chicago’s most prominent firms, where he served on trial and arbitration hearing teams in antitrust and accounting cases.



Laura Reasons
Senior Counsel

EDUCATION

Chicago-Kent College of Law, J.D.
Order of the Coif

Washington University in St. Louis,
B.A.

Laura has over a decade of experience as a labor and employment attorney in matters ranging from workplace discrimination matters to counseling on compliance and best practices.

Previously representing companies in collective and class action lawsuits under the Fair Labor Standards Act and state wage and hour laws, Ms. Reasons' experience spans multiple industries, including healthcare and hospitality. Now, as a plaintiffs' attorney, Ms. Reasons' experience has given her a unique perspective that translates well into pursuing justice for individual claimants.

Before joining private practice, Ms. Reasons served as a judicial extern to the Honorable George W. Lindberg of the Northern District of Illinois. She also has a history of performing pro bono work and community service. Throughout her career, she has served as a Public Interest Law Initiative (PILI) fellow at Domestic Violence Legal Clinic, having previously served on the organization's young professionals board. She has also represented individuals in immigration cases pro bono, including asylum seekers who were persecuted in their home countries for their sexual orientation and political party affiliation, DACA applicants, and incarcerated individuals.



Mark M. Abramowitz
Associate

EDUCATION

The University of Toledo College of
Law, J.D.

University of Guelph, B.A.

Mark is an emerging leader in national mass tort and technology litigation.

Mark M. Abramowitz has established a national profile in class action and mass tort litigation, having represented plaintiffs in actions involving automotive and Internet technology issues. He has been selected to serve on national discovery review teams and participated in national mediations, resolving hundreds of cases and distributing millions of dollars to clients injured by corporations. *See In re Imprelis Herbicide, Sales Practice and Products Liability Litig.* (E.D. Pa.).

Outside of his own cases, Mr. Abramowitz actively investigates ways to integrate technology into the practice of law. Regularly consulted on cloud-based systems, discovery technology, the Internet of Things, and litigation concerning the storage and security of data, Mr. Abramowitz is developing a reputation as an authority on computing issues. *See Electronics in the Courtroom*, 29th Annual accredited CLE (2016); *How to manage a mass tort inventory*, OAJ Annual Convention (2015); *Professional Conduct – e-filing*, 27th Annual CLE Update (2014); *Marketing & Electronic Communications*, 26th Annual Accredited CLE (2013).



Daniel R. Ferri
Associate

EDUCATION

University of Illinois College of Law,
J.D., *magna cum laude*

New York University, B.A., *cum laude*

Daniel litigates consumer class actions, public client cases, and other complex commercial lawsuits.

Mr. Ferri represents clients in a wide array of matters, litigating contract, patent, trade secret, copyright and antitrust disputes in federal and state courts throughout the country. He currently serves as appointed counsel for the State of New Mexico in a variety of matters, enforcing the State’s unfair practices act, and also represents individuals in multi-state class actions involving consumer fraud, breach of warranty, and violations of ERISA and RICO.

An experienced litigator in technology issues, Mr. Ferri has represented plaintiffs asserting class claims against Volkswagen arising from the carmaker’s “defeat devices” to evade federal and statewide emissions standards. He has also represented inventors and companies in intellectual property disputes throughout the country, acknowledging the importance of a trade secrets to advancing a business’s interests and growing. *See, e.g., Research Frontiers Inc. v. E Ink Corp.*, Case No. 13-cv-01231 (D. Del.) and *Cascades Computer Innovation LLC v. RPX Corp.*, No. 12-cv-01143 (N.D. Cal.).

A thoughtful contributor to the bar’s ongoing discussion of important legal issues, Mr. Ferri frequently offers legal analysis to fellow practitioners seeking clarity on complex subjects. *2019 Survey of Federal Class Action Law: A Circuit-by-Circuit Analysis*, American Bar Association (2019); *Curing the Ascertainability Fallacy—the Ninth Circuit Strikes Back*, American Association for Justice Class Action Litigation Newsletter (Winter 2017). Mr. Ferri is a volunteer with the Chicago Lawyers Committee for Human Rights.



Justin J. Hawal
Associate

EDUCATION

Cleveland-Marshall School of Law,
J.D., *cum laude*

St. Louis University, B.A.

Justin fights for individuals who have suffered harm from negligence, defective products, and civil rights abuses.

Mr. Hawal brings a passion for justice to his work on behalf of victims of corporate and government wrongdoing. His work has spanned personal injury, product liability, and civil rights litigation. He has particular experience in cases involving defendants in the pharmaceutical and automotive industries.

During law school, Justin was selected to join *The Cleveland State Law Review* and published a scholarly article on independent tort actions for spoliation of evidence under Ohio law. He was also an active member of the civil litigation clinic, through which he represented an asylum-seeking immigrant from Honduras, among other clients.



Mary McKenna
Associate

EDUCATION

University of Mississippi School of Law, J.D., *cum laude*

University of Illinois, B.A., *cum laude*

With experience representing both plaintiffs and defendants, Mary's trial skills rival those of senior litigators.

Mary is an experienced litigator in mass tort and complex litigation, having represented clients in a wide range of matters, including serious personal injury, products liability, and environmental litigation. Prior to joining DiCello Levitt, Mary began her legal career practicing insurance defense in Virginia, thereafter litigating mass toxic tort claims pending in Chicago and the greater Midwest.

Mary's passion for justice extends beyond the courtroom. She is a member of the Shriver Center on Poverty Law's Professionals' Council, which assists the Shriver Center's fight for economic and racial justice through fundraising efforts and advocacy. In law school, Mary was selected to participate in the Lott Leadership Graduate Exchange Program with Nelson Mandela University in South Africa, where she studied societal and racial reconciliation in Mississippi and South Africa on local and national levels. She was also an elected student senator and an executive board member of the *Mississippi Law Journal*.



Adam Prom
Associate

EDUCATION

The University of Texas Law School, J.D.

Marquette University, B.A

Adam Prom employs his skills as a young trial attorney to achieve favorable results for his clients.

Beyond his frequent trial work in the Circuit Court of Cook County, Law Division, Adam Prom's practice is focused on representing plaintiffs in complex litigation in federal courts across the United States.

He has been deeply involved in nationwide class actions regarding the use of sophisticated damages modeling in consumer product and vehicle defect lawsuits, where he played a key role in motion practice regarding plaintiffs' expert witnesses, class certification, and summary judgment. *See, e.g., Elward, et al. v. Electrolux Home Products, Inc.* (N.D. Ill.); *Ryseweyk, et al. v. Sears Holdings Corp., et al.* (N.D. Ill.); and *Catalano, et al. v. BMW of North America, et al.* (S.D.N.Y.) (resulted in nationwide settlement). He also represented plaintiffs in an ERISA class action concerning misclassification of insurance agents. *Jammal, et al. v. American Family Ins. Group, et al.* (N.D. Ohio).

Mr. Prom has demonstrated a commitment to serving underrepresented communities, volunteering as a mentor for high school students at the Legal Prep Charter Academy, a free, open-enrollment public high school in the West Garfield Park neighborhood of Chicago.

Prior to joining DiCello Levitt, Mr. Prom served as a judicial extern to a federal judge in the Northern District of Illinois and a federal magistrate judge in the Eastern District of Wisconsin.



Brittany Hartwig
Associate

EDUCATION

Loyola University Chicago School of Law, J.D., *Certificate in Advocacy*

University of Arizona, B.A.

Brittany has a broad range of experience litigating matter that concern public entities and complex commercial structures.

Brittany Hartwig is an associate in DiCello Levitt's Chicago office with experience litigating complex commercial cases and actions involving serious injuries. She represents individuals, businesses, and public entities in a wide range of disputes, protecting their interests in state and federal courts across the country.

Prior to joining the firm, Brittany represented individuals, corporations, municipalities, and nonprofit organizations through all stages of litigation, including pretrial, trial, and post-trial motions. After successfully representing the defendant in a federal antitrust bench trial, she led the litigation strategy related to the appeal and authored the subsequent appellee brief. She has acted as lead attorney in jury trials involving federal civil rights claims and state personal injury claims, obtaining favorable verdicts for her clients in each case.

Outside of the office, Brittany focuses on giving back to the Chicago community and serves on the Executive Board of the Children's Research Fund Junior Board in their philanthropic efforts to support the Anne & Robert H. Lurie Children's Hospital of Chicago and the Stanley Manne Children's Research Institute.



Robert J. DiCello
Of Counsel

EDUCATION

Cleveland-Marshall College of Law, J.D.

John Carroll University, B.A., *cum laude*

Robert has been one of the leading personal injury and class action attorneys in the state of Ohio for the last four decades.

A co-founder of one of DiCello Levitt's predecessor firms, Mr. DiCello has amassed more than 45 years of professional experience and an extensive list of seven- and eight-figure recoveries for victims of injustice. He has deep experience in a wide range of class actions, personal injury cases, complex mass torts, and probate matters. Over his long and successful career, he has won multiple appeals before the Ohio Supreme Court.

Robert put himself through Cleveland-Marshall College of Law while working as a safety director at U.S. Steel Corp. While in law school, he was selected to join *The Cleveland-Marshall Law Review*. He began his legal career as an assistant prosecutor in the Lake County Prosecutor's Office and later become President of the Lake County Bar Association. He formed his own firm in 1978, managing it with great success over nearly 40 years until its members founded DiCello Levitt.

EXHIBIT 16

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF JOSHUA H.
EGGNATZ IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Joshua H. Eggatz, declare as follows:

2 1. I am a partner at the law firm of EGGNATZ PASCUCCI, P.A.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
9 with years in practice, most recent hourly rates reported to the Court during the pendency of
10 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
11 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
12 and trial experience of each professional can be found, to the extent available, in the firm resume
13 attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other professionals
15 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
16 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020 is 14.50 hours. The total lodestar for my firm is \$7,975.00.

23 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
24 ("expenses") totaling \$847.00, which were necessary in relation to this litigation and submitted,
25 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
26 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
27 litigation are reflected in the books and records of my firm. These books and records are prepared
28

1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
5 day of August, 2020, at Davie, Florida.

6 /s/ Joshua H. Eggnatz

7 Joshua H. Eggnatz, Esq.

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EXHIBIT A

Eggnatz Pascucci, P.A.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Eggnatz, Joshua	Partner (10 years)	\$ 550.00	14.50	\$ 7,975.00
TOTAL			14.50	\$ 7,975.00

EXHIBIT B

EXHIBIT B**EGGNATZ PASCUCCI, P.A.**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	\$ 747.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	\$ 100.00
24. Miscellaneous	
25. Assessments	
TOTAL	\$ 847.00

EXHIBIT C



EGGNATZ | PASCUCCI
— www.JusticeEarned.com —

Office Located at:

7450 Griffin Road, Suite 230
Davie, FL 33314
Ph.: (954) 889-3359

Eggnatz Pascucci, P.A. is a multi-jurisdictional law firm located in Davie, Florida. Eggnatz | Pascucci's civil justice practice is concentrated on consumer class actions in both federal and state courts. The firm has successfully achieved changes to the labeling and marketing of various popular consumer products. The lawyers at Eggnatz | Pascucci have successfully negotiated settlements in a variety of consumer class action matters, with a focus on food and dietary supplement, and consumer privacy litigation. EP has achieved changes to the labeling and marketing of various popular consumer products.

Some of the firm's nationwide class action experience includes: *Moore, et al. v. GNC Holdings, Inc.*, 0:12-cv-61703-WPD (S.D. Fla.) (Class Counsel in a contested Nationwide class action involving creatine dietary supplement labeling); *Teufel v. Karlin Foods Corp.*, 1:14-cv-23100 (S.D. Fla.) (Class Counsel in Nationwide class action involving "All Natural" food labeling); *Barron, et al. v. Snyder's-Lance*, 0:13-cv-62496 (S.D. Fla.) (Class Counsel in Nationwide class action involving "All Natural" food labeling); *Bandell, et al. v. Massage Envy Franchising, LLC*, 3:16-cv-.01236 (S.D. Cal.) (Class Counsel in Nationwide class action involving unfair and unconscionable consumer services contracts); *Holliday v. Vitacost.com, Inc.* 2015-CA-010160 (AA) (15th Judicial Circuit, Palm Beach County, FL) (Class Counsel in Nationwide class action involving magnesium dietary supplement labeling); *Vincent, et al. v. Method Products, PBC* (7:16-cv-06936-NSR (S.D.N.Y.) (Class Counsel in Nationwide class action involving mislabeled cleaning and household products); *Hughley, et al. v. University of Central Florida Board of Trustees*, 6:16-cv-204 (M.D. Fla.) (Class Counsel in Nationwide class action involving data breach of student and employee private information); *In Re: Apple Inc. Device Performance Litigation*, 5:18-md-02827 (Centralized in the N.D. Cal., Plaintiffs' Steering Committee) (nationwide class action involving defective Apple devices); *George, at al. v. Keurig Dr. Pepper, Inc., et al.*, 1822-CC11811 (Cir. Ct. City of St. Louis, Missouri) (Class Counsel in Nationwide class action involving beverage labeling); *Medgebow v. Checkers Drive-In Restaurants, Inc.*, 19-cv-80090 (S.D. Fla.) (Class Counsel in Nationwide class action involving TCPA violations).

The firm has also been involved with other various multi-district litigations and notable consumer class actions throughout the country, including but not limited to: *Altman v. Frito-Lay North America, Inc.*, 1:12-cv-06105-RRM-RLM (S.D. Fla.) (Centralized in the E.D. NY, In re: Frito-Lay North America, Inc. All-Natural Litigation, MDL No.: 2413) (nationwide class action involving "All Natural" food labeling); *Feiner v. Innovation Ventures, LLC*, 0:12-cv-62495 (S.D. Fla.) (Centralized in the C.D. CA, In re: 5-Hour Energy® Marketing and Sales Practices Litigation, MDL No.: 2438) (proposed class action involving energy drink supplement labeling); *Mackenzie v. The Blue Buffalo Company, Inc.*, 9:14-cv-80634 (S.D. Fla.) (Centralized in the E.D. of Missouri, In re: Blue Buffalo

Company LTD Litigation, MDL No.: 2562) (Plaintiff's counsel in nationwide class action involving pet food mislabeling); *Markley v. Whole Foods Marketing, Inc.*, 8:14-cv-01892 (M.D. Fla.) (Centralized in W.D. of Texas, In re: Whole Foods Market, Inc., plaintiff's executive committee) (proposed class action involving sugar content mislabeling); *Riveron v. Home Depot USA, Inc.*, 9:14-cv-81175 (S.D. Fla.) (Centralized in the N.D. Georgia, In re: Home Depot, Inc. Customer Data Security Breach Litigation, plaintiff's class representative vetting committee) (class action involving data breach of consumer's personal identifiable information); *Dudley v. Premera Blue Cross*, 8:15-cv-01139-JSM-AEP (M.D. Fla.) (Centralized in the District of Oregon, In re: Premera Blue Cross Customer Data Security Breach Litigation, plaintiff's class representative vetting committee) (class action involving data breach of insured's personal identifiable information); *Brattain v. Santa Fe Natural Tobacco Company, Inc., et al.*, 15-cv-4705 (N.D. Cal.) (Centralized in the District of New Mexico, In re: Sante Fe Natural Tobacco Company Marketing & Sales Practices Litigation, plaintiff's expert committee) (proposed Nationwide class action involving "natural" cigarette labeling); *Birken-Sikora, et al. v. 21st Century Oncology Holdings, Inc.*, 2:16-cv-334 (M.D. Fla.) (Centralized in the M.D. of Florida, In re: 21st Century Oncology Customer Data Security Breach Litigation) (proposed Nationwide class action involving data breach of medical records and other private information); *Cordover, et al. v. BMW, et al.*, 17:-cv-61528-DPG (S.D. Fla.) (Centralized in the N.D. of California, In re: German Automotive Manufacturers Antitrust Litigation) (proposed Nationwide antitrust class action involving collusion between German automobile manufacturers); *Eppy v. Equifax*, 17-cv-61833-BB (S.D. Fla.) (Centralization motion pending before the JPML) (class action involving data breach of consumers' personal identifiable information); *Leo v. Pepperidge Farm, Inc.*, 13-cv-2866 (Dist. Colorado) (formerly S.D. Fla. 9:13-cv-80598-KLR (proposed Florida class action involving improper "All Natural" food labeling); *Mirabella v. Vital Pharmaceuticals, Inc.*, 0:12-cv-62086-WJZ (S.D. Fla.) (proposed nationwide class action involving energy drink supplement labeling); *Cruz v. Tropicana Products, Inc. et al.*, No.: 10-62926 CA 08, Circuit Court, Miami-Dade County, Florida (proposed nationwide class action involving improper food labeling; appeal to be filed); *Kloszewski v. Bank of America, N.A.* No.: 12-35513 CACE 14, Circuit Court, Broward County, Florida (individual banking action brought under the Fair Credit Reporting Act and common law claims); *Griffith, et al. v. Gruma Corporation*, 14-cv-00833-YRG (N.D. Cal.) (formerly S.D. Fla. 9:13-cv-80791) (proposed Florida class action involving "All Natural" food labeling; class certification pending) *Mazzeo v. USPLabs, LLC.*, 13-62639 (S.D. Fla) (proposed Florida class action involving dietary supplement labeling); *Foster v. Chattem, Inc.*, 6:14-cv-00346 (M.D. Fla.) (proposed Florida class action involving cosmetic mouthwash labeling, class certification pending); *Batalla v. The Hain Celestial Group, Inc.*, 14-80246-CV (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Bohlke v. The Hain Celestial Group, Inc.*, 14-80300 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Erye v. T. Marzetti Co.*, 9:14-cv-80626 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Dye v. Bodacious Food Co.*, 9:14-cv-80627 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Epstein v. Aidells Sausage Company, Inc.*, 9:14-cv-80916 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Monka v. JAG Specialty Foods, LLC.*, 9:14-cv-80764 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Sturdivant v. Bob's Red Mill Natural Foods*, 9:14-cv-80765 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Vandenberg v. Medora Snacks, LLC*, 9:14-cv-81010 (S.D. Fla) (proposed Florida class action involving "All Natural" food labeling); *Laboon v. Unilever United States, Inc. and Pepsico, Inc.*, 0:15-cv-60914 (S.D. Fla.) (proposed Florida class action involving "All Natural" food labeling); *Medgebow v. Merchant Capital Source, LLC, et al.*, 15-cv-81497 (S.D. Fla.) (proposed Nationwide class action under the Telephone Consumer Protection Action Act); *Hulse v. Wal Mart Stores, Inc.*, 2015 CA 000274 (7th Judicial Circuit, In and For Flagler County, FL) (proposed Nationwide class action involving deceptive juice labeling); *Romero, et al. v. General Nutrition Corporation, Inc.*, 15-019703 (17th Judicial Circuit, In and For Broward County, FL) (proposed nationwide class action involving dietary supplement labeling); and *Jones v. Waffle House, Inc., et al.*, 6:15-cv-01637 (M.D. Fla.).



Joshua H. Eggnatz handles a variety of actions in civil litigation with an emphasis on consumer protection and personal injury. Josh's Class Action practice focuses on obtaining justice for consumers who have suffered financial harm due to unfair, false, deceptive, and/or misleading business practices. He represents consumers nationwide in a variety of fields, including but not limited to food and dietary supplement litigation, actions brought pursuant to the Telephone Consumer Protection Act, data breaches, and other consumer protection related matters. Josh has been appointed as Class Counsel by several Courts throughout the country in a number of high profile, nationwide Class Actions and has helped consumers recover millions of dollars. Josh obtained his law degree from Nova Southeastern University, Shepard Broad Law Center, *Magna Cum Laude*, and a bachelor of science in legal studies from The University

of Central Florida, *Magna Cum Laude*. He is licensed to practice law in the State of Florida, and is admitted to practice before the following federal courts: Supreme Court of the United States; Eleventh Circuit Court of Appeals; United States District Court, Southern District of Florida; United States District Court, Middle District of Florida; United States District Court, District of Colorado; and United States District Court, Western District of New York. He has also litigated consumer class actions throughout the United States as part of coordinated multi-district litigations, and on a *pro hac vice* basis. He has been named to the *Florida Super Lawyers, Rising Stars* list for the past eight years (2013-2020) and he was a finalist for the *Lifestyle Media Group's* Leaders in Law award in 2014.



Michael J. Pascucci is a trial lawyer with a strong background in consumer advocacy, personal injury and insurance claims including homeowner's insurance claims, automobile accidents, premises liability, products liability and other bodily injury claims. Mike's Class Action practice focuses on obtaining justice for consumers who have suffered financial harm as a result of deceptive or unfair corporate behavior. He represents consumers in a variety of matters including false advertisement, improper product labeling, employment matters, violations of the Fair Credit Reporting Act (FCRA), violations of the Telephone Consumer Protection Act (FTCPA), violations of the Fair and Accurate Credit Transactions Act (FACTA), violations of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA), data breaches, and other consumer protection related matters. Mike has been appointed as Class Counsel by several Courts throughout the country in a number of

high profile, nationwide Class Actions and has helped consumers recover millions of dollars. He obtained his law degree from Nova Southeastern University, Shepard Broad Law Center, and a bachelor of science in finance from The University of Central Florida. Prior to co-founding EP, Mr. Pascucci worked for a large Plaintiff's law firm where he handled hundreds of cases at various stages from pre-suit through trial. Prior to that, Mr. Pascucci also worked as a defense litigation attorney where he represented several insurance companies and some of the largest retail corporations in the country. Mr. Pascucci is licensed to practice law in the State of Florida, and is admitted to practice before the following federal courts: Supreme Court of the United States; United States District Court, Southern District of Florida; United States District Court, Middle District of Florida; and the Eleventh Circuit Court of Appeals. He was named to the National Trial Lawyers Top 40 under 40 list in 2017 and was named to the *Florida Super Lawyers, Rising Star* list in 2018 & 2019.

EXHIBIT 17

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF TODD S. GARBER IN
SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Todd S. Garber, declare as follows:

2 1. I am a Partner at the law firm of FINKELSTEIN, BLANKINSHIP, FREI-
3 PEARSON & GARBER, LLP.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed to the Plaintiffs' Executive Committee. In that role, my firm was assigned to the trial
7 preparation team and performed extensive document review and was intimately engaged in
8 plaintiff responsive discovery specifically the discovery relating to my firm's client that was one
9 of the lead plaintiffs in this action.

10 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
11 with years in practice, most recent hourly rates reported to the Court during the pendency of this
12 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
13 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
14 and trial experience of each professional can be found, to the extent available, in the firm resume
15 attached hereto as Exhibit C.

16 4. The detailed descriptions of the time spent by the attorneys and other professionals
17 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
18 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
19 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
20 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
21 time records are available for the Court's review should the Court desire such records.

22 5. The total number of hours expended on this litigation by my firm, as approved by
23 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
24 consolidation through July 31, 2020 is 537.30 hours. The total lodestar for my firm is \$209,275.

25 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
26 ("expenses") totaling \$26,007.35, which were necessary in relation to this litigation and submitted,
27 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
28 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this

EXHIBIT A

Finkelstein, Blankinship, Frei- Pearson & Garber, LLP
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Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Chantal Khalil	Associate (3)	\$ 350.00	115.60	\$ 40,460.00
Ayana McGuire	Associate (9)	\$ 400.00	420.60	\$ 168,240.00
Evelyn Ozuna	Paralegal (16)	\$ 190.00	0.50	\$ 95.00
Todd S. Garber	Partner (17)	\$ 800.00	0.60	\$ 480.00
TOTAL			537.30	\$ 209,275.00

EXHIBIT B

EXHIBIT B**Finkelstein, Blankinship, Frei-Pearson & Garber, LLP**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	\$85.12
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	\$ 922.23
25. Assessments	\$ 25,000.00
TOTAL	\$ 26,007.35

EXHIBIT C

FBFG | Finkelstein, Blankinship,
Frei-Pearson & Garber, LLP

FIRM RESUME

Finkelstein, Blankinship, Frei-Pearson & Garber, LLP

The lawyers of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP (“FBFG”)¹ have successfully litigated complex class actions in federal and state courts across the country and have obtained successful results for clients against some of the world’s largest corporations. A sampling of FBFG’s more significant cases includes:

- *Farruggio v. 918 James Receiver, LLC*, No. 3831/2017 (Onondaga Cty. Com. Div.). Class action on behalf of approximately 4,000 residents of an unsafe nursing home. On July 5, 2018, the Court granted Plaintiffs’ contested motion to certify a class of all nursing home residents and appointed a FBFG attorney as class counsel. On December 18, 2018, the Court finally approved a settlement with the current owners valued at over \$4 million that required the home to provide substantial injunctive relief to make the home safe and also provided the then-highest per capita payout of any nursing home class action in New York. After a two-day mediation, the parties reached a classwide settlement with the prior owners that will be the highest valued settlement in a New York nursing home class action.
- *Saint Joseph Health System Medical Information Cases*, JCCP No. 4716 (Cal. Sup.Ct.). Complex class action on behalf of approximately 31,800 patients who were victimized by a data breach. A FBFG lawyer was appointed co-lead class counsel. The Court denied Saint Joseph’s demurrer and the Court of Appeals upheld that ruling. The Court certified the class and denied Saint Joseph’s summary judgment motion; the Court of Appeals upheld those rulings as well. On the eve of trial the parties reached a settlement valued at approximately \$39 million and the Court finally approved the settlement on February 3, 2016. This settlement provides the more money per capita to individual class members than any other known data breach settlement.
- *Sackin v. Transperfect Global, Inc.*, No. 17-1469 (S.D.N.Y. 2017). Class action on behalf of over 4,800 individuals victimized by a data breach. On June 15, 2017, the Court entirely denied Transperfect’s motion to dismiss. The Court appointed FBFG as class counsel and, on December 14, 2018, finally approved a settlement valued at over \$40 million.
- *Castillo v. Seagate Technology LLC*, No. 16-1958 (N.D. Cal.). Class action on behalf of over 12,000 individuals victimized by a data breach. On September 19, 2016, the Court denied Seagate’s motion to dismiss in part. The Court appointed a FBFG attorney as co-lead class counsel and, on March 14, 2018, finally approved settlement valued at over \$40 million.

¹ Three of the founding partners of FBFG were formerly partners in the firm of Meiselman, Packman, Nealon, Scialabba & Baker, P.C. (“MPNSB”). References in this resume to “lawyers of FBFG” includes instances involving current FBFG lawyers while they were at MPNSB.

- *Lowell v. Lyft, Inc.*, No. 17-6521 (S.D.N.Y.). Nationwide class action on behalf of millions of people with disabilities who are denied services by Lyft. On November 29, 2018, the Court denied Lyft's motion to compel arbitration, calling Lyft's arguments "supremely unjust," and denied in part Lyft's motion to dismiss.
- *Durling v. Papa John's International Inc.*, No. 16-03592 (S.D.N.Y.). Nationwide class and collective action on behalf of tens of thousands of Papa John's delivery drivers who were paid wages below the minimum. On August 3, 2018, the Court conditionally certified a nationwide collective of all corporate Papa John's delivery drivers.
- *McLaughlin v. IDT Energy*, No. 14-4107 (E.D.N.Y.). Nationwide class action alleging that IDT overcharged consumers for gas and electric supply. On October 18, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$54 million.
- *Edwards v. North American Power & Gas, LLC*, No. 14-1714 (D. Conn.). Nationwide class action alleging that North American Power charged electricity and gas rates far in excess of what it promised to charge variable rate customers. On August 2, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$19 million.
- *Hamlen v. Gateway Energy Services Corp.*, No. 16-03526 (S.D.N.Y.). Class action alleging that Gateway Energy overcharged its customers for natural gas. The case settled on behalf of a nationwide class of Gateway Energy natural gas customers. The court granted final approval of the settlement, valued at approximately \$12 million, on September 13, 2019.
- *Wise v. Energy Plus Holdings, LLC*, No. 11-7345 (S.D.N.Y.). Nationwide class action alleging that Energy Plus falsely claimed to offer competitive electricity rates when its prices were substantially higher than market rates in violation of New York Gen. Bus. L. § 349 and other consumer protection laws. On September 17, 2013, the Court certified the class, appointed the lawyers of FBFG as lead class counsel, and approved the settlement valued at over \$11 million.
- *Chen v. Hiko Energy, LLC*, No. 14-1771 (S.D.N.Y.). Multistate class action alleging that Hiko falsely claimed to offer competitive electricity rates when its prices are substantially higher than market rates in violation of New York Gen. Bus. L. §§ 349 and 349-d, and common law. On May 9, 2016, the Court certified the class, appointed the lawyers of FBFG as class counsel, and approved the settlement valued at over \$10 million.
- *Goldemberg v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-3073 (S.D.N.Y.). Class action alleging deceptive labeling in connection with Defendant's Aveeno Naturals brand of personal care products. Plaintiffs defeated Defendant's motions to dismiss and exclude Plaintiffs' expert's report and

obtained class certification and an appointment as co-lead class counsel. On November 1, 2017, the Court approved a proposed settlement valued at \$6.75 million.

- *In Re: KIND LLC “Healthy and All Natural” Litigation*, Nos. 15-md-2645, 15-mc-2645 (S.D.N.Y.). Class action alleging false advertising of Defendant KIND’s snack food products. Appointed as co-lead interim class counsel on November 13, 2015.
- *Bellino v. JPMorgan Chase Bank, N.A.*, No. 14-3139 (S.D.N.Y.). Statewide class action on behalf of mortgagors alleging Chase’s failure to comply with mortgage recording requirements. On November 9, 2017, the Court approved a settlement valued at \$10,808,630, certifying the settlement class and appointing FBFG attorneys as class counsel.
- *Reed v. Friendly’s Ice Cream, LLC*, No. 15-0298 (M.D. Pa.). Nationwide class and collective minimum wage and overtime claim on behalf of approximately 10,000 servers. On January 31, 2017, the Court certified the class, appointed a FBFG lawyer as co-lead class counsel, and approved the settlement valued at over \$4.6 million.
- *Quinn v. Walgreens*, No. 12-8187 (S.D.N.Y.). Nationwide settlement valued at \$2.8 million to resolve Plaintiffs’ claim that Defendant’s glucosamine products did not perform as represented. On March 24, 2015, the Court certified the class, appointed FBFG lawyers as Co-Lead Class Counsel and approved a nationwide \$2.8 million settlement.
- *Al Fata v. Pizza Hut of America, Inc.*, No. 14-376 (M.D. Fla.). Statewide minimum wage claim on behalf of approximately 2,000 Pizza Hut delivery drivers. On June 21, 2017, the Court certified the class and approved a settlement valued at \$3.1 million that provided the then-highest per-person recovery in any delivery driver under-reimbursement class action.
- *Adler v. Bank of America, N.A.*, No. 13-4866 (S.D.N.Y.). Class action alleging that Bank of America failed to timely present certificates of discharge for mortgages that were satisfied in New York State. On July 20, 2016, the Court certified the class, appointed the lawyers of FBFG as class counsel, and approved the settlement valued at over \$7 million.
- *In re Michaels Stores, Inc. Zip Code Litigation*, No. 11-10920 (D. Mass.). Statewide class action alleging that Michaels Stores unlawfully collected consumers’ private information. After securing a groundbreaking decision by the Massachusetts Supreme Judicial Court, establishing that consumers whose privacy has been violated may bring consumer protection claims against companies that unlawfully collect personal identification information, the lawyers of FBFG were appointed as co-lead class counsel and negotiated a classwide settlement, which the Court approved.

FBFG is also counsel of record in numerous class actions throughout the country, including cases pending in United States District Courts in New York, California, Massachusetts, Nevada, New Jersey, Maryland, New Mexico, Colorado, Arkansas, and Pennsylvania, as well as actions pending in the state courts of New York, California, Nebraska, and New Jersey.

FBFG also has an accomplished appellate practice, having obtained numerous groundbreaking decisions from federal and state appellate courts. Examples include: *In re Zappos.com, Inc.*, 888 F.3d 1020, 1027-28 (9th Cir. 2018), *cert. denied*, 18-225, 2019 WL 1318579 (U.S. Mar. 25, 2019) (reversing dismissal by district court and holding that consumers whose personal identification information was stolen in a data breach have Article III standing); *Zahn v. N. Am. Power & Gas, LLC*, 2016 IL 120526, 72 N.E.3d 333, *reh'g denied* (Jan. 23, 2017) (on certified question from the Seventh Circuit, holding that the Illinois Commerce Commission does not have exclusive jurisdiction to hear consumer claims against alternative retail electricity suppliers); *Zahn v. N. Am. Power & Gas, LLC*, 847 F.3d 875 (7th Cir. 2017) (reversing dismissal of consumer's putative class action seeking redress for excessive electricity charges by alternative retail electricity supplier); *John v. Whole Foods Mkt. Grp., Inc.*, 858 F.3d 732, 738 (2d Cir. 2017) (reversing dismissal of consumer's putative class action seeking redress for Whole Foods' alleged practice of representing the weight of prepackaged foods); *Tyler v. Michaels Stores, Inc.*, 464 Mass. 492, 984 N.E.2d 737 (2013) (on certified question from U.S. District Court for the District of Massachusetts, finding that the collecting personal identification information from unwitting consumers violates Massachusetts consumer protection law).

Attorney Profiles

Jeremiah Frei-Pearson



Jeremiah Frei-Pearson is a founding partner of FBFG. He is a passionate advocate and an experienced litigator who represents consumers and employees in complex class actions. The National Trial Lawyers Association selected Mr. Frei-Pearson as a member of the Top 100 Trial Lawyers every year since 2014. Mr. Frei-Pearson is a member of the Best Attorneys of America, a distinction that is limited to less than 1% of attorneys, and he is also designated as a Super Lawyer, a distinction awarded to only 5% of the New York Metro Area. Mr. Frei-Pearson practices in federal and state courts throughout the country and his areas of expertise include class actions, privacy, consumer fraud, employment law, and civil rights.

Prior to joining FBFG, Mr. Frei-Pearson was an associate with Kaye Scholer LLP, a multinational law firm, and a staff attorney with Children's Rights, a national public interest law firm representing children in foster care reform class action lawsuits. Mr. Frei-Pearson received his B.A. from Skidmore College, *Magna Cum Laude*, Phi Beta Kappa in 2000 and he earned his in 2003 from Stanford Law School. While in law school, Mr. Frei-Pearson was a Public Interest Fellow and served as Senior Symposium Editor of the Stanford Law & Policy Review.

A sampling of Mr. Frei-Pearson's significant cases includes:

- Appointed class counsel in *Farruggio v. 918 James Receiver, LLC*, No. 3831/2017 (Onondaga Cty. Com. Div). Class action on behalf of approximately 4,000 residents of an unsafe nursing home. On July 5, 2018, the Court granted Plaintiffs' contested motion to certify a class of all nursing home residents. On December 18, 2018, the Court finally approved a settlement with the current owners valued at over \$4 million that required the home to provide substantial injunctive relief to make the home safe and also provided the highest *per capita* payout of any nursing home class action in New York. After a two-day mediation, the parties reached a classwide settlement with the prior owners that will be the highest valued settlement in a New York nursing home class action.
- Appointed co-class counsel in *Saint Joseph Health System Medical Information Cases*, JCCP No. 4716 (Cal. Sup. Ct.). The Court denied Saint Joseph's demurrer and the Court of Appeals upheld that ruling. After more than two years of litigation, the Court granted Plaintiffs' motion to certify a class of approximately 31,800 data breach victims. On January 14, 2015, the Court denied Saint Joseph's motion for summary judgment. The Court of Appeals upheld the Court's summary judgment and class certification decisions. The case was set for trial on August 24, 2015, but the parties reached a settlement valued at approximately \$39 million, which the Court finally approved on February 3, 2016. This settlement provides the more money *per capita* to individual class members than any other known data breach settlement on record.
- Appointed co-lead class counsel in *Castillo v. Seagate Technology LLC*, No. 16-02136 (N.D. Cal.). Class action on behalf of over 12,000 individuals victimized by a data breach. On September 19, 2016, the Court denied Seagate's motion to dismiss in part. On March 14, 2018, the Court finally approved a settlement valued at over \$40 million.
- Appointed class counsel in *Sackin v. Transperfect Global, Inc.*, No. 17-1469 (S.D.N.Y. 2017). Class action on behalf of over 4,800 individuals victimized by a data breach. On June 15, 2017, the Court entirely denied Transperfect's motion to dismiss. On December 14, 2018, the Court finally approved a settlement valued at over \$40 million.
- Appointed co-liaison class counsel in *Yahoo! Inc. Private Information Disclosure Cases*, JCCP No. 4895 (Cal Sup. Ct.). Complex class action involving one of the largest data breaches in U.S history. The Court denied Yahoo's demurrer, and, after Plaintiffs' class certification motion was fully briefed, the parties reached a settlement valued at over \$85 million. Plaintiffs moved for preliminary approval in federal court.
- Appointed co-lead class counsel in *In Re Zappos.Com, Inc., Customer Data Security Breach Litigation*, No. 16-16860 (D. Nev. 2012). Multidistrict class action on behalf of approximately 23 million consumers victimized by a data breach. The Ninth Circuit reversed the District Court' decision dismissing the

case and issued a significant decision holding that data breach victims whose personal identification information was stolen in a data breach have standing. On March 25, 2019, the Supreme Court denied Zappos' request for certiorari. The court granted preliminary approval of the settlement on September 19, 2019.

- Lead counsel to plaintiffs in *Lowell v. Lyft, Inc.*, No. 17-6521 (S.D.N.Y.). Nationwide class action on behalf of millions of people with disabilities who are denied services by Lyft. On November 29, 2018, the Court denied Lyft's motion to compel arbitration, calling Lyft's arguments "supremely unjust", and denied in part Lyft's motion to dismiss. Discovery is ongoing and Plaintiffs will expeditiously move for class certification.
- Lead counsel to Plaintiffs and the certified collective in *Durling v. Papa John's International Inc.*, No. 16-03592 (S.D.N.Y.). Nationwide class and collective action on behalf of tens of thousands of Papa John's delivery drivers who were paid wages below the minimum. On August 3, 2018, the Court conditionally certified a nationwide collective of all corporate Papa John's delivery drivers.
- Appointed co-lead class counsel in *Reed v. Friendly's Ice Cream, LLC*, No. 15-00298 (M.D. Pa.). The Court denied motions to dismiss and ruled for plaintiffs on several other motions in this wage and hour class action. On January 31, 2017, the Court certified the class and finally approved a settlement valued at over \$4.6 million.
- Appointed co-lead class counsel in *Al Fata v. Pizza Hut of America, Inc.*, No. 14-376 (M.D. Fla.). The Court denied defendant's motion to compel arbitration. While Plaintiffs' class certification motion was *sub judice*, the parties reached a class settlement on behalf of a Florida class of delivery drivers alleging minimum wage violations. The Court granted final approval of the settlement, which is valued at \$3.1 million, on June 21, 2017.
- Appointed class counsel in *Hanna v. CFL Pizza, LLC*, No. 05-2011-CA-52949 (Fl. Cir. Court). On September 3, 2013, the Court granted final approval of a settlement that created a substantial settlement fund for under-reimbursed Pizza Hut franchisee delivery drivers who alleged violations of Florida minimum wage law.
- Appointed co-class counsel in *Bellaspica v. PJPA, LLC*, No. 13-3014 (E.D. Pa.). On June 22, 2016, the Court granted final approval of a FLSA collective action settlement, providing a settlement fund for under-reimbursed Papa John's franchisee pizza delivery drivers.
- Appointed class counsel in *Yoeckel v. Marriott*, No. 703387 (Queens Cty. Com. Div.). Class action alleging that Marriott violated New York wage and hour laws. On May 3, 2017, the Court certified a class and finally approved a settlement that provided class members with 100% of their maximum compensatory damages alleged.

- Appointed co-class counsel in *Miller v. Fresh*, No. 14-0880 (Mass. Suffolk Cty.). State-wide class action alleging that Fresh unlawfully collected consumers' personal identification information. On July 15, 2015, the Court certified a class and granted final approval to a settlement.
- Appointed co-class counsel in *Miller v. Patagonia*, No. 14-0888 (Mass. Suffolk Cty.). State-wide class action alleging that Patagonia unlawfully collected consumers' personal identification information. On February 9, 2015, the Court certified a class and granted final approval to a settlement.
- Counsel to the Plaintiffs in *D.G. ex rel. Stricklin v. Henry*, No. 08-074 (N.D. Okl.). In this class action to reform Oklahoma's foster care system, the Court certified a statewide class of Oklahoma's foster children (an opinion that was affirmed by the Tenth Circuit). As a result of this litigation, Oklahoma has committed to restructuring its state foster care agency to eliminate dangerous practices (such as an unsafe shelter where babies in state custody disproportionately suffered fractured skulls), and improve measurable outcomes for children in state custody.
- As counsel in *Charlie and Nadine H. v. Christie*, No. 99-3678 (D.N.J.), worked with the state agencies, a federally appointed monitor, and the Court to help ensure implementation of a consent decree to reform New Jersey's foster care system. Among many other significant achievements under the consent decree, New Jersey broke a record for adoptions achieved, significantly reformed supervision procedures that were inadequate, and substantially increased the percentage of foster children who subsequently attended college. Mr. Frei-Pearson continues to be involved in this litigation in a *pro bono* capacity.

Mr. Frei-Pearson has received numerous awards for his legal work, including the New York City Bar Association's Thurgood Marshall Award for his work on death penalty cases, a citation from the New York City Council for his child advocacy work, and the 2010 Palomountain Award from Skidmore College. Mr. Frei-Pearson is also active in his community; he is a district leader in White Plains, where he serves as Chair of the Mayor's Sustainability Committee and a member (and former Chair) of the Mayor's Committee For People With Disabilities; he also serves on the Board of the Legal Services of the Hudson Valley.

Mr. Frei-Pearson is admitted to practice in New York and is a member of the bars of the U.S. District Courts for the Eastern, Northern, Western, and Southern Districts of New York.

Greg Blankinship



Greg Blankinship is a founding partner of FBFG, and he specializes in class actions in state and federal courts. Mr. Blankinship has worked on substantial class action matters representing both defendants and plaintiffs in numerous state, federal, and multidistrict class actions, including wage and hour and consumer fraud matters. Mr. Blankinship has been named class counsel by numerous courts. Mr. Blankinship has been designated a New York Super Lawyer every year since 2014, a distinction earned by only five percent of the lawyers in the New York metro area.

Prior to joining FBFG, Mr. Blankinship was an associate with Skadden, Arps, Slate, Meagher & Flom LLP and Greenberg Traurig, LLP. Mr. Blankinship received his B.A. from Emory University in 1991 and his M.A. from the University of North Carolina in 1995. He attended law school at the University of Washington, where he earned his J.D. in 2003. While in law school, Mr. Blankinship was a member of the University of Washington Law Review.

A sampling of Mr. Blankinship's successful cases includes:

- Appointed Interim Co-Lead Class Counsel in *Goldemberg v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-3073 (S.D.N.Y.). Class action alleging deceptive labeling in connection with Defendant's Aveeno Naturals brand of personal care products. Plaintiffs defeated Defendant's motions to dismiss and exclude Plaintiffs' expert's report, and won class certification. On November 1, 2017, the Court approved a proposed settlement valued at \$6.75 million.
- Appointed to the Plaintiffs' Executive committee in *In Re: Santa Fe Natural Tobacco Company Marketing and Sales Practices Litigation*, No. 16-md-2695 (D. N.M.). Plaintiffs in this multidistrict litigation contend that Santa Fe Natural Tobacco mislead consumers into believing their cigarettes were less harmful than others because they are natural and organic. Litigation is on-going.
- Appointed co-class counsel in *Hamlen v. Gateway Energy Services Corp.*, No. 16-03526 (S.D.N.Y.). Class action alleging that Gateway Energy overcharged its customers for natural gas. The case settled on behalf of a nationwide class of Gateway Energy natural gas customers. The court granted final approval of the settlement, valued at approximately \$12 million, on September 13, 2019.
- Class counsel in *McLaughlin v. IDT Energy*, No. 14-4107 (E.D.N.Y.). Nationwide class action alleging that IDT overcharged consumers for gas and electric supply. On October 18, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$54 million.

- Class counsel in *Edwards v. North American Power & Gas, LLC*, No. 14-1714 (D. Conn.). Nationwide class action alleging that North American Power charged electricity and gas rates far in excess of what it promised to charge variable rate customers. On August 2, 2018, the Court certified the class, appointed the lawyers of FBFG as co-lead class counsel, and approved the settlement valued at over \$19 million.
- Counsel in *Wise v. Energy Plus Holdings LLC*, No. 11-7345 (S.D.N.Y.). Plaintiffs alleged that Energy Plus, an independent electricity supplier, misrepresented that its rates were reflective of the market when they were much higher. The Court granted final approval of a settlement covering more than 400,000 consumers in eight states and valued at more than \$11,000,000.
- Appointed Class Counsel in *Brenner v. J.C. Penney Company, Inc.*, No. 13-11212 (D. Mass.). Plaintiff alleged that J.C. Penney requested and recorded customers' ZIP codes, which it then used to identify consumers' mailing addresses to send them junk mail, in violation of Massachusetts law. The Court granted final approval of a settlement valued at more than \$3.5 million.
- Appointed Class Counsel in *Brenner v. Kohl's Corporation*, No. 13-10935 (D. Mass.). State-wide class action alleging that Kohl's unlawfully collected consumers' personal identification information. On December 5, 2013, the Court granted preliminary approval to a settlement valued at \$435,000 and appointed lawyers of FBFG class counsel.
- Appointed Interim Co-Lead Class Counsel in *Chen v. Hiko Energy, LLC*, No. 4-01771 (S.D.N.Y.). State-wide class action alleging that Hiko charged deceptively high electricity and natural gas rates.
- Appointed Interim Co-Lead Class Counsel in *Tyler v. Bed Bath & Beyond, Inc.*, No. 13-10639 (D. Mass.). Plaintiff alleged that Bed, Bath & Beyond illegally requested and recorded customers' ZIP codes.

Mr. Blankinship's broad experience as a litigator has also exposed him to a wide variety of substantive business and consumer issues. He also has substantial experience with the issues and procedural aspects of large class action and complex cases.

Mr. Blankinship is admitted to practice in New York and Massachusetts and is a member of the bars of the U.S. District Courts for the Eastern, Western, Northern, and Southern Districts of New York, the District of Connecticut, the District of Massachusetts, and the First, Second, Third, Seventh, and Ninth Circuit Courts of Appeals.

Todd S. Garber



Todd S. Garber is a founding partner of FBFG. Mr. Garber is an experienced litigator, who practices in state and federal courts. His areas of experience include class actions, consumer fraud, securities fraud, complex commercial disputes, business torts, antitrust, and general litigation. Mr. Garber was designated a New York Super Lawyer every year since 2013, a distinction earned by only five percent of the lawyers in the New York metro area.

Prior to joining FBFG, Mr. Garber worked at Lowey Dannenberg Cohen & Hart, P.C., where he prosecuted and defended complex commercial litigation matters and class actions.

Mr. Garber's career achievements include:

- Appointed co-class counsel in *Hamlen v. Gateway Energy Services Corp.*, No. 16-03526 (S.D.N.Y.). Class action alleging that Gateway Energy overcharged its customers for natural gas. The case settled on behalf of a nationwide class of Gateway Energy natural gas customers. The court granted final approval of the settlement, valued at approximately \$12 million, on September 13, 2019.
- Appointed Class Counsel in *Brenner v. J.C. Penney Company, Inc.*, No. 13-11212 (D. Mass.). Plaintiff alleged that J.C. Penney requested and recorded customers' ZIP codes, which it then used to identify consumers' mailing addresses to send them junk mail, in violation of Massachusetts law. The Court granted final approval of a settlement valued at more than \$3.5 million.
- Appointed Class Counsel in *Brenner v. Kohl's Corporation*, No. 13-10935 (D. Mass.). State-wide class action alleging that Kohl's unlawfully collected consumers' personal identification information. On March 12, 2014, the Court granted final approval to a settlement valued at \$425,000 and appointed lawyers of FBFG class counsel.
- Appointed Co-Lead Class Counsel in *Quinn v. Walgreen*, No. 12-8187 (S.D.N.Y.). Nationwide settlement valued at \$2.8 million to resolve Plaintiffs' claim that Defendant's glucosamine products did not perform as represented. On March 24, 2015, the Court finally approved the settlement and certified the class.
- Appointed Interim Co-Lead Class Counsel in *Chen v. Hiko Energy, LLC*, No. 14-cv-01771 (S.D.N.Y.). State-wide class action alleging that Hiko charged deceptively high electricity and natural gas rates. On May 9, 2016, the Court certified the class and approved a settlement valued at over \$10 million.
- Appointed Interim Co-Lead Class Counsel in *Goldemberg v. Johnson & Johnson Consumer Companies, Inc.*, No. 13-3073 (S.D.N.Y.). Class action alleging deceptive labeling in connection with Defendant's Aveeno Naturals

brand of personal care products. Plaintiffs defeated Defendant's motions to dismiss and exclude Plaintiffs' expert's report, and won class certification. On November 1, 2017, the Court approved a proposed settlement valued at \$6.75 million.

- Appointed Co-Lead Class Counsel in *Tyler v. Bed Bath & Beyond, Inc.*, No. 13-10639 (D. Mass.). Plaintiff alleged that Bed, Bath & Beyond illegally requested and recorded customers' ZIP codes.
- Class Counsel in *Wise v. Energy Plus Holdings LLC*, No. 11-7345 (S.D.N.Y.). Plaintiffs alleged that Energy Plus, an independent electricity supplier, misrepresented that its rates were reflective of the market when they were much higher. The Court granted final approval of a settlement covering more than 400,000 consumers in eight states and valued at more than \$11,000,000.
- As counsel for the New York City Pension Funds, Lead Plaintiff in *In re Juniper Networks, Inc. Sec. Litig.*, No. C-06-04327 JW (N.D. Cal 2010), helped achieve a settlement of \$169.5 million, one of the largest settlements in an options backdating case, after more than three years of hard-fought litigation.
- Involvement in the prosecution of a number of high-profile cases, which have resulted in hundreds of millions of dollars in recoveries for investors, including *In re WorldCom Securities Litigation*, *In re HealthSouth Securities Litigation*, *In re DaimlerChrysler AG Securities Litigation*, and *In re Bayer AG Securities Litigation*.
- Representation of institutional investors in stockholder voting rights and corporate governance cases, including *Gabelli Global Multimedia v. Western Investment LLC*, 700 F. Supp. 2d 748 (D. Md. 2010); *Delcath Systems, Inc. v. Ladd*, 466 F.3d 257 (2d. Cir. 2006); *Salomon Brothers Mun. Partners Fund, Inc. v. Thornton*, 410 F. Supp. 2d 330 (S.D.N.Y. 2006); *meVC Draper Fisher Jurvetson Fund I, Inc. v. Millennium Partners*, 260 F. Supp. 2d 616 (S.D.N.Y. 2003); and *Millenco L.P. v. meVC Draper Fisher Jurvetson Fund I, Inc.*, 824 A.2d 11 (Del. Ch. 2002).

Mr. Garber received his B.A. from Cornell University in 1999 and his J.D. from the Benjamin N. Cardozo School of Law in 2002, where he was articles editor for the Cardozo Journal of International and Comparative Law and was competitively selected to work for the New York City Law Department's Corporation Counsel in its Appellate Division.

Mr. Garber co-authored "Morrison v. National Australia Bank: The Potential Impact on Public Pension Fund Fiduciaries," The NAPPA Report, Vol. 24, Number 3, August 2010, and "Loss Causation in the Ninth Circuit," New York Law Journal, September 2, 2008.

Mr. Garber is admitted to practice in New York and Connecticut and is a member of the bars of the U.S. District Courts for the Eastern, Western, and Southern Districts of New York and the Second Circuit Court of Appeals.

Andrew Finkelstein



Andrew Finkelstein is the Managing Partner of Finkelstein, Blankinship, Frei-Pearson & Garber, LLP. He has become a noted consumer activist through his representation of injured individuals against corporate wrong doers and other irresponsible parties.

Mr. Finkelstein served as Captain of the 9/11 Victim Compensation Fund in a pro bono capacity, where he helped obtain over \$10 million for victims and waived all legal fees associated with this representation. Mr. Finkelstein is also the Chairman of the Plaintiff Personal Injury Steering committee for the Neurontin Liability Multidistrict Litigation in Boston, Massachusetts. He has worked closely with the FDA regarding the adverse effects associated with Neurontin, having filed a Citizens Petition seeking enhanced warning of the side effects of this drug, specifically increased suicidal tendencies. Additionally, Mr. Finkelstein is a member of the Executive Steering Committee of the Hormone Replacement Therapy Multidistrict Litigation in both Philadelphia, Pennsylvania and Little Rock, Arkansas. He is a member of the Plaintiff Steering Committee of the Ortho Evra Birth Control Patch New Jersey Coordinated Litigation, and the Plaintiff Steering Committee of the Viagra Multidistrict Litigation in Minneapolis, Minnesota.

Mr. Finkelstein is a frequent lecturer at Continuing Legal Education courses. His topics include “Science in the Courtroom”, “Technology in the Courtroom”, “Prosecution of a Pharmaceutical Case”, “The Ethics of On-line Advertising”, and “Structured Settlements and the Personal Injury Settlement.”

In addition to these presentations, Mr. Finkelstein volunteers his time to present his “Commit to Quit Texting While Driving” seminar to area high school students.

John Sardesai-Grant



Mr. Sardesai-Grant is a highly experienced litigator who specializes in class actions in state and federal courts.

Before joining FBFG, John was an associate at Baritz & Colman LLP, where he represented clients in employment discrimination and commercial disputes. As of counsel to Reese Richman LLP, John brought cases against the New York Police Department on behalf of victims of police misconduct. As an associate at Brower Piven, P.C., he prosecuted complex securities fraud class actions on behalf of shareholders. And as an associate at Bickel & Brewer, a premier commercial litigation boutique, he represented clients in a variety of regulatory and commercial matters.

John earned his B.S. in Economics from The Wharton School at the University of Pennsylvania, as well as an M.A. in Chinese from the University of Pennsylvania’s Graduate School of Arts and Sciences. John received his J.D. from New York University School of Law.

John is admitted to practice in New York and the United States District Courts for the Southern and Eastern Districts of New York and the District of Colorado. He is an active member of the New York County Lawyers Association.

Bradley F. Silverman



Mr. Silverman is a highly experienced litigator. He has represented individuals and public and private companies in courts throughout the country. He has broad experience handling numerous types of disputes. This experience includes the representation of plaintiffs and defendants in: class actions; contract disputes; employment matters; disputes relating to the management and control of closely held businesses; intellectual property and trade secret disputes; RICO actions; antitrust and unfair competition matters; real estate disputes; Title IX and other claims relating to college disciplinary actions; challenges to local and state laws that are either unconstitutional or preempted by federal law; and actions to enforce First Amendment rights.

At FBFG, Mr. Silverman's practice focuses on class actions in which he represents individuals across the country who have been harmed by the unlawful acts of companies. Past class actions in which he has been involved include *In re: Coca-Cola Products Marketing and Sales Practices Litigation*, a multidistrict litigation where Mr. Silverman's prior firm served as co-lead counsel for all plaintiffs. In that case and in other cases, he has asserted claims against some of the largest food manufacturers in the world for placing illegal, deceptive, and false statements on product labels.

Prior to joining FBFG, Mr. Silverman practiced at several of the leading litigation firms in New York City, including the international law firm of Kaye Scholer LLP (now Arnold & Porter Kaye Scholer LLP). He received his undergraduate degree, *Magna Cum Laude*, from Brandeis University. He received his law degree from the University of Pennsylvania Law School where he served as a member of the Moot Court Board and as Senior Editor of the *Journal of International Economic Law*. Born and raised in Brooklyn, New York, he and his family now reside in Westchester County.

Sami Ahmad



Sami Ahmad is an associate at FBFG, where he specializes in prosecuting class actions in state and federal courts. Mr. Ahmad joined the firm after working as an associate at a prominent firm specializing in securities class action litigation. He was previously an Honors Intern with the Securities & Exchange Commission and a paralegal and financial analyst. Mr. Ahmad received his J.D. from George Washington University, a Certificate of Financial Analysis from New York University, and his B.A., with honors, from McGill University. During law school, Mr. Ahmad served as an Associate Editor on the *George Washington Business and Finance Law Review* and also worked as a research assistant focusing on contract law.

Olena Ball



Olena Ball is an associate at FBFG, where she specializes in prosecuting class actions in state and federal courts. Mrs. Ball joined the firm after working at several prominent law firms. She received her J.D. from Benjamin N. Cardozo School of Law and her B.A., cum laude, from the City College of New York. During law school, Mrs. Ball served on the Cardozo Women's Law Journal.

Chantal Khalil



Ms. Khalil is an associate at FBFG, where she specializes in class actions in state and federal courts. She is admitted to practice in New York and in the United States District Court for the Southern District of New York. Ms. Khalil received her J.D. from George Washington University Law School and her B.A. from New York University (*Magna Cum Laude*). During Law School, Ms. Khalil served on *The George Washington International Law Review*, was recognized as a Thurgood Marshall Scholar, and received President Obama's Volunteer Service Award.

Earl Kirkland III



Mr. Kirkland is an associate at FBFG, where he specializes in class actions in state and federal courts. Mr. Kirkland joined the firm from the NAACP Legal Defense and Educational Fund, Inc. (LDF), where he litigated complex civil rights matters across the country involving issues of educational equity, criminal justice, and voting rights. At LDF, he also co-drafted amicus briefs defending transgender youth rights and challenging Pennsylvania's death penalty. Mr. Kirkland previously clerked for the Honorable Damon J. Keith of the U.S. Court of Appeals for the Sixth Circuit, the Honorable Linda V. Parker of the U.S. District Court for the Eastern District of Michigan, and then Honorable Edward Ewell, Jr. of the Third Judicial Circuit of Michigan. He received his J.D. from Cornell Law School and his B.A., with honors, from the University of Michigan.

Ayana McGuire



Ms. McGuire is an associate at FBFG, where she specializes in class actions in state and federal courts. Ms. McGuire received her J.D. from the University of Connecticut School of Law and her B.A. from Cornell University. She is a member of the New York bar.

Chantel Mills

Chantel Mills is an associate at FBFG, where she specializes in prosecuting class actions in state and federal courts. Ms. Mills joined the firm after working at several prominent law firms. She received her J.D. from William and Mary School of Law and her B.A., with honors, from the University of Pennsylvania. During law school, Ms. Mills received various awards for her commitment to academic excellence and community service.

W. Scott Terrell III



Mr. Terrell is an associate at FBFG, where he specializes in class actions in state and federal courts. Before joining FBFG, Mr. Terrell clerked for the Honorable Dale S. Fisher and for Magistrate Judge Karen L. Stevenson, both in the Central District of California. He also worked for four years in the Bronx District Attorney's Office, serving successfully in the Trial Bureau and in the Appeals Bureau. Mr. Terrell received his J.D. from the University of Virginia School of Law and his B.A. from Morehouse College.

Andrew White



Mr. White is an associate at FBFG, where he specializes in class actions in state and federal courts. Mr. White received his J.D. from New York University School of Law and his B.A. from State University of New York, College at Potsdam. During law school, Mr. White served as an editor for the Journal of Law and Liberty. Mr. White is admitted to practice in New York and in the United States District Court for the Southern District of New York.

EXHIBIT 18

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF GORDON M. FAUTH
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Gordon M. Fauth, Jr., declare as follows:

2 1. I am a Of Counsel Attorney at the law firm of FINKELSTEIN THOMPSON LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted
6 and pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A,
9 along with years in practice, most recent hourly rates reported to the Court during the pendency of
10 this litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the
11 attached Exhibit A conform to the professional rates set at my firm. Further detail regarding
12 the litigation and trial experience of each professional can be found, to the extent available, in
13 the firm resume attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other
15 professionals of my firm in this litigation was prepared from contemporaneous, daily time
16 records prepared and maintained by my firm, and submitted, vetted and approved by the Chair of
17 the Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018
18 Case Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148).
19 Detailed time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020 is 13.10 hours. The total lodestar for my firm is \$8,547.50.

23 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
24 ("expenses") totaling \$306.18, which were necessary in relation to this litigation and submitted,
25 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
26 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
27 litigation are reflected in the books and records of my firm. These books and records are

1 prepared from expense vouchers, check records, and other documents and are an accurate record
2 of the expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20
5 day of August, 2020, at Berkeley, CA

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/s/ Gordon M. Fauth, Jr.

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Gordon M. Fauth, Jr.

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EXHIBIT A

Exhibit A - Finkelstein Thompson LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Bartos, Mila	Partner (19 years)	\$ 850.00	3.80	\$ 3,230.00
Thompson, Doug	Partner (45 years)	\$ 850.00	1.10	\$ 935.00
Fauth, Gordon M.	Of Counsel (21 years)	\$ 850.00	1.30	\$ 1,105.00
Mah, Rosanne L.	Of Counsel (12 years)	\$ 475.00	2.80	\$ 1,330.00
Ranoa, Hope E.	Of Counsel (5 years)	\$ 475.00	4.10	\$ 1,947.50
TOTAL			13.10	\$ 8,547.50

EXHIBIT B

EXHIBIT B

FINKELSTEIN THOMPSON LLP

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 36.00
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	\$ 12.70
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	\$ 200.48
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	\$ 57.00
25. Assessments	
TOTAL	\$ 306.18

EXHIBIT C



FIRM RESUME

2020

3201 New Mexico Avenue, NW, Suite 395 · Washington, DC 20016

15 Shattuck Square, Suite 245 · Berkeley, CA 94704

FINKELSTEIN THOMPSON LLP

FINKELSTEIN THOMPSON LLP (“the firm”), is a complex litigation firm, with offices in Washington, DC and San Francisco, CA, focusing primarily on suits involving antitrust violations, fraud and crime in the banking, securities and commodities industries, and consumer fraud.

By concentrating exclusively on litigation, rather than a generalized transactional practice, the firm avoids the conflicts of interest, both actual and philosophical, that can arise from multi-faceted representation, and is able to offer the kind of hard-hitting approach that modern complex litigation demands. Since 1993, the firm has served in a leadership position in cases that have recovered many hundreds of millions of dollars for investors and consumers.

Because the outcome of litigation is often dependent on the strength of expert testimony, the firm has developed strong working relationships with nationally prominent outside consultants in the areas of securities, commodities, antitrust, banking, consumer fraud, marketing and economics.

HISTORY

The firm was founded in March 1977 by Burton H. Finkelstein and Douglas G. Thompson, Jr. The firm's offices are located in Washington, DC and in San Francisco, CA.

EXPERIENCE

The firm is involved in class action litigation in federal and state courts nationwide. It has developed a reputation for successful and thorough representation of class clients against many of the largest and most powerful companies in the country. As part of our efforts to serve our clients' interests in the most effective and efficient manner possible, the firm has established ongoing relationships with other class action law firms whose size, location or expertise complement our own. We are proud to have won judgments and negotiated settlements that have recovered an aggregate of over one billion dollars for class members.

Douglas G. Thompson, Jr., one of the founding and named partners of the firm, has prosecuted and defended complex civil and criminal matters for over forty years. The other partners and associates have extensive experience in a variety of complex litigation fields. The firm has practiced before the Securities and Exchange Commission, Commodity Futures Trading Commission, Federal Trade Commission, Federal Communications Commission, U.S. Copyright Office, New York Stock Exchange, Chicago Board of Trade, National Association of Securities Dealers, National Futures Association, Financial Industry Regulatory Authority and in various state and federal trial and appellate courts across the country, in civil and criminal enforcement matters and in private damage litigation. The firm has considerable expertise and experience in defending and prosecuting complex financial class action claims.

SECURITIES & COMMODITIES CLASS ACTION LITIGATION

Since its inception in 1977, the firm's securities litigation practice has extended across a wide range of shareholders' securities litigation, from accounting fraud, allegations of insider trading, proxy statement fights, and minority shareholder rights being violated, to cases alleging misstatements in prospectuses. The firm has litigated substantive federal issues under the Securities Act of 1933, the Securities Exchange Act of 1934, the Reform Act of 1995, and tender offers under the Williams Act, derivative suits under State and Federal law, and unfair business practices claims.

Our clients have included institutional investors, pension funds, high-net worth individuals and retail investors. While few class action securities suits go to trial, substantial skill and experience is required to investigate, prepare, and litigate the underlying claims to successful resolution. The firm enjoys a national reputation for high-quality and successful recoveries for our clients.

The firm also selectively prosecutes actions pursuant to the Commodity Exchange Act regarding market manipulations involving commodity futures and options. To date, the firm has enjoyed considerable success in these matters, which are recognized as some of the most difficult causes of action to successfully pursue.

SETTLED REPRESENTATIVE SECURITIES AND COMMODITIES CLASS ACTION CASES

1. In re Merrill Lynch & Co., Inc. Research Reports Litigation, MDL 1484 (S.D.N.Y.) – Executive Committee member; Lead Counsel in six of the underlying actions; \$125 million settlement achieved.
2. In re Natural Gas Commodity Litigation, No. 03cv6186 (S.D.N.Y.) – Co-Lead Counsel; over \$100 million achieved in settlements.
3. In re Dairy Farmers Of America, Inc. Cheese Antitrust Litigation, No. 09-cv-03690 (N.D. Ill.) – Allocation Counsel for Core Period Claims; achieved allocation of 92.5% of \$46 million settlement to Core Period Claimants.
4. PaineWebber Securities Litigation, No. 94cv8547 (S.D.N.Y.) – Executive Committee member; \$200 million settlement achieved.
5. Freeland v. Iridium World Communications, Ltd., No. 99cv1002 (D.D.C.) – Liaison Counsel and Executive Committee member; \$47.5 million settlement achieved.
6. Prudential Securities Litigation, MDL 1005 (S.D.N.Y.) – Executive Committee member & Co-Chair of Settlement Committee; \$150 million settlement achieved.
7. Kidder Peabody Securities Litigation, No. 94cv3954 (S.D.N.Y.) – Executive Committee member; \$19 million settlement achieved.

8. Rudolph vs. UT Starcom, et al, No. 3:07-CV-04578-SI (N.D.Ca.) – The firm serves as sole Lead Counsel in a securities fraud class action against UT Starcom and certain officers in connection alleged illegal backdating of executive stock options. \$9.5 million settlement achieved
9. Holly Glenn v. Polk Audio, Inc., No. 99cv4768 (Md. Cir. – Baltimore) – Co-lead Counsel; \$4.8 million settlement achieved (an increase of nearly 50% of shareholder buyout value).
10. Grecian v. Meade Instruments, Inc., No. 06cv908 (C.D. Cal.) – Sole Lead Counsel on behalf of shareholders claiming securities fraud violations related to alleged illegal backdating of executive stock options. Settlement achieved for \$3 million and corporate governance changes.
11. In re Facebook, Inc., IPO Securities & Derivative Litig., (S.D.N.Y.) MDL No. 12-2389 (RWS) — Co-Lead Class Counsel in class actions against defendant Facebook and certain of its directors and officers alleging violations of the Securities Act of 1933 and Securities Exchange Act of 1934 and against the NASDAQ OMX Group Inc. \$26.5 million settlement achieved.

ANTITRUST CLASS ACTION LITIGATION

Federal and state antitrust laws are primarily concerned with protecting the economy and promoting competition between businesses by preventing (i) collusion among competitors that might result in restraints on competition in a given industry or market, and (ii) anti-competitive conduct by a particular entity who holds monopoly power in a given industry or market.

The firm is involved in several cases on behalf of individuals and businesses that have been injured by the anti-competitive behavior of other companies. These cases involve allegations such as market manipulation, monopolization, price-fixing, and predatory practices. Below is a sample of the cases in which we have been intensively involved:

SETTLED REPRESENTATIVE ANTITRUST CLASS ACTION CASES

1. In re Dynamic Random Access Memory (DRAM) Antitrust Litigation, No. M-02-1486 (N.D.Cal.) – Executive Committee member for indirect purchaser claims; settlement achieved for \$310 million (on appeal).
2. In re Relafen Antitrust Litigation, No. 01cv12239 (D. Mass.) – Executive Committee member in federal direct purchaser case, settlement achieved - \$175 million.
3. Heliotrope General, Inc. v. Sumitomo Corporation, et al., Master Case No. 701679 (Cal. Super. - San Diego) – Co-Lead Counsel; multiple settlements achieved totaling \$87.35 million.

4. In re Warfarin Sodium Antitrust Litigation, MDL 1232 (D. Del.) – Discovery Committee member and Co-lead Counsel in state case; settlement achieved in the companion national case - \$44.5 million.
5. Ryan Rodriguez v. West Publishing Corp. and Kaplan, Inc., No. CV-05-3222 R (MCx) (Cal. Central District Court) – An antitrust class action where FT LLP served as one of three law firms alleging nationwide national antitrust violations. \$49 million settlement finally approved.
6. In re Reformulated Gasoline (RFG) Antitrust and Patent Litigation, No. 05cv1671 (C.D. Cal.) – Co-Lead Counsel in a certified class action lawsuit that alleges antitrust and common law violations which resulted in increased prices for RFG for purchasers. \$48 million settlement achieved

CONSUMER CLASS ACTION LITIGATION

In federal and state courts throughout the country, the firm represents consumers who have been injured or defrauded. Our cases involve individuals or classes of individuals who have been physically or economically damaged by the wrongdoing of others. Some of our cases seek to obtain financial relief, medical monitoring, injunctions and revised notification for classes of plaintiffs. Some of the cases we have brought include:

SETTLED REPRESENTATIVE SECURITY BREACH CLASS ACTION CASES

1. In Re TJX Companies Retail Security Breach Litigation, MDL 1838 (D. Mass.) Counsel in class action lawsuit alleging statutory and common law violations that resulted in a security breach of consumers' debit and credit card information. \$200 million settlement achieved.
2. Lockwood v. Certegy Check Serv., Inc., No. 8:07-cv-01434-SDM-TGW (M.D. Fla.) Counsel in class action lawsuit alleging common law violations that resulted in a security breach of consumers' personal and financial information. Available benefits made to Settlement Class Members of over \$500 million.
3. In re Countrywide Financial Corp. Customer Data Security, MDL 1998 (W.D. Ky.) Co-lead counsel in class action lawsuit alleging violations of common law, the California Business and Professions Code, and the Fair Credit Report Act, for data breach involving consumers' personal and financial information. Settlement resulted in a credit monitoring protection package for the class, the creation of an identity theft reimbursement fund of \$5 million, and the creation of an expense reimbursement fund for class members of \$1.5 million to compensate class members for actions taken as a result of the data breach.

SETTLED REPRESENTATIVE CONSUMER CLASS ACTION CASES

1. Gael M. Carter, et al. v. Associates Financial Services Co., Inc., et al., No. 96cv4652 (Tex. Dist. – Dallas County) – The firm played a pivotal role in

pursuing the claims of millions of class members in a number of suits in states across the country against The Associates n/k/a Citifinancial, alleging consumer fraud relating to home equity and personal loan terms. Settlements achieved in the state, federal and companion FTC cases totaling \$240 million.

2. Cavan et al. v. Sears Roebuck & Co. and Whirlpool Corp., No. 04CH10354 (Ill. Circuit Court - Cook County) – Co-Lead counsel for consumer class action based upon the sale of Calypso® washing machines. Nationwide settlement reached and approved by the Court.
3. In re Diet Drugs Products Liability Litigation, MDL 1203 (E.D. Pa.). Co-Chair of the Non-PMC litigation group prosecuting class certification of claims not advanced by Plaintiffs’ Management Committee.
4. Schulte v. Fifth Third Bank, 1:09-cv-06655 (N.D. Ill.) – Co-lead counsel in a consumer class action alleging re-sequencing of consumer banking transactions in highest to lowest order with intention of maximizing overdraft fee revenue. Nationwide settlement resulted in a settlement fund of \$9.5 million and injunctive relief valued at over \$100 million. First re-sequencing/overdraft fee settlement in the nation where bank agreed to terminate high to low re-sequencing as part of relief to the class.

SECURITY BREACH CLASS ACTION CASES

1. Ruiz v. Gap Inc. and Vangent, Inc., No. 09-15971 (9th Cir. 2010), Finkelstein Thompson was counsel in a class action lawsuit alleging claims of negligence, breach of contract, bailment, violations of the UCL, California Civil Code § 1798.85 (“§ 1798.85”), and California’s Constitutional right to privacy. This was one of the first 9th Circuit opinion to find standing for data breach victims (unpublished opinion).
2. Krottner v. Starbucks Corporation, No. 09-35823 (9th Cir. 2009), Finkelstein Thompson was counsel in a security breach class action lawsuit alleging two claims against Starbucks for breaches of contract and negligence. This was one of the first 9th Circuit opinions to find standing for data breach victims (published opinion).
3. Richardson, et al. v. Tricare Management Activity, et al., 1:11-cv-01961 (D.D.C.) Co-Lead counsel, law suits alleging violations of the federal Privacy Act as a result of a security breach of insureds’ personal and health information.
4. In re Heartland Payment Systems Inc. Customer Data Security Breach Litigation, MDL 2046 (S.D. Tex.)- Co-Lead counsel in this class action lawsuit that resulted from a security breach of consumers’ personal and financial information. Finkelstein Thompson represented consumers in two of the first data breach cases where the Ninth Circuit found standing for data breach victims.

5. In re CarrierIQ, Inc. Consumer Privacy Litig., 12-md-02330-EMC- Executive Committee member, suits were filed against CarrierIQ and various cell phone manufacturers for violations of federal wiretap laws and state consumer protection laws by allowing a pre-installed application, also referred to as Carrier IQ, to capture and record mobile phone users' keystrokes and location data.
6. In Re Janis v. Health Net, Inc. et al., 2:12-cv-01171-KJM-EF (E.D. Cal.), Finkelstein Thompson filed suit in California state court, seeking to redress Health Net Inc.'s failure to adequately safeguard Plaintiffs' private personal, financial and health information. According to Health Net, approximately 1.9 millions individuals may have been affected by the breach.
7. In re: Target Corporation Customer Data Security Breach Litigation, MDL No. 14-2522 (D. Minn.) (PAM/JJK), suits were filed seeking to redress Target's failure to adequately safeguard the credit and debit card data of approximately 40 million customers resulting in unauthorized third-party access to Target's payment card data from November 27, 2013 through December 15, 2013. Finkelstein Thompson played an active role in the discovery stage of the litigation.

CONSUMER CLASS ACTION CASES

1. In re Avandia Marketing, Sales Practices and Products Liability Litigation, MDL 1871 (E.D. Pa.) - FT served as a member of the Plaintiffs Steering Committee and Co-Chair of the Class Action Sub-Committee. The suit alleges that SmithKline Beecham Corporation d/b/a GlaxoSmithKline used marketing schemes to deliberately conceal and affirmatively misrepresent the significant heart attack or heart-disease related risks associated with the use of the Avandia, Avandamet and Avandaryl – medications used to treat Type II diabetes.

THIRD-PARTY PAYOR CLASS ACTION CASES

1. United Benefit Fund v. GlaxoSmithKline LLC, MDL 1871 (E.D. Pa.)- the firm served as a member of the Plaintiffs' Steering Committee, Co-Chairs the Class Action Sub-Committee, and was counsel of record for a third-party payor class action alleging that GSK created, monitored and/or controlled various marketing firms, physicians and ghostwriters to promote and disseminate – through sponsored events and publications – misleading messages about safety and efficacy relating to the use of Avandia.

FALSE CLAIMS ACT LITIGATION

The firm maintains an active practice under the Federal False Claims Act (also known as “*qui tam*” litigation). Through representation of whistleblowers who have independent knowledge of government contract fraud, the firm seeks to secure the return of millions of dollars to federal and state treasuries. The firm has investigated and filed *qui tam* claims in connection with the student loan industry.

BURTON H. FINKELSTEIN

Partner
(1937-2013)

BURTON H. FINKELSTEIN practiced securities litigation for more than forty years, first with the Securities and Exchange Commission, and then in private practice. At the SEC, he was special trial counsel and an Assistant Director of the Enforcement Division, where he was in charge of the administrative, civil and criminal litigation nationwide enforcement program. In 1970, he joined the New York firm of Phillips, Nizer, Benjamin, Krim & Ballon and was a partner in their Washington, D.C. office until 1977, when he and Mr. Thompson formed the firm now known as FINKELSTEIN THOMPSON LLP.

In private practice, Mr. Finkelstein participated in more than twenty securities fraud trials in cities throughout the United States, representing broker-dealers, principals and securities salesmen, attorneys, accountants, publicly and privately held companies and officers and directors of such companies. He also represented companies and individuals in SEC investigations, and served as special counsel to public companies in conducting internal investigations.

Mr. Finkelstein earned a B.B.A. degree in accounting from City College of New York in 1959 and an L.L.B. degree from the University of Pennsylvania in 1962. After military service and a brief stint as law clerk to the General Counsel of the Federal Power Commission, he began his securities litigation career as trial counsel at the SEC's Washington Regional Office.

Mr. Finkelstein appeared as a panelist in securities litigation and enforcement seminars for the Practicing Law Institute, New York Law Journal and the American Law Institute - American Bar Association (ALI-ABA). He was an adjunct professor of law at Georgetown University Law School from 1979 to 1998. His course was entitled "Securities and Financial Frauds - Enforcement and Litigation."

Mr. Finkelstein practiced in the Washington, D.C. office.

DOUGLAS G. THOMPSON, JR.

Partner

DOUGLAS G. THOMPSON, JR. has specialized in administrative and civil trial and appellate litigation in private practice for over forty years. His practice has been concentrated in the areas of securities, commodities, banking, communications, and other complex business and financial transactions. Mr. Thompson has represented clients in federal court and before the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Trade Commission, the Federal Communications Commission, the Copyright Royalty Tribunal, and the Criminal Division of the Department of Justice. Mr. Thompson has litigated securities and commodities claims in failed savings and loan cases on behalf of the RTC and FDIC. As lead counsel for the FDIC, Mr. Thompson won a jury verdict of more than \$1 million after a lengthy trial involving commodities fraud issues.

Mr. Thompson received his A.B. and M.A. degrees in economics from Stanford University and his J.D. degree from Stanford Law School in 1969. He taught at the Stanford Law School in 1969-70 and clerked for Judge Ben. C. Duniway of the United States Court of Appeals, Ninth Circuit, in 1970-71. Following his clerkship, Mr. Thompson joined the law firm of Wilmer, Cutler & Pickering, Washington, DC, where he was a litigator in communications and securities law. In 1977, he joined with Mr. Finkelstein in the formation of the firm now known as FINKELSTEIN THOMPSON LLP.

Mr. Thompson is a member of the bar of the District of Columbia and the State of California and of several federal district and appellate courts.

Mr. Thompson practices in the Washington, DC office.

MILA F. BARTOS

Partner

MILA F. BARTOS has been with FINKELSTEIN THOMPSON LLP since January 1995. Ms. Bartos practices in the fields of both antitrust litigation and consumer fraud class action cases, including adulterated and toxic products. She is a 1990 graduate of the University of Wisconsin - Madison where she received a joint Bachelor of Arts degree in English and Communications. Ms. Bartos then attended the American University Washington College of Law where she received her Juris Doctor in 1993. At American University, Ms. Bartos was a co-founder of the *American University Journal of Gender and Law* and was a member of the Editorial Board.

Ms. Bartos is the author of the article, "Law Firm Collaboration Via Extranets" published in the Law Library Resource Xchange. She is also an active member of the Chairman's Council of the Appleseed Foundation. Ms. Bartos is a member of the Maryland and District of Columbia Bars.

Ms. Bartos practices in the Washington, DC office.

MICHAEL G. McLELLAN

Partner

MICHAEL G. McLELLAN joined FINKELSTEIN THOMPSON LLP in May 2004. Mr. McLellan practices in the fields of securities, antitrust and consumer fraud litigation. He is a 1996 graduate of the University of South Carolina, where he received a Bachelor of Arts degree in English. Mr. McLellan also attended the University of South Carolina School of Law, where he received his Juris Doctor in 2003. During law school, Mr. McLellan served as Articles Editor for the South Carolina Law Review and was awarded membership in the Order of the Wig and Robe. Upon graduation, Mr. McLellan attended the American University Washington College of Law, where he received an LL.M. in Law and Government, magna cum laude in 2004. While pursuing his LL.M. degree, Mr. McLellan worked as an intern for the Securities and Exchange Commission in the Division of Enforcement and volunteered as a Constitutional Law teacher at Ballou Stay High School. He additionally worked as an independent researcher for the Association of Corporate Counsel.

Mr. McLellan is a member of the South Carolina and District of Columbia bars, and practices in the Washington, DC office.

ROSALEE B. C. THOMAS

Partner

ROSALEE THOMAS joined FINKELSTEIN THOMPSON LLP in October 2006 and practices in the fields of antitrust, consumer fraud and securities litigation. Ms. Thomas graduated from Columbia University in 1999, where she studied Political Science. She received her Juris Doctorate from Georgetown Law in 2004 and was recognized as a Pro Bono Pledge Honoree. While in law school, Ms. Thomas participated in the Street Law Clinic and served as a student attorney with the D.C. Law Students in Court Clinical Program. Ms. Thomas also completed a clerkship at the U.S. Consumer Product Safety Commission.

Ms. Thomas is a member of the New York, New Jersey, District of Columbia, and Maryland bars and is admitted to practice in the United States District Court for the District Courts of New Jersey, Southern District of New York, United States Court of Appeals for the Ninth Circuit, and the District of Columbia.

Ms. Thomas practices in the Washington, DC office.

ROBERT O. WILSON
Of Counsel

ROBERT WILSON re-associated as Of Counsel with FINKELSTEIN THOMPSON LLP since February 2015 and practices in the fields of *qui tam*, shareholder, consumer protection, and antitrust litigation. Mr. Wilson graduated from James Madison University in 2003, with a Bachelor of Arts in English, with a minor in Theatre. He graduated *cum laude* from George Mason University School of Law in 2008. While in law school, he served on the editorial board of the *George Mason University Civil Rights Law Journal*.

Mr. Wilson was an associate with the firm from 2011 to 2014. Before joining Finkelstein Thompson LLP, Mr. Wilson clerked for the Honorable David S. Schell of the Fairfax Circuit Court, in the 19th Judicial Circuit of Virginia, and practiced civil and criminal litigation in the Northern Virginia area.

Mr. Wilson's published works include *A Defense of Disclosure-based Settlements in US M&A Litigation*, *Financier Worldwide.com* (February 2013); *Free Speech v. Trial by Jury: The Role of the Jury in the Application of the Pickering Test*, 18 *George Mason University Civil Rights Law Journal* 389 (2008); and *Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?*, *Journal of Taxation and Regulation of Financial Institutions*, September/October 2007, at 5 (with Donald J. Enright).

Mr. Wilson is a member of the Virginia and District of Columbia bars.

GORDON M. FAUTH
Of Counsel

GORDON M. FAUTH has been Of Counsel with FINKELSTEIN THOMPSON LLP since March 2017 and practices in the fields of consumer protection and antitrust litigation. Mr. Fauth has a cutting edge background in complex litigation, with extensive experience in civil litigation, including class action and antitrust litigation, consumer litigation, civil rights, personal injury and business litigation. He has successfully prosecuted many actions in which multi-million dollar results were achieved. Mr. Fauth received his undergraduate degree in Government from Harvard University and his law degree from the University of California at Berkeley in 1997.

Mr. Fauth is admitted to practice before both California and Federal courts, including all California trial courts; the California Court of Appeals; the California Supreme Court; the United State District Courts for the Northern, Eastern, and Central Districts of California; the United States Courts of Appeals for the Fifth and Ninth Circuits; and the United States Supreme Court. He has filed briefs with the California Supreme Court and the United States Supreme Court.

Mr. Fauth is a recognized member of professional organizations including the California Bar Association, the Alameda County Bar Association, and the San Francisco Trial Lawyers Association. He has served as an Advisory Board Member of the American Bar Association.

HOPE E. RANOA
Of Counsel

HOPE E. RANOA joined FINKELSTEIN THOMPSON LLP in December 2018 and practices in the San Francisco office. She was born in Manila, Philippines, the daughter and granddaughter of Filipina lawyers, and raised in the heart of San Francisco. Ms. Ranoa earned her *cum laude* Bachelor of Arts in Political Science from San Francisco State University in 2006. She then attended U.C. Hastings College of the Law, receiving her juris doctorate with a concentration in public interest law in 2010. After taking a few years off to pursue music, she was then admitted into the California State Bar in 2014. She has a diverse practice with experience in family law, immigration and civil litigation. She has represented clients before the Superior Court of California, the U.S. Bankruptcy Court Northern District of California, the California Labor Commissioner's Office, and the Executive Office for Immigration Review.

HENRY WOODS

Paralegal

HENRY WOODS joined FINKELSTEIN THOMPSON LLP in September 2017. He received a Bachelor of Arts in Strategic, Legal & Management Communications from Howard University School of Communication. He is a member of Phi Beta Sigma Fraternity Inc. and received the TRiO Scholars Scholarship for excellent leadership and achievement. Prior to joining FT, he gained ample experience working in legal offices such as the District of Columbia's Office of the Attorney General, the Cochran Firm, and D.C. Court Services & Offender Supervision Agency.

Mr. Woods works in the Washington, DC office.

EXHIBIT 19

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF ALEXANDRA
STEELE IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Alexandra Steele, declare as follows:

2 1. I am an attorney and partner at the law firm of STEELE COOPER LAW (formerly
3 with GIRARDI KEESE (“firm”).

4 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees, I was
6 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
7 pre-approved reserve group that was available to provide assistance and additional support to
8 leadership.

9 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
10 with years in practice, most recent hourly rates reported to the Court during the pendency of this
11 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
12 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
13 and trial experience of each professional can be found, to the extent available, in the firm resume
14 attached hereto as Exhibit C.

15 4. The detailed descriptions of the time spent by the attorneys and other professionals
16 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
17 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs’
18 Executive Committee and Co-Lead Counsel pursuant to the Court’s July 3, 2018 Case
19 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
20 time records are available for the Court’s review should the Court desire such records.

21 5. The total number of hours expended on this litigation by my firm, as approved by
22 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
23 consolidation through July 31, 2020 is 15.70 hours. The total lodestar for my firm is \$4,692.50.

24 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
25 (“expenses”) totaling \$0.00, which were necessary in relation to this litigation and submitted,
26 vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel
27 pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this
28 litigation are reflected in the books and records of my firm. These books and records are prepared

1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19
5 day of August, 2020, at Pasadena, California.



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ALEXANDRA STEELE

EXHIBIT A

Girardi Keese

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Steele, Alexandra	Associate (5 years)	\$ 475.00	7.80	\$ 3,705.00
McCorkle, J.R.	Paralegal	\$ 125.00	7.90	\$ 987.50
TOTAL			15.70	\$ 4,692.50

EXHIBIT B

EXHIBIT B**GIRARDI KEESE**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ -
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ -
TOTAL	\$ -

EXHIBIT C

EXHIBIT 20

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF KYLE J. MCGEE IN
SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Kyle J. McGee, declare as follows:

2 1. I am a Director at the law firm of GRANT & EISENHOFER P.A.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, among other things, I conducted
6 and oversaw legal research projects concerning international consumer protection law and contract
7 law, the constitutional and statutory requirements and policy objectives of foreign judiciaries with
8 respect to the enforcement and preclusive effect of American court judgments in general and class
9 action orders in particular, and American federal courts' assessments under Federal Rule of Civil
10 Procedure 23 of classes composed of or including foreign class members; worked with experts in
11 foreign law who submitted expert reports regarding those subjects; worked with non-U.S. plaintiffs
12 to prepare and substantiate their claims; and continually monitored non-U.S. court and
13 administrative proceedings regarding the subject matter of this litigation, regularly updating Co-
14 Lead Plaintiffs' Counsel.

15 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
16 with years in practice, most recent hourly rates reported to the Court during the pendency of this
17 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
18 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
19 and trial experience of each professional can be found, to the extent available, in the firm resume
20 attached hereto as Exhibit C.

21 4. The detailed descriptions of the time spent by the attorneys and other professionals
22 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
23 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
24 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
25 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
26 time records are available for the Court's review should the Court desire such records.

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EXHIBIT A

Grant & Eisenhofer, PA

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Alice Cho	Staff/Project Attorney (15 yrs)	\$ 440.00	1.40	\$ 616.00
Inna Watson	Paralegal (9 yrs)	\$ 210.00	0.80	\$ 168.00
Kyle McGee	Partner (11 years)	\$ 800.00	139.10	\$ 111,280.00
Max Brandy	Paralegal (13 yrs)	\$ 210.00	6.50	\$ 1,365.00
Olav Haazen	Partner (24 yrs)	\$ 865.00	0.90	\$ 778.50
Rebecca Mussara	Senior Counsel (11 yrs)	\$ 750.00	98.00	\$ 73,500.00
Robyn Finnimore-Pierce	Paralegal (17 years)	\$ 220.00	0.90	\$ 198.00
Toby Saviano	Paralegal (23 yrs)	\$ 220.00	4.90	\$ 1,078.00
TOTAL			252.50	\$ 188,983.50

EXHIBIT B

EXHIBIT B

Grant & Eisenhofer P.A.

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	\$ 59.25
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	\$ 79.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 1,019.91
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$ 13.80
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$ 25,000.00
TOTAL	\$ 26,171.96

EXHIBIT C

**GRANT & EISENHOFER P.A.
FIRM BIOGRAPHY**

Grant & Eisenhofer P.A. (“G&E”) concentrates on federal securities and corporate governance litigation and other complex class litigation. With over 60 attorneys, G&E primarily represents domestic and foreign institutional investors, both public and private, who have been damaged by corporate fraud, greed and mismanagement. The Firm was named to The National Law Journal’s “Plaintiffs’ Hot List” for more than a decade and is listed as one of America’s Leading Business Law Firms by Chambers & Partners, who reported that G&E “commanded respect for its representation of institutional investors in shareholder and derivative actions, and in federal securities fraud litigation.” Based in Delaware, New York, Chicago, Birmingham, and San Francisco, G&E routinely represents clients in federal and state courts throughout the country. G&E’s clients include the California Public Employees’ Retirement System, New York State Common Retirement Fund, Ohio Public Employees’ Retirement System, State of Wisconsin Investment Board, Teachers’ Retirement System of Louisiana, PIMCO, Trust Company of the West, The Capital Guardian Group and many other public and private U.S. and international institutions.

G&E was founded in 1997 by Jay W. Eisenhofer and Stuart M. Grant, former litigators in the Wilmington office of the nationally prominent firm of Skadden, Arps, Slate, Meagher & Flom LLP. Over the years, the Firm’s directors have gained national reputations in securities and corporate litigation. In fact, G&E was the first law firm in the country to argue the provisions of the Private Securities Litigation Reform Act (“PSLRA”) allowing an institutional investor to be appointed as lead plaintiff in a securities class action. The Firm has gone on to build a national and international reputation as a leader in securities litigation. In both class action and “opt-out” cases, G&E has attracted widespread recognition for protecting investors’ rights and recovering their damages. RiskMetrics Group has twice recognized G&E for securing the highest average investor recovery in securities class actions.

G&E has served as lead counsel in many of the largest securities class action and derivative recoveries, including:

- \$3.2 billion settlement from Tyco International Ltd. and related defendants
- \$922 million from UnitedHealth Group
- \$486 million settlement from Pfizer
- \$448 million settlement in Global Crossing Ltd. securities litigation
- \$422 million total class recovery for investors in the stock and bonds of Refco
- \$400 million recovery from Marsh & McLennan
- \$325 million from Delphi Corp.
- \$303 million settlement from General Motors
- \$300 million settlement from DaimlerChrysler Corporation
- \$300 million recovery from Oxford Health Plans
- \$276 million judgment & settlement for Safety-Kleen bond investors

G&E has also achieved landmark results in corporate governance litigation, including:

In re UnitedHealth Group Inc. Shareholder Derivative Litigation: G&E represented the Ohio Public Employees Retirement System, State

Teachers Retirement System of Ohio, and Connecticut Retirement Plans and Trust Funds as lead plaintiffs in a derivative and class action suit in which G&E successfully challenged \$1.2 billion in back-dated options granted to William McGuire, then-CEO of health care provider UnitedHealth Group (“UHG”). This was among the first – and most egregious – examples of options backdating. G&E’s case against UHG produced a settlement of \$922 million, the largest settlement in the history of derivative litigation in any jurisdiction.

In re Digex, Inc. Shareholders Litigation – G&E initiated litigation alleging that the directors and majority stockholder of Digex, Inc. breached fiduciary duties to the company and its public shareholders by permitting the majority shareholder to usurp a corporate opportunity that belonged to Digex. G&E’s efforts in this litigation resulted in an unprecedented settlement of \$420 million, the largest settlement in the history of the Delaware Chancery Court.

Caremark / CVS Merger - G&E represented two institutional shareholders in this derivative litigation challenging the conduct of the board of directors of Caremark Rx Inc. in connection with the negotiation and execution of a merger agreement with CVS, Inc., as well as the board’s decision to reject a competing proposal from a different suitor. Through the litigation, Caremark’s board was forced to renegotiate the terms of the merger agreement with CVS. The settlement ensured statutory rights of Caremark shareholders, providing an additional \$3.19 billion in cash consideration.

Teachers’ Retirement System of Louisiana v. Greenberg, et al. and American International Group, Inc.: In what was, at the time, the largest settlement of shareholder derivative litigation in the history of the Delaware Chancery Court, G&E reached a \$115 million settlement in a lawsuit against former executives of AIG for breach of fiduciary duty. The case challenged hundreds of millions of dollars in commissions paid by AIG to C.V. Starr & Co., a privately held affiliate controlled by former AIG Chairman Maurice “Hank” Greenberg and other AIG directors. The suit alleged that AIG could have done the work for which it paid Starr, and that the commissions were simply a mechanism for Greenberg and other Starr directors to line their pockets.

AFSCME v. AIG – This historic federal appeals court ruling in favor of G&E’s client established the right, under the then-existing proxy rules, for shareholders to place the names of director candidates nominated by shareholders on corporate proxy materials – reversing over 20 years of adverse rulings from the SEC’s Division of Corporate Finance and achieving what had long been considered the “holy grail” for investor activists. Although the SEC took nearly immediate action to reverse the decision, the ruling renewed and intensified the dialogue regarding proxy access before the SEC, ultimately resulting in a new rule currently being

considered by the SEC that, if implemented, will make proxy access mandatory for every publicly traded corporation.

Unisuper Ltd. v. News Corp., et al. – G&E forced News Corp. to rescind the extension of its poison pill on the grounds that it was obtained without proper shareholder approval.

Teachers' Retirement System of Louisiana v. HealthSouth – G&E negotiated a settlement which ousted holdover board members loyal to indicted CEO Richard Scrushy and created mechanisms whereby shareholders would nominate their replacements.

Carmody v. Toll Brothers – This action initiated by G&E resulted in the seminal ruling that “dead-hand” poison pills are illegal.

In addition, the Firm’s lawyers are often called upon to testify on behalf of institutional investors before the SEC and various judicial commissions, and they frequently write and speak on securities and corporate governance issues. G&E managing director Jay Eisenhofer and director Michael Barry are co-authors of the *Shareholder Activism Handbook*, and in 2008, Jay Eisenhofer was named by *Directorship Magazine* as one of the “100 Most Influential People in Corporate Governance and the Boardroom.”

G&E is proud of its success in fighting for institutional investors in courts and other forums across the country and throughout the world.

G&E's ATTORNEYS

Jay W. Eisenhofer

Jay Eisenhofer, co-founder and managing director of Grant & Eisenhofer P.A., has been counsel in more multi-hundred million dollar cases than any other securities litigator, including the \$3.2 billion settlement in the Tyco case, the \$922 million UnitedHealth Group settlement, the \$486 million settlement with Pfizer, the \$450 million settlement in the Global Crossing case, a \$400 million settlement with Marsh & McLennan, a \$303 million settlement with General Motors and a \$300 million settlement with DaimlerChrysler. Internationally, Mr. Eisenhofer has organized cases on behalf of investors leading to substantial recoveries, including the \$1.5 billion settlement with Fortis in the Netherlands, the \$1 billion recovery against Royal Bank of Scotland in the United Kingdom, and the historic \$450 million pan-European settlement in the Royal Dutch Shell case in the Netherlands. Mr. Eisenhofer was also the lead attorney in the seminal cases of *American Federation of State, County & Municipal Employees, Employees Pension Plan v. American International Group, Inc.*, where the U.S. Court of Appeals required shareholder proxy access reversing years of SEC no-action letters, and *Carmody v. Toll Brothers*, wherein the Delaware Court of Chancery first ruled that so-called “dead-hand” poison pills violated Delaware law.

Mr. Eisenhofer has served as litigation counsel to many public and private institutional investors, including, among others, Amalgamated Bank, APG Asset Management, California Public Employees Retirement System, California State Teachers Retirement System, Colorado Public Employees Retirement Association, the Florida State Board of Administration, John Hancock, Louisiana State Employees Retirement System, New York City Retirement Funds, Inc., and Service Employees International Union.

Mr. Eisenhofer is consistently ranked as a leading securities and corporate governance litigator and he has been named by Lawdragon to its annual list of the top 500 lawyers in America for several consecutive years. He is also recognized by Benchmark Litigation as one of the Top 100 Trial Lawyers. *The National Law Journal* has selected Grant & Eisenhofer to its “Plaintiffs’ Hot List” as one of the top plaintiffs’ law firms in the country since the List’s inception, earning the firm a place in *The National Law Journal’s* “Plaintiffs’ Hot List Hall Of Fame” in 2008, as well as to its list of “Elite Trial Lawyers: The 50 Leading Plaintiffs Firms in America” since commencement of the list. The firm has been selected as a “Most Feared Plaintiffs Firm” by *Law360* as “one of the most high-profile shareholder and whistleblower advocates in the country, securing record-high cash settlements.” *U.S. News & World Report* has also repeatedly named Grant & Eisenhofer to its list of “Best Law Firms” in the fields of Securities Litigation, Commercial Litigation, and Corporate Law. Mr. Eisenhofer is rated AV by Martindale-Hubbell.

Mr. Eisenhofer has written and lectured widely on securities fraud and insurance coverage litigation, business and employment torts, directors' and officers' liability coverage, and the Delaware law of shareholder rights and directorial responsibilities. Among the publications he has authored: “The Shareholders Activism Handbook” Aspen Publishers; “Proxy Access Takes Center Stage – The Second Circuit’s Decision in *AFSCME Employees Pension Plan v. American International Group, Inc.*” *Bloomberg Law Reports*, Vol. 1, No. 5; “Investor Litigation in the U.S. - The System is Working” *Securities Reform Act Litigation Reporter*, Vol. 22, #5; “*In re Walt Disney Co. Deriv. Litig.* and the Duty of Good Faith Under Delaware Corporate Law” *Bank*

& *Corporate Governance Law Reporter*, Vol. 37, #1; “Institutional Investors As Trend-Setters In Post-PSLRA Securities Litigation” *Practising Law Institute*; “*In re Cox Communications, Inc.: A Suggested Step in the Wrong Direction*,” *Bank and Corporate Governance Law Reporter*, Vol. 35, #1; “Does Corporate Governance Matter to Investment Returns?” *Corporate Accountability Report*, Vol. 3, No. 37; “Loss Causation in Light of Dura: Who is Getting it Wrong?” *Securities Reform Act Litigation Reporter*, Vol. 20, #1; “Giving Substance to the Right to Vote: An Initiative to Amend Delaware Law to Require a Majority Vote in Director Elections,” *Corporate Governance Advisor*, Vol. 13, #1; “An Invaluable Tool in Corporate Reform: Pension Fund Leadership Improves Securities Litigation Process,” *Pensions & Investments*; and “Securities Fraud, Stock Price Valuation, and Loss Causation: Toward a Corporate Finance-Based Theory of Loss Causation,” *Business Lawyer*. Mr. Eisenhofer has also authored a number of articles on illiquid and rouge hedge funds, including “Time for Hedge Funds to Become Accountable to Fiduciary Investors,” *Pensions & Investments*; and “Hedge Funds of the Living Dead,” *New York Times Dealbook*.

Mr. Eisenhofer serves as a member of the NYU Law School Advisory Board for the Center on Civil Justice. He is a graduate of the University of Pittsburgh, and a 1986 *magna cum laude* graduate of Villanova University School of Law, Order of the Coif. He was a law clerk to the Honorable Vincent A. Cirillo, President Judge of the Pennsylvania Superior Court and thereafter joined the Wilmington office of Skadden Arps Slate Meagher & Flom. Mr. Eisenhofer was a partner in the Wilmington office of Blank Rome Comisky & McCauley until forming Grant & Eisenhofer P.A. in 1997.

Jeff A. Almeida

Jeff Almeida is a director at Grant & Eisenhofer practicing in the areas of Delaware corporate litigation and both domestic and international securities litigation.

Mr. Almeida has a wide breadth of complex commercial litigation experience, with over 22 years of practice. He has primarily represented domestic and foreign institutional investors in prominent securities fraud class actions and opt-out cases, including *In re JPMorgan Chase & Co. Securities Litigation (London Whale)* (S.D.N.Y.); *In re Medtronic Securities Litigation* (D. Minn.); *In re Refco Inc. Securities Litigation* (S.D.N.Y.); *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation* (D.N.J.); *In re Bank of America/Merrill Lynch Securities Litigation* (S.D.N.Y.); *In re Pfizer Inc. Securities Litigation* (S.D.N.Y.); *In re Global Cash Access Holdings Securities Litigation* (D. Nev.); and *In re Career Education Corp. Securities Litigation* (S.D. Ill.). In addition, Mr. Almeida has played prominent roles in international securities cases involving RBS (U.K.), Volkswagen (Germany), and Danske Bank (Denmark).

Mr. Almeida has also been actively engaged in derivative, class, and appraisal litigation in the Delaware Court of Chancery, including the matters *In re Tyson Foods, Inc. Consolidated Shareholder Litigation*, which resulted in historic rulings clarifying the fiduciary duties of corporate directors in connection with the administration of stock option plans; *Louisiana Municipal Police Employees' Retirement System v. Crawford (Caremark)*, a well-publicized derivative action challenging the terms of the Caremark and CVS merger that resulted in a \$3.2 billion settlement; and *In re Genentech Inc. Shareholder Litigation*, where he successfully represented Genentech minority stockholders in controlling stockholder Roche's attempt to squeeze out the minority to seize full control of Genentech.

Grant & Eisenhofer currently leverages Mr. Almeida's broad experience and success in stockholder litigation to manage the firm's investigation and development of new cases. In this role, Mr. Almeida conducts in-depth investigations into dozens of potential securities fraud claims, and other derivative and corporate governance matters, in order to develop the legal theories that support Grant & Eisenhofer's litigation efforts.

Prior to joining Grant & Eisenhofer in August 2004, Mr. Almeida was affiliated for six years as an attorney with a major Philadelphia defense firm, where he practiced in the areas of complex commercial litigation and class action defense.

Mr. Almeida is a 1994 graduate of Trinity College in Hartford, Connecticut, where he captained the varsity basketball team and achieved election to Phi Beta Kappa, and a 1997 graduate of William and Mary Law School in Williamsburg, Virginia. Mr. Almeida is admitted to practice in Delaware, Pennsylvania, and New Jersey, along with several federal courts.

Thomas V. Ayala

Thomas Ayala is a director at Grant & Eisenhofer, representing individuals and public entities impacted by injury-causing consumer goods, pharmaceutical drugs, medical devices, environmental contamination and pollution, and large-scale accidents and disasters.

Prior to his representation of individuals and victims of negligence or misconduct, Mr. Ayala worked for an international law firm serving as national counsel to companies in multidistrict litigation proceedings and class actions, including pharmaceuticals, medical devices, construction products, consumer products, life insurance, and other financial services.

Immediately following law school, Mr. Ayala was a law clerk to Judge Eduardo C. Robreno of the U.S. District Court for the Eastern District of Pennsylvania, where he assisted the judge in presiding over multiple jury trials and contributed to the administration of justice in matters arising under federal and state law.

Mr. Ayala earned his J.D., *summa cum laude*, from Villanova University School of Law in 2004, where he served as editor-in-chief of the *Villanova Law Review* and was named to the Order of the Coif. At Villanova, Mr. Ayala served as an intern to the late Judge Charles R. Weiner.

Michael J. Barry

Michael Barry is a director at Grant & Eisenhofer focusing on corporate governance and securities litigation. For over thirteen years, he has represented institutional investors in litigation relating to securities fraud, corporate fiduciary responsibilities, shareholder proposals under SEC Rule 14a-8, and corporate governance generally. As a foremost practitioner in these areas, Mr. Barry has been significantly involved in groundbreaking class action recoveries, corporate governance reforms and shareholders rights litigation.

He has been instrumental in landmark corporate governance cases, including *AFSCME v. AIG*, which recognized shareholders' right to introduce proxy access proposals; *Bebchuk v. CA, Inc.*, which allowed shareholders to introduce proposals restricting a board's ability to enact poison pills; and *CA, Inc. v. AFSCME*, a historic decision of the Delaware Supreme Court regarding the

authority of shareholders to adopt corporate bylaws. His casework includes the Genentech Shareholder Litigation, resulting in an increase of \$3 billion in value for shareholders arising from a corporate merger; a \$922 million settlement in the UnitedHealth Group derivative litigation, resolving one of the most egregious examples of options backdating; an \$89.4 million recovery for stockholders of Del Monte Foods Co. in a case that exposed significant conflicts of interest in staple financing in corporate mergers; and a \$153.75 million recovery in a derivative action on behalf of Freeport-McMoRan Corporation shareholders, which included, for the first time in derivative litigation, a provision that the entire cash portion of the recovery—\$147.5 million—be distributed to shareholders in the form of a special dividend.

Mr. Barry has spoken widely on corporate governance and related matters. In addition to having served as a guest lecturer at Harvard Law School, he speaks at numerous conferences each year. Mr. Barry has authored several published writings, including the *Shareholder Activism Handbook*, a comprehensive guide for shareholders regarding their legal rights as owners of corporations, which he co-authored. In 2015, Mr. Barry was selected to the Markets Advisory Council for the Council of Institutional Investors.

Prior to joining Grant & Eisenhofer, Mr. Barry practiced at a large Philadelphia-based firm, where he defended the Supreme Court of Pennsylvania, the Pennsylvania Senate and Pennsylvania state court judges in a variety of trial and appellate matters. He is a 1990 graduate of Carnegie Mellon University and graduated *summa cum laude* in 1993 from the University of Pittsburgh School of Law, where he was an Executive Editor of the *University of Pittsburgh Law Review* and a member of the Order of the Coif.

Daniel L. Berger

Daniel Berger is a director at Grant & Eisenhofer. Prior to joining the firm, Mr. Berger had been a partner at two major plaintiffs' class action firms in New York, where he litigated complex securities and discrimination class actions for twenty-two years.

Mr. Berger's experience includes trying three 10b-5 securities class actions to jury verdicts, which are among very few such cases ever tried, as well as conducting trials in Delaware Chancery Court and other state courts. Mr. Berger served as principal lead counsel in many of the largest securities class action cases in history, achieving successful recoveries for classes of investors in *In re JPMorgan Chase & Co. Securities Litigation* (\$150 million); *In re Merck Vytarin/Zetia Securities Litigation* (\$215 million); *In re Cendant Corp. Securities Litigation* (\$3.3 billion); *In re Lucent Technologies, Inc. Securities Litigation* (\$675 million); *In re Bristol-Myers Squibb Securities Litigation* (\$300 million); *In re Daimler Chrysler A.G. Securities Litigation* (\$300 million); *In re Consec, Inc. Securities Litigation* (\$120 million); *In re Symbol Technologies Securities Litigation* (\$139 million); and *In re OM Group Securities Litigation* (\$92 million).

Mr. Berger has successfully argued several appeals that made new law favorable to investors, including *In re Suprema Specialties, Inc. Securities Litigation*, 438 F.3d 256 (3d Cir. 2005); *McCall v. Scott*, 250 F.3d 997 (6th Cir. 2001) and *Fine v. American Solar King Corp.*, 919 F.2d 290 (5th Cir. 1990.) In addition, Mr. Berger was lead class counsel in many important discrimination class actions, in particular *Roberts v. Texaco, Inc.*, where he represented African-

American employees of Texaco and achieved the then largest settlement (\$175 million) of a race discrimination class action.

Mr. Berger is a member of the faculty of Columbia University School of Law, where he is a Lecturer in Law. He also serves on the Board of Visitors of the Law School. Previously, Mr. Berger was a member of the Board of Managers of Haverford College from 2000-2003. He is a member of the Board of Directors (and was Board co-Chair) of the GO Project, a not-for profit organization that provides academic support for New York City public school students. He also serves on the Board of the Madison Square Park Conservancy, a public-private partnership that operates and preserves one of New York City's great parks.

Mr. Berger is a 1976 graduate of Haverford College, and graduated in 1979 from Columbia University School of Law.

Diandra “Fu” Debrosse Zimmermann

Diandra (“Fu”) Debrosse Zimmermann is a director at Grant & Eisenhofer focusing her practice on the representation of public entities and on complex litigation, including pharmaceutical, medical device, data breach, environmental contamination and civil rights litigation. Among other matters currently she represents victims of civil rights violations, businesses wrongfully denied business interruption and civil authority coverage after being devastated by government shut-down orders due to COVID-19, and jurisdictions impacted by PFAS water contamination.

Prior to joining G&E, Ms. Debrosse was a principal at an Alabama-based law firm where she represented over fifty cities and counties against pharmaceutical manufacturers and distributors in the Opiate MDL. Over her career, she has successfully litigated mass tort, class action, product liability, discrimination, and civil sexual assault claims. Ms. Debrosse currently works with a number of public entity clients across the country. She is also serving on the Plaintiffs' Steering Committee for the *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Liability Litigation* (MDL No. 2775).

Among her many accolades, Ms. Debrosse, was selected by the National Trial Lawyers in the “Top 40 Under 40,” as well as the “Top 10 Under 40” for the State of Alabama by the National Academy of Personal Injury Attorneys, Inc. She was named to The National Trial Lawyers: Top 100, recognized in the list of America's Top 100 High Stakes Litigators®, selected for inclusion to *Alabama Super Lawyers* for several years, and named as a Top Woman Attorney by *B-Metro* magazine. Ms. Debrosse is AV-rated by Martindale-Hubbell.

Ms. Debrosse serves on the Board of Governors for the American Association for Justice, the Board of Governors of the Southern Trial Lawyer Association, and is a current member of the Board of Bar Commissioners for the Alabama State Bar. Ms. Debrosse has the distinction of serving as a Disciplinary Hearing Officer for the Alabama State Bar General Counsel's Office. Ms. Debrosse served fourterms as a member of the Executive Committee of the Birmingham Bar Association, is a former President of the Magic City Bar Association, and is a past Vice President of the Alabama State Bar.

Ms. Debrosse earned her B.A., *summa cum laude*, in English Literature from the City College of the City University of New York, where she was an Isaacs Fellow. She received her J.D. from

the Case Western Reserve University School of Law, where she received a leadership grant and many other awards. She is fluent in French, Haitin Creole, and Spanish.

Robert G. Eisler

Robert Eisler is a director at Grant & Eisenhofer and leads the firm's antitrust practice. Mr. Eisler has been involved in many significant antitrust class action cases in recent years. He is experienced in numerous industries, including pharmaceuticals, paper products, construction materials, industrial chemicals, processed foods, municipal securities, and consumer goods.

Mr. Eisler is currently serving as co-lead counsel in several cases, including *Gordon et al. v. Amadeus et al., In re London Silver Fixing, Ltd. Antitrust Litigation* and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*. He has served as lead or co-lead counsel in many other significant antitrust cases, including *In re Buspirone Antitrust Litigation* (which led to a \$90 million settlement in which presiding Judge Koeltl stated that the plaintiffs' attorneys had done "a stupendous job"), *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, *In re Flat Glass Antitrust Litigation*, and *In re Municipal Derivatives Antitrust Litigation*.

Mr. Eisler has played major roles in a number of other significant antitrust cases, including *In re Polyurethane Foam Antitrust Litigation*, *In re Blue Cross/Blue Shield Antitrust Litigation*, and *In re Linerboard Antitrust Litigation*. He also has significant experience litigating antitrust matters in the UK, including cases concerning cartels in a number of industries, such as air cargo services, air passenger services, automotive glass, and pharmaceuticals, among others.

In addition to his antitrust work, Mr. Eisler has extensive experience in securities, derivative, complex commercial and class action litigation at the trial and appellate levels. He has been involved in numerous securities and derivative litigation matters on behalf of public pension funds, municipalities, mutual fund companies and individual investors in state and federal courts.

Mr. Eisler graduated from LaSalle University in 1986, and in 1989, from Villanova University School of Law.

Deborah A. Elman

Deborah Elman is a director at Grant & Eisenhofer, where she has nearly two decades' experience representing both plaintiffs and defendants in high-profile antitrust and securities litigation, with a particular focus litigating claims in the pharmaceutical and financial services industries. She has represented institutional clients and individuals in an array of complex civil litigation cases, including class actions, opt-outs, derivative actions, and arbitrations. Ms. Elman is also Co-Director of the Grant & Eisenhofer ESG Institute.

Currently, Ms. Elman serves as co-lead counsel in several cases, including *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, *In re London Silver Fixing, Ltd. Antitrust Litigation*, and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*. She is a member of the Executive Committee in *In Re: Humira (Adalimumab) Antitrust Litigation*, and class counsel in *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, *In re Novartis and Par Antitrust Litigation (Exforge)*, and *In re Seroquel XR Litigation End-Payor Class*, among others.

Ms. Elman litigated and settled numerous cases related to the financial crisis, including more than fifteen actions arising out of wrongdoing involving the issuance of residential mortgage-backed securities (“RMBS”) and other complex financial products, and was class counsel in *Alaska Electrical Pension Fund v. Bank of America Corporation et al.* (“ISDAFix”) and *In re Foreign Exchange Benchmark Rates Antitrust Litigation* (“FOREX”). Additionally, Ms. Elman was a member of the litigation teams that successfully represented the lead plaintiff in a case dubbed “The Enron of India,” *In re Satyam Computer Services Ltd. Securities Litigation*, which settled for \$150.5 million, and *In re Kinder Morgan Energy Partners, L.P. Derivative Litigation*, which settled for \$27.5 million. She represented institutional investors in *In re Merck and Co., Inc. Securities, Derivative & ERISA Litigation* and *In re Petrobras Securities Litigation*, resulting in substantial investor recoveries.

Prior to joining Grant & Eisenhofer, Ms. Elman represented clients before the SEC, DOJ, and state regulators, and participated in numerous appearances before federal and state courts as an associate at a leading New York law firm.

Ms. Elman served as a law clerk for the Honorable William L. Standish in the United States District Court for the Western District of Pennsylvania.

Ms. Elman graduated *cum laude* in 2001 from the University of Pittsburgh School of Law, where she was Lead Executive Editor of the *Journal of Law and Commerce*. She received a Masters of Public Health degree in 1997 from Columbia University, where she also graduated *cum laude* with a Bachelor of Arts degree in 1995.

Kimberly A. Evans

Kimberly Evans is a director within the firm’s civil rights practice group and a dynamic advocate for victims of wrongful incarceration, sexual assault, and other forms of harassment. Her current representations include, among others:

- *Aguirre-Jarquin v. Hemmert et al.* (M.D. Fla.), an action alleging Section 1983 and related claims against defendants relating to the investigation leading to plaintiff’s death row sentence and 14 years of wrongful incarceration for two murders that he did not commit.
- *Sterling et al. v. Evanston Township High School District 202 et al.* (N.D. Ill.), an action alleging Section 1983, Title IX, and related claims in connection with the sexual assault and inappropriate grooming of plaintiff and other female students by the school’s safety officers.
- *Pambakian v. Blatt et al.* (C.D. Cal.), an action alleging that the plaintiff, a former senior executive of the dating app Tinder, was sexually assaulted by her boss, that her employer attempted to cover up the incident by offering her compensation, and that she was later terminated for reporting the incident. This case is currently on appeal before the Ninth Circuit, where the court is being asked to consider the important issue of forced arbitration in sexual assault cases.

Ms. Evans is an experienced trial lawyer who has litigated a number of complex corporate matters, including *In re Dole Food Co. Stockholder Litigation* and *In re Dole Food Co. Appraisal Litigation*, a stockholder class and appraisal litigation resulting in a damages award of \$148 million, plus interest, following a nine-day trial in Delaware Chancery Court. The *Dole* litigation represents one of the largest recoveries in a non-derivative action in the history of the Delaware Chancery Court. Ms. Evans has tried a number of cases before the Delaware Court of Chancery, including *In re Appraisal of DFC Global, Corp.*, *In re Appraisal of PetSmart, Inc.*, and *In re Appraisal of Jarden Corporation*; and litigated foreign appraisal actions in the Cayman Islands, including *In the matter of Nord Anglia Education*.

Prior to joining Grant & Eisenhofer, Ms. Evans worked as a paralegal in the Juvenile Division of the Philadelphia District Attorney's Office. Ms. Evans is a member of the Delaware State Bar Association and the Delaware Chapter of the Rodney Inn of Court. In 2017, Ms. Evans was selected as one of the Legal 500 Next Generation Lawyers in the area of Plaintiff M&A Litigation. In 2019, she was again selected by Legal 500 as a Rising Star.

Elizabeth (Beth) Graham

Elizabeth ("Beth") Graham is a director at Grant & Eisenhofer. She leads the firm's complex pharmaceutical and medical device litigation practice and serves as a member of the firm's Executive Committee. Ms. Graham has spent most of her career as a plaintiffs' lawyer advocating for the rights of individuals, families and small businesses harmed by large corporations.

Ms. Graham's expertise spans the practice areas of mass tort, consumer fraud, product liability, environmental, business torts and gender rights claims. She has served as Lead Counsel in multi-million dollar cases, has acted as a member of various Plaintiffs' Executive Committees in complex actions, and has prior experience as national defense coordination counsel in product liability and environmental litigation.

Ms. Graham is actively representing thousands of injured victims in various cases against corporations, including pharmaceutical companies, medical device manufacturers, public utility and tech companies. Currently, she serves as Co-Lead on the Plaintiffs' Executive Committee and as Chair of the Law & Briefing Committee in *In re Zofran (Ondansetron) Products Liability Litigation* (MDL No. 2657); as Liaison Counsel, a member of the Executive Committee and as Chair of the Law & Briefing Committee in *In re Essure Product Cases* (JCCP 4887); and as Co-Lead class counsel in the *In re Columbia Gas Explosion Cases* (Mass. Sup. Ct.) in which she was a principal negotiator of the recent \$143 million class action settlement.

Ms. Graham serves in leadership in *Gilead Tenofovir Cases and Coordinated Actions, Judicial Council Coordination Proceeding No. 5043* representing hundreds of people harmed by certain HIV drugs manufactured by California biotech giant Gilead Sciences. She has served on the Plaintiffs' Steering Committee in *In re Power Morcellator Products Liability Litigation* (MDL No. 2652); and is serving as a member of the Plaintiffs' Steering Committee in *In re Stryker LFIT V40 Femoral Head Products Liability Litigation* (MDL No. 2768); and in *In re Smith & Nephew Birmingham Hip Resurfacing (BHR) Hip Implant Products Liability Litigation* (MDL No. 2775). Ms. Graham also served as co-chair of the Law & Briefing Committee for *In re*

Xarelto Products Liability Litigation (MDL No. 2592). Additionally, Ms. Graham represents victims of the Paradise, California Wildfires (2018).

Prior to joining G&E, Ms. Graham served on the Plaintiffs' Executive Committee and represented victims in the *In re Sulzer Hip Prosthesis and Knee Prosthesis Liability Litigation* (California JCCP 4165). She has served as Lead Counsel on the Plaintiffs' Executive Committee in high profile class actions such as *Borman Automotive v. American Honda Motor Corp.* (MDL No. 1069), which resulted in a \$435 million settlement; and litigation against Chrysler based on its Minivan Doorlatch failures and ABS brake defects. She has also represented hundreds of families injured by environmental contaminants, including radon, arsenic and rocket fuel, resulting in confidential settlements in excess of \$25 million. Ms. Graham also has vast experience as a consultant to other mass tort firms that seek her advice in structuring their cases.

Ms. Graham is an accomplished speaker, often presenting at educational programs sponsored by the American Association for Justice (AAJ); Mass Torts Made Perfect; Harris Martin; and Masters of Mass Tort. Additionally, Ms. Graham is Co-Chair of the AAJ Zofran Litigation Group, and is a member of AAJ's Publications Committee. She is a co-author of "Overcoming the Clear Evidence Defense," published in the July 2016 issue of *Trial* magazine, as well as "Medical Monitoring," published in the July 2018 issue of *Trial*.

In 2018, Ms. Graham was selected to receive the Lifetime Achievement award by America's Top 100 Attorneys®.

Prior to her representation of injured individuals, Ms. Graham worked for large product liability defense firms as national defense counsel and was a partner at prominent San Francisco Bay area law firms.

Olav A. Haazen

Olav Haazen, PhD, is a director at Grant & Eisenhofer. His areas of practice include cross-border securities fraud and antitrust litigation.

Mr. Haazen has significant experience representing foreign and domestic plaintiffs in a variety of antitrust and fraud actions. Most recently, he successfully represented a class of Fortis investors for whom he helped negotiate a record-high \$1.5 billion settlement of all investment fraud claims in the Netherlands and Belgium. Other representations, past and present, include:

- nearly 300 institutional investors from around the world seeking recovery from Volkswagen in German court in connection with its well-publicized manipulation of emissions controls;
- a large group of Laiki and Bank of Cyprus bondholders and depositors with ICSID arbitration claims against Cyprus, whose interests were wiped as part of the 2013 Cyprus bank bail-out;
- foreign Madoff investors on fraud and negligence claims against feeder fund defendants and their auditors, custodians, and administrators;
- a French *qui tam* plaintiff in litigation arising out of the sale of Executive Life Insurance Company; and
- a large regional bakery in its successful monopolization suit against a competitor.

Mr. Haazen has also represented two classes of professional fashion models in price-fixing and consumer fraud actions, which resulted in a virtually unprecedented 100% recovery of all claimants' losses, as well as substantial injunctive relief, which Justice Ramos of the New York Supreme Court lauded as a model for legislative reform.

Prior to joining G&E, Mr. Haazen was counsel at a prominent national law firm, where he successfully represented major corporate clients and individuals in several high-profile RICO, securities, and government investigation matters and commercial disputes, including a well-known playwright against a civil forfeiture claim arising out of Kenneth Starr's "Ponzi" scheme; a utilities company in a significant contract dispute with Enron; and one of the largest franchisors in professional sports in a \$1.2 billion monopolization suit. He has also represented several government entities and officials, including a Westchester County municipality in a \$600 million lawsuit by Donald Trump's Seven Springs LLC, as well as the City and Mayor of Amsterdam, and a foreign country's former Secretary of State.

From 2010-2011, Mr. Haazen served on the American Bar Association's seven-member Standing Committee for Amicus Curiae briefs and the Third-Party Litigation Funding Study Group. From 1996-2001, he served as a Country Reporter for the Netherlands for the European Restatement of Torts, and recently as a Netherlands Reporter to the 17th International Congress of Comparative Law. Mr. Haazen teaches comparative civil procedure and cross-border litigation at Leiden University in the Netherlands, and previously taught at Harvard, Stanford, and Oxford. He has written several books and over 40 articles and case notes. He is admitted as solicitor in England and Wales, and as arbitrator at the Netherlands Arbitration Institute and at the Center for Dispute Resolution (CEDIRES) in Belgium.

Christine M. Mackintosh

Christine Mackintosh is a director at Grant & Eisenhofer, practicing in the areas of corporate and securities litigation. She has represented institutional investors, both public and private, in corporate cases in the Delaware Court of Chancery and in securities fraud class actions in federal courts throughout the country.

Ms. Mackintosh's practice primarily focuses on litigation in the Delaware Court of Chancery, where she has played significant roles in several landmark actions challenging mergers and acquisitions (including *In re Del Monte Foods Company Shareholder Litigation*, which resulted in an \$89.4 million recovery for the class, and *In re El Paso Corporation Shareholder Litigation*, which resulted in a \$110 million recovery for the class) and in several successful shareholder derivative actions (including *In re American International Group, Inc. Consolidated Derivative Litigation*, which resulted in a \$90 million recovery, one of the largest recoveries in a shareholder derivative action in the history of the Delaware Court of Chancery). Ms. Mackintosh recently secured a \$175 million settlement of a derivative action brought on behalf of McKesson Corporation relating to the company's failure to adequately oversee its sales of opioid drugs in an action in the United States District Court for the Northern District of California, and a \$60 million partial settlement of a derivative and class action challenging the acquisition of SolarCity Corporation by Tesla Motors, Inc.

Ms. Mackintosh is a leading member of G&E's appraisal litigation practice and has tried numerous appraisal cases in the Court of Chancery, including *In re Appraisal of Dell, Inc.*, *In re Appraisal of Solera Holdings, Inc.*, and *Verition Partners Master Fund Ltd. v. Aruba Networks, Inc.* Following a closely watched Delaware Supreme Court argument in the *Aruba* appraisal, Ms. Mackintosh obtained a reversal of the Chancery Court's decision that Aruba's fair value equaled its unaffected stock price. Ms. Mackintosh recently represented a number of institutional investors pursuing their appraisal rights against Nord Anglia Education in the Grand Court of the Cayman Islands; following a three-week trial, the Grand Court of the Cayman Islands, Financial Services Division ruled in favor of G&E's client, finding that Nord Anglia's fair value was nearly 16% higher than the deal price.

In addition to her Chancery Court practice, Ms. Mackintosh has played a significant role in a number of securities fraud class actions that have achieved substantial recoveries for classes of investors, including *In re JP Morgan Chase & Co. Securities Litigation* (\$150 million recovery), *In re Refco Securities Litigation* (\$400 million recovery), and *In re Merck & Co., Inc. Vytorin/Zetia Securities Litigation* (\$215 million recovery), and on behalf of individual and institutional investors who have opted out of class actions to pursue individual suits, including representation of investors who opted out of *In re Bank of America Corporation Securities, Derivative & ERISA Litigation*. Outside of the United States, Ms. Mackintosh was a member of the team that secured the historic \$450 million pan-European settlement in the *Royal Dutch Shell* case in the Netherlands and the \$1 billion settlement in the *Royal Bank of Scotland* case in the United Kingdom. She is currently representing institutional investors in connection with litigation against Volkswagen AG in Germany.

A *magna cum laude* graduate of St. Joseph's University, Ms. Mackintosh earned her law degree at the University of Pennsylvania Law School. She is the co-author of two articles published by the Practising Law Institute's *Corporate Law & Practice Course Handbook Series*. "Ethical Issues and Their Impact on Securities Litigation," published in September-October, 2003, was co-authored with Marc J. Sonnenfeld, Viveca D. Parker and Marisel Acosta. "Lessons From Sarbanes-Oxley: The Importance of Independence In Internal Corporate Investigations," published in July, 2003, was co-authored with Alfred J. Lechner, Jr.

Kyle J. McGee

Kyle McGee is a director at Grant & Eisenhofer. Mr. McGee is the head of G&E's Environmental Litigation Group, focusing on sovereign and public entity representation. Mr. McGee also regularly represents state and municipal clients in consumer protection matters, as well as relators or whistleblowers in *qui tam* litigation.

Mr. McGee currently serves as special counsel to several state Attorneys General and municipalities in actions against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources throughout the nation, and against 3M Co., DuPont, Chemours, and other manufacturers of toxic PFAS chemicals and products containing PFAS, which now contaminate groundwater, drinking water, and other public resources. Mr. McGee also represents state agencies in hazardous site litigation arising out of historic disposal practices and emissions of contaminants such as lead and arsenic. Mr. McGee was named to the Environmental Trial Lawyers Association Top 10 for Delaware, and serves on the Executive Committee for the ETLA.

In addition to environmental litigation, Mr. McGee partners with state Attorneys General and municipalities, including public employee health plans, pursuing consumer protection actions against pharmaceutical manufacturers and others in the healthcare industry, primarily concerning the marketing and sale of dangerous products, such as Zantac/ranitidine.

Mr. McGee also represents numerous relators in confidential whistleblower actions under the federal and various state False Claims Acts, pursuing misconduct in diverse fields including medical and mental healthcare, residential mortgage lending, defense contracting, retail, and finance, as well as the whistleblower programs managed by the Securities & Exchange Commission and Commodity Futures Trading Commission.

Representative actions in which Mr. McGee played a principal role include:

- *District of Columbia v. Monsanto Co., et al.* (D.C. Super.), an environmental protection action on behalf of the D.C. government against Monsanto for damages resulting from PCB contamination of major waterways and other natural resources, resulting in a \$52 million recovery.
- *State of Mississippi ex rel. Jim Hood, Attorney General v. GlaxoSmithKline LLC* (Miss. Ch.), a consumer protection action on behalf of Mississippi against pharmaceutical company GSK for allegedly unfair and deceptive marketing practices, resulting in a \$25 million recovery.
- *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation* (D.N.J.), a major securities fraud action against pharmaceutical industry titan Merck & Co., Inc. that settled for \$215 million, jointly prosecuted with a related action, *In re Schering-Plough Corp. ENHANCE Securities Litigation* (D.N.J.), resulting in a \$688 million total recovery—together, the largest securities class action recovery against a pharmaceutical company at the time, and among the top securities settlements with any issuer.
- *In re JP Morgan Chase & Co. Securities Litigation* (S.D.N.Y.), a securities fraud action against investment bank JP Morgan and its leadership arising out of the “London Whale” scandal, resulting in a \$150 million settlement.
- *Champs Sports Bar & Grill Co. v. Mercury Payment Systems, LLC, et al.* (N.D. Ga.), a class action on behalf of small merchants against card processing companies Mercury Payment Systems and Global Payments Direct, which resulted in a settlement worth over \$70 million.
- *In re MyFord Touch Consumer Litigation* (N.D. Cal.), a consumer class action on behalf of owners of Ford vehicles equipped with allegedly defective infotainment units, which resulted in monetary and other relief valued at over \$33 million.
- *T.S. Kao, Inc. v. North American Bancard, LLC, et al.* (N.D. Ga.), a class action on behalf of small merchants against card processing companies North American Bancard and Global Payments Direct, which resulted in a settlement worth \$15 million.
- *Des Roches, et al. v. Blue Shield of California, Inc., et al.* (N.D. Cal.), an ERISA class action brought by three parents of minors denied coverage for mental health and/or substance use disorder treatment by Blue Shield of California and its mental health services administrator, Human Affairs International of California (a subsidiary of Magellan Health, Inc.), based on allegedly faulty criteria, which resulted in the defendants’ inability to resume use of the challenged criteria and other significant

injunctive relief, as well as a \$7 million fund for payment of allegedly improperly denied claims.

- *In re New Oriental Education & Technology Group Securities Litigation* (S.D.N.Y.), a securities fraud action against China-based New Oriental Education & Technology Group relating to alleged accounting manipulations, which settled for \$4.5 million.
- *In re Miller Energy Resources, Inc. Securities Litigation* (E.D. Tenn.), a securities fraud action against oil and gas firm Miller Energy regarding alleged accounting manipulations, which settled for approximately \$3 million.
- *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation* (N.D. Cal.), a consumer class action against Volkswagen, Audi, Porsche, and Robert Bosch LLC, arising out of the “Dieselgate” scandal, which resulted in an unprecedented vehicle buyback program and other relief valued at approximately \$15 billion.
- *British Coal Staff Superannuation Scheme, et al. v. American International Group, Inc.* (S.D.N.Y.), a securities fraud action brought by a number of public pension and retirement funds and other institutional investors against AIG in relation to its alleged concealment of toxic assets during the 2008 financial crisis, which resulted in a substantial investor recovery.
- *Stichting Pensioenfonds ABP, et al. v. Merck & Co., Inc., et al.* (D.N.J.), a securities fraud action brought by a number of public pension and retirement funds and other institutional investors against Merck & Co., Inc., and its former leadership, in relation to the company’s allegedly false statements concerning Vioxx, which resulted in a substantial investor recovery.

Mr. McGee earned a postgraduate research degree, with honors, in the history and philosophy of law from the University of Edinburgh. In 2009, he received his J.D., *cum laude*, from Villanova University, where he was a Dean’s Merit scholar. In 2005, he received a B.A. in philosophy as well as media technologies from the University of Scranton.

Gordon Z. Novod

Gordon Novod is a director at Grant & Eisenhofer, focusing his practice on corporate restructuring and creditors’ rights. He has seventeen years of experience representing *ad hoc* and official committees, distressed investors, lenders, litigation trustees, indenture trustees, trade creditors, and other parties in some of the most complex landmark restructurings and in litigation matters.

Mr. Novod’s industry experience spans the automotive, chemical, construction, energy, entertainment, gaming, manufacturing, media, mining, and retail sectors. He has negotiated, drafted, and litigated all aspects of Chapter 11 plans of reorganization, valuation, and plan confirmation proceedings, contested debtor-in-possession financing and cash collateral use, the pursuit of fraudulent conveyance actions, and other matters involving bankruptcy-related and distressed litigation. He also has extensive experience reviewing, advising clients on, and litigating issues related to corporate debt securities in default and distressed situations, including exchange transactions, redemptions and the Trust Indenture Act.

Mr. Novod prides himself on providing high quality advocacy to clients, keeping their business objectives in mind, thereby enabling him to build lasting relationships. He is also able to grasp complex legal and business issues in order to craft and implement innovative, yet practical solutions to maximize value for clients.

On numerous occasions, Mr. Novod has been acknowledged for his work as a restructuring attorney. In 2011, Law360 called him one of the “Rising Stars” in restructuring and “one of the five bankruptcy attorneys under 40 to watch.” He was also named a finalist in the M&A Advisor’s “40 under 40.” The following year, he was recognized as a “Winner of the 2012 40 Under 40 East M&A Advisor Recognition Awards” and New York *Super Lawyers* – Bankruptcy, “Rising Stars.” From 2013 to 2019, he was selected to New York Metro *Super Lawyers* in Bankruptcy. In addition, he has served on the New York City Bar Association’s Committee on Bankruptcy and Corporate Reorganization.

Prior to joining G&E, Mr. Novod was a partner in the bankruptcy & corporate restructuring group at Brown Rudnick in New York. He also formerly practiced in the corporate restructuring and bankruptcy group at Kramer Levin Naftalis & Frankel LLP.

Mr. Novod’s prominent engagements include:

- The Appvion Liquidating Trust
- Caesars Entertainment Operating Company, Inc. (unsecured noteholder and proposed class representative)
- The Synergy Pharmaceuticals Litigation Trust
- CoBank, ACB (ad hoc noteholder committee)
- AgriBank, FCB (unsecured noteholders)
- The Refco Litigation Trust
- Exco Resources, Inc. (secured lender)
- ShengdaTech, Inc. (ad hoc noteholder committee)
- Chesapeake Energy Corp. (unsecured noteholders and proposed class representatives)
- Cliffs Natural Resources (unsecured noteholders and proposed class representatives)
- Vanguard Natural Resources (unsecured noteholders and proposed class representatives)
- Alpha Natural Resources, Inc. (state court litigant)
- CJ Holding, Co. (state court litigant)
- SunEdison, Inc. (state court litigant)
- Erin Energy Corp. (state court litigant and special counsel to a Chapter 7 trustee)
- Tribune Company (indenture trustee and member of the creditors’ committee)
- Central European Distribution Corporation (ad hoc committee of convertible noteholders)
- Lyondell Chemical Company (creditors’ committee)
- Herbst Gaming, Inc. (creditors’ committee)
- Lehman Brothers (ad hoc consortium of claimholders of Lehman Brothers Special Financing, Inc.)
- Green Valley Ranch Gaming, LLC (ad hoc committee of second lien lenders)
- Palm Harbor Homes, Inc. (indenture trustee and member of the creditors’ committee)
- Equisearch Services, Inc. (trade creditor)

- General Motors Corporation (n/k/a Motors Liquidation Company) (creditors' committee)
- Charter Communications, Inc. (ad hoc first lien lenders)
- Bridgeport Holdings, Inc. (Micro Warehouse, Inc.) (debtors)
- Midway Games, Inc. (secured lender)
- Bethlehem Steel Corp. (creditors' committee)
- WCI Steel, Inc. (ad hoc noteholders' committee and indenture trustee)
- Delphi Corp. (trade creditor and member of the creditors' committee)
- Grace Industries, Inc. (creditors' committee)
- Wave Wireless Corp. (secured lender)
- Diomed, Inc. (licensor and chairman of the creditors' committee)
- TransCare Corp. (creditors' committee)
- Buffets Holdings, Inc. (ad hoc noteholders' committee)
- ASARCO LLC (majority noteholders)
- WestPoint Stevens, Inc. (second lien agent)

Mr. Novod has been a featured panelist and/or moderator on topics involving distressed situations, indenture litigation, indenture analysis, and fraudulent conveyance litigation, including:

- Moderator, "Director Duties in Restructurings," Institutional Investor Educational Foundation – Bankruptcy Litigation Roundtable (November 30, 2018)
- Moderator, "Current Issues in Bankruptcy & Antitrust," Institutional Investor Educational Foundation – 17us Global Shareholder Activism Conference (November 30 - December 1, 2017)
- Speaker, "Out-of-Court Restructuring and the Trust Indenture Act," Institutional Investor Legal Forum Fall 2016 Roundtable (October 28, 2016)
- Moderator, "E&P Restructurings - A Landscape Unlike Traditional Restructurings," Institutional Investor Educational Foundation - Bankruptcy Litigation Roundtable (October 6, 2016)
- Moderator, "Fraudulent Conveyance Actions, the Trust Indenture Act and No Action Clauses - New Rights for Bondholders?" Institutional Investor Educational Foundation - Bankruptcy Litigation Roundtable (October 21, 2015)

Mr. Novod received his J.D. from the Benjamin N. Cardozo School of Law at Yeshiva University, and his B.A. from Emory University.

Lisa B. Weinstein

Lisa Weinstein is a director at Grant & Eisenhofer and leads the firm's birth injury litigation division. Her practice primarily focuses on representing women and children in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. Weinstein founded The Weinstein Law Group, where she represented children who were victims of medical malpractice and birth injuries. In her practice as a

plaintiffs' trial lawyer, Ms. Weinstein has successfully litigated personal injury, medical malpractice and birth injury matters resulting in over \$300 million in settlements and verdicts. Representative of Ms. Weinstein's work is a \$12.5 million settlement in which her client's child suffered brain damage due to lack of oxygen during the labor and delivery process, and over 20 other seven-figure settlements.

Ms. Weinstein was a speaker at the 2015 New Jersey Association for Justice seminar covering "When Medical Malpractice and Mass Tort Overlap," and at the 2016 North American Brain Injury Society's annual conference, speaking about "Representing Children with Acquired TBI." In July 2018, Ms. Weinstein spoke at the American Association for Justice 2018 Annual Convention covering "The Initial Intake and Investigation of Birth Injury Cases - An Approach to Managing Risk," and presented at the American Conference Institute Obstetric Malpractice Claims forum in June 2018 speaking on "Induced Labor Malpractice: Exploring Pitocin Complications and Injuries."

In 2018, Ms. Weinstein was recognized as one of Law360's Personal Injury & Medical Malpractice Rising Stars. Also in 2018, Ms. Weinstein was selected to receive the Lifetime Achievement award by America's Top 100 Attorneys®. In 2020, Ms. Weinstein was selected for inclusion to the Illinois *Super Lawyers* list, and for eight years prior, she was selected to Illinois *Super Lawyers*' list of Rising Stars. She has also been honored by The National Trial Lawyers in the "Top 40 Under 40" for the past seven years. She is a member of the Million Dollar Advocates Forum as well as the Multi-Million Dollar Advocates Forum, recognized for her work in obtaining several notable settlements and verdicts. Additionally, she is the co-chair of the American Association for Justice Birth Trauma Litigation Group. She is also an Arbitrator for the Circuit Court of Cook County and is a Board Member of the Illinois Trial Lawyers Association.

Ms. Weinstein authored "Understanding Newborn Strokes," published in the May 2017 issue of *Trial* magazine.

Ms. Weinstein earned an undergraduate degree from the University of Michigan and graduated *cum laude* from DePaul University College of Law.

Cynthia A. Calder

Cynthia Calder is of counsel at Grant & Eisenhofer. She concentrates her practice in the areas of corporate governance and securities litigation. She has represented shareholders in such seminal cases in the Delaware Court of Chancery as *UniSuper Ltd. v. News Corp.*, vindicating the shareholders' right to vote; *Carmody v. Toll Brothers*, finding the dead-hand poison pill defensive measure was illegal under Delaware law, *Jackson National Life Insurance Co. v. Kennedy*, breaking new ground in the interpretation of fiduciary duties owed to preferred shareholders; *Haft v. Dart Group Corp.*, resolving a contest for control of a significant public corporation; and *Paramount Communications Inc. v. QVC Network*, obtaining an injunction preventing the closing of a merger to force the board of directors to appropriately consider a competing bid for the corporation. More recently, Ms. Calder prosecuted a derivative suit on behalf of American International Group, Inc. shareholders against the company's former CEO, Maurice Greenberg, and other former AIG executives. The action was concluded for a settlement of \$115 million – one of the largest such settlements in the history of the Delaware

Court of Chancery. Ms. Calder was also the Court-appointed representative on the shareholder counsel's committee in the *UnitedHealth Group* derivative litigation, which was settled for more than \$900 million – the largest known derivative settlement in any court system. Ms. Calder also prosecuted a shareholder class action, *In re ACS Shareholder Litigation*, which resulted in one of the largest class recoveries in the history of the Court of Chancery.

Ms. Calder has co-authored numerous articles on corporate governance and securities litigation, including “Options Backdating from the Shareholders’ Perspective” *Wall Street Lawyer*, Vol. 11, No. 3; “Securities Litigation Against Third Parties: Pre-Central Bank Aiders and Abettors Become Targeted Primary Defendants” *Securities Reform Act Litigation Reporter*, Vol. 16, No. 2; and “Pleading Scierter After Enron: Has the World Really Changed?” *Securities Regulation & Law*, Vol. 35, No. 45.

Ms. Calder graduated *cum laude* from the University of Delaware in 1987 and graduated from the Villanova University School of Law in 1991. Upon graduating from law school, Ms. Calder served as a Judicial Law Clerk in the Delaware Court of Chancery to the Honorable Maurice A. Hartnett, III. Prior to joining Grant & Eisenhofer, Ms. Calder was an associate at Blank, Rome, Comisky & McCauley.

John C. Kairis

John Kairis is of counsel at Grant & Eisenhofer, where he represents institutional investors in class action litigation, individual “opt-out” securities litigation, and derivative, corporate governance, and appraisal litigation in the Delaware Chancery Court and other courts throughout the country. He has been a leader of G&E teams that have achieved some of the largest recoveries in securities class action history, and played major roles in the *Tyco*, *Parmalat*, *Marsh & McLennan*, *Hollinger International* and *Dollar General* securities class actions, and opt-out actions in *AOL Time Warner* and *Telxon Corporation*.

Among his Delaware Chancery Court litigation experience is a landmark case against HealthSouth, involving a books and records trial under Section 220 of the Delaware General Corporations Law, to obtain certain documents that the corporation refused to produce, which led to a settlement implementing corporate governance improvements, such as HealthSouth's agreement to replace its conflicted directors with independent directors approved by a committee which included the institutional investor plaintiff; and a settlement of litigation against Oracle Corporation, Larry Ellison and the other members of Oracle's board, whereby plaintiffs alleged that Ellison's control over Oracle and Pillar Data Systems led to an unfair process resulting in Oracle's agreement to pay a grossly excessive and unfair price for Pillar in the form of a novel “earn out.” The settlement provided a monetary benefit of approximately \$440 million resulting from a required reduction in the purchase price for Pillar. More recently, Mr. Kairis represented the class of shareholders of Starz against cable mogul John Malone and other Starz directors alleging their breaches of fiduciary duty in negotiating and approving the sale of Starz to Lions Gate Entertainment Corp. for an unfair price. That case resolved with a \$92.5 million cash payment to the shareholder class.

Mr. Kairis has also been instrumental in prosecuting consumer class actions involving unfair competition and false marketing claims against various companies for misrepresentations relating to cosmetics and against both Johnson & Johnson and Bausch & Lomb for

misrepresentations relating to contact lenses and solutions. He has represented the lead plaintiffs and the class in a securities fraud suit against Merck & Co. and certain of its officers and directors relating to the defendants' alleged suppression of test results of Merck's cholesterol medication Vytorin.

Mr. Kairis also represents the petitioners in several appraisal actions and the lead plaintiffs in various breach of fiduciary duty cases pending in the Delaware Chancery Court.

Mr. Kairis has authored articles including "Shareholder Proposals For Reimbursement Of Expenses Incurred In Proxy Contests: Recent Guidance from The Delaware Supreme Court," *PLI*, What All Business Lawyers Must Know About Delaware Law Developments 2009 (New York, NY May 21, 2009) (co-authored with Stuart Grant); "Challenging Misrepresentations in Mergers: You May Have More Time Than You Think," *Andrews Litigation Reporter*, Vol. 12, Issue 3, June 14, 2006; "Disgorgement Of Compensation Paid To Directors During The Time They Were Grossly Negligent: An Available But Seldom Used Remedy," *Delaware Law Review*, Vol. 13, #1, 2011; and was the principle writer of an *amicus* brief to the United States Supreme Court on behalf of various public pension funds in the *Merck* case involving the standard for finding that a plaintiff is on "inquiry notice" of potential claims such that the limitations period for pleading securities fraud has commenced.

Mr. Kairis has served on the boards of several nonprofit organizations, including the West-End Neighborhood House, Inc., the Cornerstone West Development Corporation, and the board of the Westover Hills Civic Association. He has also served on the Delaware Corporation Law Committee, where he evaluated proposals to amend the Delaware General Corporation Law.

Mr. Kairis is a 1984 graduate of the University of Notre Dame and a 1987 graduate of the Ohio State University Moritz College of Law, where he was Articles Editor of the *Ohio State Law Journal* and recipient of the American Jurisprudence and John E. Fallon Memorial Awards for scholastic excellence. He is a member of the Delaware and American Bar Associations and the Delaware Trial Lawyers Association.

Nadia Klein

Nadia Klein is of counsel at Grant & Eisenhofer. Her practice focuses on representing investors and other plaintiffs in high-stakes commercial, complex financial products and securities litigation in state and federal court, as well as claimants in U.S. domestic and international arbitration. Based in London, England, she works with G&E's institutional investor clients in the U.K. and Europe.

Prior to joining Grant & Eisenhofer, Ms. Klein was of counsel at a U.S. litigation boutique. Prior to that, she was a senior associate at a leading New York litigation firm, where she spent almost seven years representing various plaintiffs in multiple residential mortgage-backed securities actions together seeking more than \$6 billion.

Ms. Klein received her B.A. from Cornell University in 2003 and her J.D. from Fordham University School of Law in 2011. She also attended the London School of Economics & Political Science and the International Academy for Arbitration Law in Paris, France.

Richard S. Schiffrin

Richard S. Schiffrin is of counsel at Grant & Eisenhofer. He has represented institutional investors and consumers in securities and consumer class actions worldwide. In 2008, Mr. Schiffrin retired as a founding partner of Schiffrin Barroway Topaz & Kessler, LLP.

Mr. Schiffrin has been recognized for his expertise in many prominent cases, including *In re Tyco International Ltd. Securities Litigation*, the most complex securities class action in history, which resulted in a record \$3.2 billion settlement. The \$2.975 billion payment by Tyco represents the single largest securities class action recovery from a single corporate defendant in history, while the \$225 million settlement with PricewaterhouseCoopers (PwC) represents the largest payment PwC has ever paid to resolve a securities class action and is the second-largest auditor settlement in securities class action history; *In re AremisSoft Corp. Securities Litigation*, a complex case involving litigation in four countries, resulting in a \$250 million settlement providing shareholders with a majority of the equity in the reorganized company after embezzlement by former officers; *In re Tenet Healthcare Corp.*, resulting in a \$216.5 million settlement and which led to several important corporate governance improvements; *Henry v. Sears, et al.*, one of the largest consumer class actions in history which resulted in a \$156 million settlement distributed without the filing of a single proof of claim form by any class member; *Wanstrath v. Doctor R. Crants, et al.*, a derivative action filed against the officers and directors of Prison Realty Trust, Inc., challenging the transfer of assets to a private entity owned by company insiders, resulting in corporate governance reform in addition to the issuance of over 46 million shares to class members; *Jordan v. State Farm Insurance Company*, resulting in a \$225 million settlement and other monetary benefits for current and former State Farm policy-holders; and *In re Sotheby's Holdings, Inc. Derivative Litigation*, resulting in a multi-million dollar settlement and significant governance changes.

Mr. Schiffrin is an internationally renowned speaker and lectures frequently on corporate governance and securities litigation. His lectures include: the MultiPensions Conference in Amsterdam, Netherlands; the Public Funds Symposium in Washington, D.C.; the European Pension

Symposium in Florence, Italy; and the Pennsylvania Public Employees Retirement Summit (PAPERS) in Harrisburg, Pennsylvania. Mr. Schiffrin has also taught legal writing and appellate advocacy at John Marshall Law School and served as a faculty member at legal seminars, including the Annual Institute on Securities Regulation, NERA: Finance, Law & Economics - Securities Litigation Seminar, the Tulane Corporate Law Institute, and the CityBar Center for CLE (NYC): Ethical Issues in the Practice of Securities Law.

Mr. Schiffrin is a graduate of DePaul Law School and received a Master's degree in Political Science from the University of Chicago. After protecting the civil rights of clients for seven years as an Assistant Public Defender with the Office of the Public Defender of Cook County, where he tried hundreds of cases, Mr. Schiffrin founded Schiffrin & Craig, Ltd., representing consumers and individual investors in actions brought against public companies. He is licensed to practice law in Pennsylvania and Illinois and has been admitted to practice before numerous United States District Courts.

Edward J. Aucoin

Edward Aucoin is senior counsel at Grant & Eisenhofer, where his primary area of practice is representing families and children in birth injury and birth trauma litigation. Prior to joining G&E, Mr. Aucoin worked at several medical negligence defense firms in the Chicago area, focusing on medical malpractice and professional liability as well as commercial litigation. He also was a senior trial attorney at a national insurance company.

Mr. Aucoin has successfully litigated hundreds of cases and has served as first and second chair trial attorney. He has handled every aspect of medical negligence cases, from pleadings and discovery to experts and trial.

Mr. Aucoin received his J.D. from Loyola University New Orleans School of Law and his B.A. in Broadcast Journalism and Political Science from Loyola University of New Orleans.

Samantha R. Mertz

Samantha Mertz is senior counsel at Grant & Eisenhofer, where her primary area of practice is complex pharmaceutical and medical device litigation. She handles all phases of mass tort and personal injury litigation from commencement through trial. Ms. Mertz is actively in litigation against major pharmaceutical companies and medical device manufacturers and serves on the Law and Briefing Committee and Discovery Committee for the Plaintiffs' Steering Committee in the Essure product cases coordinated proceeding in California.

Ms. Mertz earned her J.D. from Temple University Beasley School of Law in 2010. Upon graduation, Ms. Mertz served as the mass tort law clerk for the Complex Litigation Center under the Honorable Judge Arnold New and the Honorable Judge Sandra Mazer Moss for the First Judicial District of Pennsylvania from 2010-2013. Prior to joining Grant & Eisenhofer, Ms. Mertz worked at a Philadelphia law firm as a pharmaceutical mass tort litigation attorney, and was selected for inclusion in the Pennsylvania *Super Lawyers* "Rising Star" list for 2014 and 2015.

Previously, Ms. Mertz volunteered for the Philadelphia District Attorney's Family Violence and Sexual Assault unit where she worked closely with survivors of sexual assault and helped to prosecute offenders of intrafamilial violence, sexual assaults, crimes against children, and violations of Pennsylvania's sex offender registration law. Ms. Mertz also volunteered with the HIAS Refugee Resettlement Program, working with refugees who have been forced to flee from persecution to help them rebuild their lives in the United States.

Ms. Mertz has focused much of her product liability practice on manufacturers of pharmaceuticals and medical devices that have harmed women and children, including Risperdal, Zofran, Transvaginal Mesh, and Essure. Throughout her career, Ms. Mertz has advocated for individuals at their most vulnerable, helping to bring them justice and accountability.

Ms. Mertz is a member of and serves on the Executive Committees for the Temple American Inn of Court and the Louis D. Brandeis Law Society.

Caitlin M. Moyna

Caitlin Moyna is senior counsel at Grant & Eisenhofer with over 15 years of experience in US and foreign securities fraud class action and opt-out litigation, shareholder derivative actions, merger litigation, and international arbitration. Ms. Moyna is also Co-Director of the Grant & Eisenhofer ESG Institute.

Currently, Ms. Moyna represents lead plaintiffs in securities actions against General Electric, Santander Consumer USA, Camping World and Weight Watchers. She previously helped achieve significant recoveries against Career Education Corp. and Miller Energy Resources, Inc., and prior to her time at G&E, against The Blackstone Group. She has also represented investors who opt out of securities class actions, including those against Valeant, Merck and Citigroup.

Ms. Moyna's securities fraud experience extends beyond US borders, where she represents investors seeking recovery from Volkswagen and Porsche (Germany), Steinhoff (the Netherlands), BHP Biliton (Australia) and Danske Bank (Denmark).

Ms. Moyna also has international arbitration experience, including representing hundreds of Greek investors against the Republic of Cyprus before the International Centre for Settlement of Investment Disputes, and investors proceeding against Petrobras and Brazil before the Market Arbitration Chamber.

Finally, Ms. Moyna represents investors challenging an early redemption of bonds issued by AgriBank and CoBank, and she has previously represented investors challenging mergers, including in an action against Regency Energy Partners pending in the Delaware Court of Chancery.

With Managing Director Jay W. Eisenhofer, Ms. Moyna co-authored two articles concerning alternative entities: "What is the State of Delaware Law as It Relates to the Scope of Fiduciary Duties Owed to Investors in So-Called Alternative Entities?", *Bloomberg BNA*, Corporate Accountability Report (Dec. 5, 12, and 19, 2014); and "What Is the Current State of Delaware Law on the Scope of Fiduciary Duties Owed by Hedge Fund Managers to Their Funds and Investors?", *The Hedge Fund Law Report*, Vol. 6, Nos. 26 and 27 (Sept. 19 and 26, 2013).

Prior to joining G&E, Ms. Moyna was associated with Cravath, Swaine & Moore and Ropes and Gray, where she represented corporations in securities fraud class actions and government investigations, as well as a boutique litigation firm specializing in investor representation.

Ms. Moyna is a *cum laude graduate* of Northwestern University School of Law, where she was elected to the Order of the Coif and served on the *Journal of Criminal Law and Criminology*. Ms. Moyna received her A.B. from Dartmouth College.

Rebecca A. Musarra

Rebecca Musarra is senior counsel at Grant & Eisenhofer. Ms. Musarra's practice includes securities, corporate governance, and consumer protection litigation, and other complex class actions.

Ms. Musarra has helped achieve significant shareholder recoveries in a variety of cases. She has participated in a number of appraisal actions in the Delaware Chancery Court, including as a member of the trial team in *In re Appraisal of Dell Inc.* Ms. Musarra has considerable experience pursuing successful books-and-records investigations on behalf of stockholders pursuant to 8 *Del C.* § 220. As a member of the Co-Lead Counsel team representing a class of insurance beneficiaries, Ms. Musarra litigated claims against health insurers in federal court for ERISA violations relating to coverage for treatments for mental health and substance use disorders, which resulted in defendants' inability to resume use of challenged medical necessity criteria and other significant injunctive relief, as well as a \$7 million fund for payment of allegedly improperly denied claims. She plays a principal role in pursuing a derivative breach of fiduciary duty case against entities and individuals associated with Cantor Fitzgerald, L.P. and assists the international liaison committee in a global consumer class action against Apple, Inc., arising out of its alleged throttling of iPhone/iPad device performance in 2017. As part of her *pro bono* activities, Ms. Musarra represents juvenile immigrants in state court and immigration court, and before federal agencies.

Prior to joining G&E, Ms. Musarra worked as an appellate law clerk to the Chief Justice of the Supreme Court of the Virgin Islands in St. Thomas, Virgin Islands.

Ms. Musarra received her J.D. degree from American University Washington College of Law in 2009, where she served as a member of the *American University Law Review*, was elected to Order of the Coif, and graduated *summa cum laude*. She obtained a B.A. in international relations from the College of William and Mary in 2003. Between college and law school, Ms. Musarra served as a Peace Corps Volunteer in Chad, Central Africa.

Kelly L. Tucker

Kelly Tucker is senior counsel at Grant & Eisenhofer, where she focuses her practice on securities litigation, corporate governance, and appraisal rights. Prior to joining G&E, Ms. Tucker worked at a Philadelphia area law firm practicing antitrust, consumer protection, and products liability litigation.

Ms. Tucker received her J.D. from Fordham University School of Law in 2010, where she was the Executive Notes and Articles Editor of the *Fordham Journal of Corporate and Financial Law* and a member of the Executive Board of Fordham Law Moot Court. She received her B.A. in international politics from American University in 2003.

Carrie L. Vine

Carrie Vine is senior counsel at Grant & Eisenhofer, where her primary area of practice is representing families and children in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. Vine worked at a well-known medical negligence firm. She has successfully litigated over a hundred cases from inception through conclusion, including both settlement and trial. A recent representative case resulted in a \$12.5 million settlement for a child who suffered permanent brain damage after experiencing a lack of oxygen to the brain during labor and delivery.

Ms. Vine's genetic training and scientific background provide insight into the medical nuances that arise in medical malpractice cases. She has been identified as an *Emerging Lawyer* by *Leading Lawyers*, a designation granted to the top two percent of lawyers in the early stage of their career. She is a member of the Illinois State Bar Association, the Women's Bar Association of Illinois, and the Wisconsin State Bar.

Ms. Vine graduated from Northern Illinois University College of Law *magna cum laude*, where she was also the Notes & Comments Editor for the *Northern Illinois Law Review*. She earned her Ph.D. from Pennsylvania State University where she studied human genetics and human variation. She earned her B.S. from the University of Notre Dame studying biological sciences.

Paige J. Alderson

Paige Alderson is an associate at Grant & Eisenhofer where she focuses her practice on complex pharmaceutical and medical device litigation. Prior to joining Grant & Eisenhofer, Ms. Alderson was an associate at a regional litigation firm where she practiced toxic tort and products liability litigation. Before entering private practice, Ms. Alderson served as a judicial law clerk to The Honorable William C. Carpenter, Jr. of the Complex Commercial Litigation Division in the Superior Court of Delaware.

Ms. Alderson earned her J.D. from Villanova University Charles Widger School of Law in 2014 and her B.S. from the University of Delaware in 2009. During her time at Villanova, Ms. Alderson participated in the Health Law Clinic assisting clients with Social Security, Medicare/Medicaid, and insurance matters.

Michael D. Bell

Michael Bell is an associate at Grant & Eisenhofer and focuses his practice on corporate governance, securities and consumer fraud litigation. Prior to joining Grant & Eisenhofer, Mr. Bell was an associate at a New York firm defending class-action consumer fraud claims. Mr. Bell was previously an associate at the New York office of an international law firm where he represented clients in securities, bankruptcy, M&A, and other commercial litigation matters.

Mr. Bell earned his J.D., *magna cum laude*, from Brooklyn Law School in 2007 where he was a Notes and Comments Editor for the *Brooklyn Law Review* and a member of the 2006 National Team of the Moot Court Honor Society. He earned his M.A. in English Literature from Columbia University in 2001 and his B.A., *magna cum laude*, also in English Literature, from Columbia College in 1999.

Charles C. Bletsas

Charles Bletsas is an associate at Grant & Eisenhofer, where his primary area of practice is representing families and children in birth injury and birth trauma litigation.

Prior to joining G&E, Mr. Bletsas was a partner at a Chicago firm focusing on medical malpractice defense and general civil litigation. With a record of trial success spanning over 20 years, Mr. Bletsas' entire career has been heavily focused on birth trauma cases, having litigated

traumatic birth injury claims such as hypoxic ischemic injuries, brachial plexus injuries, and neonatal complications.

Mr. Bletsas is also skilled in attorney malpractice claims involving fiduciary issues, litigating complex financial fraud claims, commercial contracts, and construction negligence disputes.

Mr. Bletsas received his J.D., *cum laude*, from Wayne State University, where he served as a Senior Articles Editor of the *Wayne Law Review*. He received his B.A. in economics from the University of Michigan.

Simona L. Bonifacic

Simona Bonifacic is an associate at Grant & Eisenhofer, where her focus is on complex pharmaceutical and medical device litigation. Prior to joining Grant & Eisenhofer, Ms. Bonifacic worked as corporate counsel on commercial real estate and contracts.

Ms. Bonifacic received her J.D. from Syracuse University College of Law in 1998. She is also a 1998 *magna cum laude* graduate of Maxwell School of Citizenship and Public Affairs where she obtained her M.S. in international relations. She received a bachelor's degree in 1994 from East Stroudsburg University in political science and philosophy.

Kimberly M. Brancato

Kim Brancato is an associate at Grant & Eisenhofer, where her primary area of practice is representing families and children in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. Brancato worked at a Chicago firm focusing on personal injury and medical malpractice cases. She has a winning trial record and has handled every aspect of complex negligence cases, from pleadings and expert discovery, to mediation and trial.

Ms. Brancato was selected for inclusion to *Super Lawyers'* list of Rising Stars from 2017-2019.

Ms. Brancato received her J.D. from DePaul University and her B.S. from Illinois State - University in Political Science and Philosophy.

Leanne P. Brown-Pasquarello

Leanne Brown-Pasquarello is an associate at Grant & Eisenhofer where she focuses on sovereign and public entity representation, primarily in matters to redress systemic environmental contamination. She currently represents several state Attorneys General and municipalities in environmental litigation. In that role, she is prosecuting claims against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources and municipal storm water systems throughout the nation; and against 3M Co. and other manufacturers of toxic firefighting foam laced with toxic PFAS chemicals, which now contaminate groundwater, drinking water, and other public resources. Mrs. Brown-Pasquarello also has experience in securities class actions, shareholder derivative actions, antitrust actions, and appraisal rights.

During her time with Grant & Eisenhofer, she has worked on litigation teams whose efforts resulted in significant awards for their clients, including the following:

- *In re Pfizer, Inc. Securities Litigation*, class action securities litigation, wherein it was alleged that Pfizer misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, and resulted in a \$486 million recovery.
- *In re Merck & Co., Inc. Vytarin/Zetia Securities Litigation*, a major securities fraud action against pharmaceutical industry titan, Merck & Co., Inc., that settled for \$215 million.
- *In re MyFord Touch Consumer Litigation*, a consumer class action on behalf of owners of Ford vehicles equipped with allegedly defective infotainment units, which resulted in relief valued at over \$33 million.

Prior to joining Grant & Eisenhofer, Ms. Brown-Pasquarello worked at a Philadelphia law firm on mass tort and complex civil litigation matters. She received her law degree from Widener University School of Law, where she wrote on The Law Forum, and was a member of ATLA. She received her B.A. degree in Political Science from University of Delaware, where she was a member of *Phi Sigma Pi* National Honor Society, and *Pi Sigma Alpha* National Political Science Honor Society. She served as Vice President of a political organization on campus.

Alice Cho Lee

Alice Cho Lee is an associate at Grant & Eisenhofer, where she works on securities fraud class actions and international litigation and arbitration cases.

Ms. Cho Lee is part of G&E's litigation team that represents institutional investor plaintiffs in U.S. and international securities actions and investment arbitrations. Current cases include actions against:

- Danske Bank, in a securities litigation in Denmark based on Danske Bank's massive money-laundering scheme and subsequent cover-up
- Republic of Cyprus, in an international investment arbitration before the Worldbank on behalf of almost one thousand Greek investors
- Petróleo Brasileiro ("Petrobras"), in an international securities litigation before Brazil's leading arbitration chamber
- Volkswagen and Porsche, in securities actions in Germany
- Banco Espirito Santo/Novo Banco, in several proceedings in Portugal
- Mitsubishi, in a securities litigation in Japan
- Postbank, in a securities action in Germany
- Steinhoff, in a securities damages action before the Amsterdam District Court and an Inquiry proceeding before the Netherlands' Enterprise Chamber
- BHP, in an Australian class action in which our class/group includes the class representative
- Toshiba, in a securities litigation in Japan

At G&E, Ms. Cho Lee served as a member of the co-lead counsel litigation team for several of the largest securities class actions in the United States including:

- Marsh & McLennan, a U.S. securities class action, settled for \$400M
- Merck (Vytorin), a U.S. securities class action that settled for \$215M
- JP Morgan Chase & Co., a U.S. securities class action that settled for \$150M

Ms. Cho Lee served on the board of the Korean American Lawyers Association of Greater New York (KALAGNY) for seven years and is an active member of the National Asian Pacific American Bar Association (NAPABA) and the Asian American Bar Association of New York (AABANY). During law school, Ms. Cho Lee interned as a law clerk for the Honorable Frederic Block, U.S. District Court, Eastern District of New York. She has also worked at the New York City Human Rights Commission and the Asian American Legal Defense and Education Fund.

Ms. Cho Lee graduated from Brooklyn Law School in 2004 and received a B.A. in English from the University at Albany.

Andrew N. Dodemaide

Andrew Dodemaide is an associate at Grant & Eisenhofer. Prior to joining G&E, Mr. Dodemaide worked at a law firm in Philadelphia where he practiced domestic and international securities litigation. Mr. Dodemaide also worked for a large complex litigation firm as an associate on the new matter development team.

Mr. Dodemaide received his B.A. from Rutgers University and earned his J.D. from Rutgers University School of Law, where he was the Editor-in-Chief of the *Rutgers Journal of Law and Public Policy*. While a law student, Mr. Dodemaide taught Constitutional Law at a high school in Camden, New Jersey through the Marshall Brennan Constitutional Literacy Project. Upon graduation, Mr. Dodemaide clerked for the Honorable Jack M. Sabatino at the New Jersey Superior Court, Appellate Division.

Kerry A. Dustin

Kerry Dustin is an associate at Grant & Eisenhofer, focusing on corporate securities, corporate governance, appraisal, antitrust, and consumer litigation.

Prior to joining Grant & Eisenhofer, Ms. Dustin focused her practice on intellectual property and patent and employment law. Ms. Dustin served as a law clerk for Onondaga County Resource Recovery Agency (OCRRA). She also did an internship at the Ontario County Attorney's Office where she was involved in drafting labor contracts and research.

Ms. Dustin is a Certified Mediator and holds a certificate in Conflict Management Strategies for the Workplace. Ms. Dustin received her law degree from Syracuse University College of Law where she was a member of the Community Law Development Clinic and Corporate Law Society. She received her B.S. in business administration with a marketing concentration from Le Moyne College in 2000.

Cheron D. Everett

Cheron Everett focuses on securities, antitrust, and complex pharmaceutical and medical device litigation as an associate at Grant & Eisenhofer. Ms. Everett is a 2007 graduate of the Widener

University School of Law and a 2001 *magna cum laude* graduate from Temple University with a degree in journalism and public relations. She was a recipient of the Chadwick Memorial Scholarship and a Fred G. Dibona Moot Court participant.

Prior to joining Grant & Eisenhofer, Ms. Everett's focus was on pharmaceutical and securities litigation as well as workmen's compensation.

Tudor I. Farcas

Tudor Farcas is an associate at Grant & Eisenhofer where he focuses his practice on complex pharmaceutical and medical device litigation. Prior to joining Grant & Eisenhofer, Mr. Farcas was an associate at the Philadelphia office of a national defense litigation law firm defending general liability claims including mass tort, products liability, and personal injury. He also was a law clerk to the Honorable Mark I. Bernstein, assisting with complex proceedings in national mass tort cases regarding pharmaceutical products and medical devices.

Mr. Farcas earned his J.D. from Drexel University Thomas R. Kline School of Law in 2013, where he was a member of the Drexel Transactional Law Team. Mr. Farcas received his B.A. from Pennsylvania State University in 2008.

R. Alexander Gartman

Alexander Gartman is an associate at Grant & Eisenhofer where he concentrates on securities litigation, antitrust litigation, and appraisal matters. Representative of Mr. Gartman's casework is securities class action *In re Marsh & McLennan Securities Litigation* and antitrust action *Castro, et al. v. Sanofi Pasteur, Inc.*

Mr. Gartman received a B.B.A. in Finance in 1998 from The College of William and Mary, where he double majored in Economics. He graduated cum laude from Temple University School of Law in 2005.

Adam J. Gomez

Adam Gomez is an associate at Grant & Eisenhofer where he focuses on complex pharmaceutical, medical device litigation and environmental litigation. Prior to joining G&E, Mr. Gomez was an associate at a national defense litigation firm where he defended clients in catastrophic personal injury, products liability, professional liability, and civil rights litigation.

Mr. Gomez currently serves as Chair of the Insurance Committee representing residents and businesses harmed by the catastrophic gas explosions in Merrimack Valley of Massachusetts caused by the negligence of Columbia Gas and NiSource. He also serves as a Chair of the Discovery Committee in the *Gilead Tenofovir* Cases, California Judicial Council Coordinated Proceeding (JCCP) No. 5043, representing members of the HIV community injured by Gilead Sciences, Inc.'s negligent design of tenofovir-based antiretroviral medications. He is the Co-Chair of the American Association for Justice Tenofovir Litigation Group. Additionally, Mr. Gomez represents victims of the Paradise, California Camp Fire—the deadliest in the state's history—where plaintiffs allege that fires were sparked by aging, unsafe electrical infrastructure maintained by Pacific Gas & Electric.

Mr. Gomez earned his J.D. from Temple University James E. Beasley School of Law in 2013, where he was a Beasley Scholar and received awards for excellence in Constitutional Law and Outstanding Oral Advocacy in the Integrated Trial Advocacy Program. He received his B.A. in Government from Wesleyan University in 2010 where he served as Chair of the Student Judicial Board and President of Delta Kappa Epsilon.

Mr. Gomez is a member of the American Association for Justice, Hispanic Bar Association of Pennsylvania and Philadelphia Trial Lawyers Association. He was selected for inclusion in the 2018 list of “Rising Stars” in Pennsylvania *Super Lawyers*.

Lisa K. Grumbine

Lisa Grumbine is an associate at Grant & Eisenhofer, where she focuses her practice on consumer class action, appraisal rights and antitrust litigation. Ms. Grumbine also handles a wide range of securities and commercial litigation actions on behalf of institutional investors and consumers. Most recently, Ms. Grumbine was part of a team prosecuting state consumer claims against Volkswagen relating to its illegal “clean diesel” vehicles.

Prior to her legal career, Ms. Grumbine worked in the banking industry with a primary focus in ERISA and Defined Contribution Plan compliance and administration. Ms. Grumbine is a graduate of ABA National Employee Benefit Trust School.

Ms. Grumbine earned her J.D. from Temple University, Beasley School of Law in 1997 and her B.S. in Consumer Economics, *cum laude*, from University of Delaware in 1990.

Laina M. Herbert

Laina Herbert is an associate Grant & Eisenhofer focusing her practice on whistleblower/*qui tam* representation and corporate and commercial litigation. Ms. Herbert represents numerous relators in confidential whistleblower actions under the federal and various state False Claims Acts, pursuing misconduct in diverse fields including medical and mental healthcare, residential mortgage lending, defense contracting, retail and other industries. In addition, Ms. Herbert provides litigation services to public entities to pursue actions concerning the marketing and sale of dangerous products, such as Zantac/ranitidine.

Prior to joining G&E, Ms. Herbert was senior counsel practicing complex litigation at a Delaware law firm. Ms. Herbert also has extensive experience representing corporations, their directors and stockholders in corporate and commercial litigation relating to fiduciary duties, mergers and acquisitions, corporate governance and other issues concerning Delaware law. Her experience also includes federal patent infringement and intellectual property litigation in the U.S. District Court for the District of Delaware.

Ms. Herbert is vice president of the board of directors of the Delaware 4-H Foundation and Chair of the ACLU of Delaware’s Governance Committee. She is Content Editor of *The Journal of The Delaware State Bar Association*.

Ms. Herbert earned her J.D. *with honors* from the University of Maryland Francis King Carey School of Law in December 2004 where she served as an Associates Articles Editor of *The Business Lawyer*. She earned a B.S. in Biology, B.A. in Leadership Studies and minor in Women's Studies from the University of Richmond in 2000.

Chad B. Holtzman

Chad Holtzman is an associate at Grant & Eisenhofer, focusing his practice on recovering damages for businesses and consumers harmed by violations of the federal and state antitrust laws, including price-fixing and monopolization.

Currently, Chad is a member of leadership teams representing clients in high-profile antitrust cases in the pharmaceutical, financial services, and commodities industries, including: *In re Blue Cross Blue Shield Antitrust Litigation*, *In re London Silver Fixing, Ltd. Antitrust Litigation*, *In re Generic Pharmaceuticals Pricing Antitrust Litigation*, *In re Novartis and Par Antitrust Litigation (Exforge)*, *In re: Humira (Adalimumab) Antitrust Litigation*, and *In re: Lipitor Antitrust Litigation*, among others.

Prior to joining Grant & Eisenhofer, Mr. Holtzman worked as an associate at the Philadelphia office of a national Am Law 100 law firm where he defended corporate defendants in antitrust and other complex commercial litigation.

Mr. Holtzman is a member of the Committee to Support the Antitrust laws (COSAL), established to preserve and enhance the private enforcement of strong antitrust laws. He is a member of the American Antitrust Institute and the American Bar Association's Antitrust Division. Finally, Chad serves on the National Board for the Jewish National Fund Young Professionals Division as its Vice President. He is also a Board Member of the International Alliance for Child Literacy, a non-profit charity that empowers children by establishing libraries at orphanages.

Mr. Holtzman earned his J.D., *cum laude*, from Villanova University School of Law in 2009 where he was the Associate Editor for the *Villanova Environmental Law Journal*. Mr. Holtzman earned his B.S. in economics from Hamilton College in 2006.

Jonathan A. Ibarra

John Ibarra is an associate at Grant & Eisenhofer, where his primary area of practice is representing families and children in birth injury and birth trauma litigation. Prior to joining G&E, Mr. Ibarra worked at a Chicago law firm focusing on medical malpractice litigation, including obstetrics/gynecology and fetal demise, cardiology, neurology, radiology, general surgery, neurosurgery and internal/family medicine and trauma. He also previously worked at two other Chicago law firms practicing healthcare litigation and various types of other civil litigation.

Mr. Ibarra received his J.D. from University of Illinois in 2005 and his B.S. in business with an emphasis on legal studies from Indiana University in 2002. He is a member of the American Association for Justice, Illinois Trial Lawyers Association, and the Chicago Bar Association.

Lawrence P. Kempner

Lawrence Kempner is an associate at Grant & Eisenhofer, focusing on litigation related to corporate governance, securities fraud and consumer protection. Prior to joining Grant & Eisenhofer, Mr. Kempner was engaged in private practice with a concentration in civil litigation.

Mr. Kempner's efforts at Grant & Eisenhofer have helped to achieve substantial recoveries in a number of class action cases, including *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion recovery), *In re Refco Securities Litigation* (\$422 million recovery), *In re Pfizer Inc. Securities Litigation* (\$486 million recovery), *In re JP Morgan Chase & Co. Securities Litigation* (\$150 million recovery) and *In re Starz Stockholder Litigation* (\$92.5 million recovery).

Mr. Kempner has also authored numerous legal publications, including books on evidence, discovery practice and consumer law. He is a 1988 graduate of Lehigh University and received his J.D. from George Washington University in 1991.

Irene R. Lax

Irene Lax is an associate at Grant & Eisenhofer, focusing her practice on civil rights litigation..

Ms. Lax was previously in-house counsel at a real estate company in New York City assisting with litigation and transactional legal business matters.

She also worked as an associate at a well-known Philadelphia-area law firm, where she assisted clients in civil litigation brought under federal and state securities laws, as well as federal antitrust laws. Ms. Lax gained extensive experience representing companies in various aspects of complex commercial and civil litigation before state and federal courts in matters involving breach of contract, breach of fiduciary duty, and business disputes.

Upon graduating from law school, Ms. Lax served as law clerk for the Honorable Carolyn Berger, Supreme Court of the State of Delaware, from 2012-2013.

Ms. Lax earned her J.D. from Temple University Beasley School of Law in 2012 where she was an Editor of the *Temple Law Review* and President of the Phillip C. Jessup International Law Moot Court team. Ms. Lax received a joint honors B.A. in political science and international development studies from McGill University in Montreal, Quebec in 2009. Ms. Lax has co-authored several publications relating to Delaware law and securities litigation.

Edward M. Lilly

Edward Lilly focuses on intellectual property litigation, securities fraud and anti-trust class action litigation, Chancery litigation, and corporate governance matters as an associate at Grant & Eisenhofer. He has additional experience in consumer mass tort litigation, product liability litigation, and derivative class actions.

Mr. Lilly graduated in 1996 from Cornell Law School and served as an editor for the *LII Bulletin-NY* and *Cornell Journal of Law & Public Policy*. He received his M.S. in social

psychology in 1993 from Purdue University and graduated *magna cum laude* from DePauw University with a B.A. in economics.

Mr. Lilly served as a clerk for the Honorable Thomas J. McAvoy of the U.S. District Court in Binghamton, New York.

Ken S. Massey

Ken Massey is an associate at Grant & Eisenhofer. Prior to joining G&E, Mr. Massey practiced consumer financial services, complex antitrust and commercial litigation at a leading financial services defense boutique and the Philadelphia office of a national law firm.

Mr. Massey is the immediate past president of the Asian Pacific American Bar Association of Pennsylvania and has previously served on the executive board of the Temple Law Alumni Association. He has been selected three times by *Super Lawyers* as a Pennsylvania “Rising Star” and listed on the Pro Bono Roll of Honor for the First Judicial District of Pennsylvania.

Mr. Massey earned his J.D. from Temple University Beasley School of Law in 2004 and his B.A. in History from the University of Pennsylvania in 1999.

Julia R. McGrath

Julia McGrath is an associate at Grant & Eisenhofer, prosecuting complex antitrust class actions, with a focus on price-fixing, unlawful monopolization, commodities manipulation, and pharmaceutical pay-for-delay litigation.

Ms. McGrath is currently a member of the litigation teams representing clients in high-profile antitrust cases in the pharmaceutical, financial, and consumer product industries, including: *In re: Keurig Green Mountain Single-Serve Coffee Antitrust Litigation*; *In re: London Silver Fixing, Ltd., Antitrust Litigation*; and *In re: Seroquel XR (Extended Release Quetiapine Fumarate) Litigation*.

Prior to law school, Ms. McGrath had a successful career in government and politics. She worked on political campaigns at the local, state, and federal level. She’s advised top-tier congressional, gubernatorial, and U.S. Senate candidates in Pennsylvania and New Jersey, and served as the Finance Director for U.S. Senator Bob Casey. In 2013, she was appointed by President Obama to serve under the Mid-Atlantic Regional Administrator of the U.S. General Services Administration.

Ms. McGrath earned her J.D., *cum laude*, from Temple University Beasley School of Law, and her B.A. in History from Boston University.

Kevin M. Nadolny

Kevin Nadolny is an associate at Grant & Eisenhofer, focusing on securities litigation, antitrust matters, and consumer litigation.

Mr. Nadolny's casework includes representing shareholders in such actions as: *In re Pfizer Inc. Securities Litigation* (\$486 million settlement); *In re News Corporation Shareholder Derivative Litigation* (\$139 million settlement); *In re Kinder Morgan Energy Partners, L.P. Derivative Litigation* (\$27.5 million settlement). He has also represented plaintiffs in antitrust matters such as: *In re Aggrenox Antitrust Litigation*; and *Alaska Electrical Pension Fund v. Bank of America* (concerning ISDA-fix price-fixing). Mr. Nadolny's consumer litigation experience includes working as a member of the team prosecuting consumer protection claims against General Motors in relation to its allegedly faulty ignition switches.

He currently represents plaintiffs in *In re Blue Cross Blue Shield Antitrust Litigation* and *In re Generic Pharmaceuticals Pricing Antitrust Litigation*.

Mr. Nadolny is a 1998 graduate of the University of Minnesota. He received his J.D. and LL.M. (Transnational Law) from Temple University, Beasley School of Law.

Joseph P. Nearey

Joseph Nearey focuses on appraisal rights, complex securities, consumer, and antitrust litigation as an associate at Grant & Eisenhofer. He received his law degree in 2001 from Temple University School of Law, where he was a member of the Temple International and Comparative Law Journal. He attended the Temple University School of Law Semester in Japan and interned at a prominent Tokyo firm. He served as a summer intern for the Honorable James R. Cavanaugh of the Superior Court of Pennsylvania.

Mr. Nearey graduated *cum laude* from Hamilton College in 1997 with dual B.A.'s in English Literature and Government.

Jonathan D. Park

Jonathan Park is an associate at Grant & Eisenhofer, where he represents investors in securities fraud class action and opt-out litigation, stockholder derivative actions, and bondholder actions. In 2017, 2018, and 2019, Mr. Park was recognized by *Super Lawyers* as a "Rising Star" in the New York Metro area.

Currently, Mr. Park represents lead plaintiffs in securities class actions against Synchronoss, ProPetro, Axogen, and Weight Watchers. He also represents investors in securities litigation against General Electric, Teva Pharmaceuticals, Valeant Pharmaceuticals (now Bausch Health Companies), and Celgene Corp. Mr. Park was a member of the teams that secured \$150 million for the class in *In re JPMorgan Chase & Co. Securities Litigation* (S.D.N.Y.), in connection with the "London Whale" scandal, and that achieved substantial recoveries for opt-out plaintiffs in *In re Petrobras Securities Litigation* (S.D.N.Y.).

Mr. Park helped obtain recovery on bondholder class claims against Caesars Entertainment, and is currently representing bondholders challenging the early redemption of bonds by CoBank and AgriBank. He also has experience advising on issues related to out-of-court restructuring of debt securities, including exchange transactions and redemptions, and bankruptcy-related and distressed litigation.

At the New York City Bar Association, Mr. Park has served on the Task Force on Puerto Rico, the New Lawyers Council, and the International Human Rights Committee. He also served on the board of his non-profit running club, the Dashing Whippets Running Team.

Mr. Park earned his J.D. in 2013 from Fordham University School of Law, where he served on the school's Moot Court Board as the Editor of the Jessup International Law Competition Team. During law school, he was a Crowley Scholar in International Human Rights, received the Archibald R. Murray Public Service Award, and interned with a refugee law project in Cairo, Egypt. Mr. Park received a B.A. in 2006 from Vassar College, where he majored in Africana Studies.

Minoti Patel

Minoti Patel is an associate at Grant & Eisenhofer where she focuses on securities litigation. With 17 years of legal experience, Ms. Patel practiced securities, pharmaceutical, and FCPA litigation prior to joining G&E. She also handled white collar, commercial litigation, employment, and intellectual property matters.

As an associate at a Washington, DC firm, Ms. Patel litigated a nationwide racial discrimination class action on behalf of African American managers, which settled for \$80 million plus injunctive relief.

Ms. Patel graduated from Harvard Law School in 2002 and received a B.A. from Duke University in 1998.

April S. Rogers

April Rogers is an associate at Grant & Eisenhofer, focusing on civil rights, environmental, and complex pharmaceutical and medical device litigation.

Prior to joining G&E, Ms. Rogers served as special counsel in product liability, employment, and representation of homeowners and condominium associations at the Birmingham office of a national law firm. While pursuing her Master's degree, Ms. Rogers worked as a Public Health Project Assistant at an international firm.

Throughout her legal career, Ms. Rogers has performed duties in all aspects of civil litigation including complex and class action litigation involving financial services, business and fiduciary torts, environmental and toxic torts, and insurance defense claims. She practiced pharmaceutical multidistrict defense. Ms. Rogers has been published in *National Law Review* for her work, The Benefit of Bifurcation of Trials and Discovery.

Ms. Rogers received her B.A. in Psychology for Auburn University, J.D. from Vanderbilt University Law School, and Master of Public Health from University of Alabama at Birmingham. During her Master's, Ms. Rogers taught a number of Public Health courses as a graduate teaching assistant.

Leighanne E. Root

Leighanne Root is an associate at Grant & Eisenhofer, where her primary area of practice is representing families and children in birth injury and birth trauma litigation.

Prior to joining G&E, Ms. Root was an associate at a Chicago firm focusing on medical malpractice and complex litigation, where she was actively involved in numerous mediations and jury trials.

Ms. Root received her J.D. from Loyola University Chicago School of Law, where she received CALI awards for obtaining the highest grades in Legal Writing and Advocacy. She was also the recipient of the award for Best Advocate at the American Bar Association National Appellate Advocacy Competition. Ms. Root earned a B.A. in Classics with a minor in Philosophy from the University of Kentucky.

Raymond F. Schuenemann III

Raymond Schuenemann III is an associate at Grant & Eisenhofer. Representative of Mr. Schuenemann's casework includes participation in securities class action *In re Pfizer Inc. Securities Litigation*, alleging Pfizer misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, resulting in a \$486 million settlement; and securities class action *In re Marsh & McLennan Consolidated Securities Litigation*, alleging that Marsh & McLennan and its officers, directors, auditors, and underwriters participated in a fraudulent scheme involving bid-rigging and secret agreements to steer business to certain insurance companies in exchange for kick-back commissions, resulting in a \$400 million settlement. Mr. Schuenemann was also involved in antitrust class action *In re Titanium Dioxide Antitrust Litigation*, where direct purchasers of Titanium Dioxide alleged that E.I. DuPont de Nemours and Company, Huntsman International and other defendants conspired to fix prices at which the chemical powder was sold in the United States, resulting in a series of settlements with defendants totaling \$163 million.

After graduating from law school, Mr. Schuenemann was an associate attorney at a central Pennsylvania law firm where he worked on matters related to employment, real estate, tax, and healthcare law. Prior to his legal career, Mr. Schuenemann was an investment accountant in the mutual fund sector where he provided accounting services for numerous bond and equity funds. Mr. Schuenemann was also employed as an internal auditor in both the finance and banking sectors.

Mr. Schuenemann is active in his community and spent many years as a volunteer pro-bono attorney at Mid Penn Legal Services where he defended low-income clients from debt collection actions. Additionally, Mr. Schuenemann spent four years as the Chairman of the Board of the Reading Area Water Authority, two years as an Executive Board Member of the Reading Redevelopment Corporation, and two years as the Vice President of The City of Reading Charter Board.

Mr. Schuenemann received his J.D. from Widener University School of Law in 2005 and is a 1999 graduate of West Chester University where he earned a B.S. in Finance.

Kimberly B. Schwarz

Kimberly Schwarz is an associate at Grant & Eisenhofer. She focuses her practice on complex pharmaceutical and medical device litigation. Ms. Schwarz earned her law degree from Rutgers School of Law in 2010. She graduated with high honors from Rutgers University School of Business in 2002 where she received her B.S. in Business Management.

Tracy L. Sepehriazar

Tracy Sepehriazar is an associate at Grant & Eisenhofer who focuses on complex securities fraud litigation in class action cases, as well as appraisal actions. She also has experience handling cases asserting claims under the False Claims Acts. Ms. Sepehriazar received her law degree from the University of Houston Law Center in 2003, where she completed an externship at the Methodist Health Care System. Before joining Grant & Eisenhofer, Ms. Sepehriazar focused her practice on the area of health law. Upon graduating from law school, she worked at a mid-sized firm in Houston where she concentrated primarily on asbestos litigation. She also worked for a small transactional health law firm in San Antonio, Texas.

Ms. Sepehriazar received her B.S. in Business Administration with a Concentration in International Business Management from Goldey-Beacom College in 1997, where she graduated *magna cum laude*. Prior to entering law school, Ms. Sepehriazar gained business experience as an analyst at JP Morgan. Upon relocating to Texas, she continued to pursue a career in the financial industry while obtaining her law degree. Ms. Sepehriazar is a member of the Delaware Bar Association.

Shannon T. Somma

Shannon Somma is an associate at Grant & Eisenhofer. Her focus is on antitrust, and she has experience in appraisals and securities fraud class actions. She has also worked on cases in intellectual property, pharmaceutical, and environmental litigation.

Ms. Somma graduated in 1999 from the University of Delaware with a B.A. degree in psychology, and thereafter received her J.D. degree from Widener University School of Law in 2005.

Adam Stoltz

Adam Stoltz is an associate at Grant & Eisenhofer where he focuses on complex pharmaceutical and medical device litigation as well as environmental litigation.

Prior to joining G&E, Mr. Stoltz was an associate at the New York office of a national litigation firm where he represented individuals and municipalities in products liability, personal injury, and civil rights litigation.

In addition to representing victims of human trafficking, Mr. Stoltz has also worked to hold corporate wrongdoers accountable for their role in the opioid epidemic, including conducting depositions of key corporate executives at the nation's fourth largest drug distributor.

Mr. Stoltz earned his J.D. from Tulane University and B.A. in History as well as Languages and Cultures of Asia from University of Wisconsin-Madison.

Charles C. Sweedler

Charles Sweedler is an associate at Grant & Eisenhofer, focusing on securities fraud and shareholder litigation. Mr. Sweedler received his J.D. from William & Mary Law School, where he was Publication Editor of the *William & Mary Law Review*.

Before joining Grant & Eisenhofer, Mr. Sweedler was General Counsel for a Philadelphia-based non-profit organization. Previously, he was an associate attorney at two Philadelphia law firms, where he focused on antitrust, consumer protection, and other complex class action litigation.

Mr. Sweedler received his B.A. from Cornell University, where he was a history major. After receiving his M.Ed. from the University of Maryland and before entering law school, Mr. Sweedler was a teacher in the Washington, D.C. area.

Vivek Upadhya

Vivek Upadhya is an associate at Grant & Eisenhofer, focusing on securities, appraisal, whistleblower/*qui tam* and complex pharmaceutical and medical device litigation.

Mr. Upadhya is currently representing clients in a derivative suit against Tesla's board of directors and has previously represented investors challenging mergers, including an action against Regency Energy Partners pending in the Delaware Court of Chancery. Mr. Upadhya was also involved in *In re JPMorgan Chase & Co Securities Litigation* (S.D.N.Y.), which resulted in a \$150 million settlement. His other recent work includes Delaware Chancery Appraisal cases *In re Appraisal of Jarden Corporation* and *In re Appraisal of Solera Holdings, Inc.* Additionally, Mr. Upadhya worked on multi-district litigation involving prescription drugs such as Xarelto and Zofran.

Mr. Upadhya received his J.D. from Emory University School of Law, where he served as a managing editor for the *Emory Law Journal*. He received his B.A. in law and political science from the University of Utrecht in the Netherlands, and was born and raised in India.

Viola Vetter

Viola Vetter is an associate at Grant & Eisenhofer where she focuses on sovereign and public entity representation, primarily in matters seeking to redress environmental contamination. Ms. Vetter currently represents several state Attorneys General and municipalities in environmental litigation. In that role, she is prosecuting claims against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources and municipal stormwater systems throughout the nation, and against 3M Co. and other manufacturers of toxic firefighting foam laced with toxic PFAS chemicals, which now contaminate groundwater, drinking water, and other public resources. Ms. Vetter also represents investors in corporate governance and securities litigation, including in cross-border disputes.

Prior to joining Grant & Eisenhofer, Ms. Vetter was an associate at an international law firm, resident in Philadelphia, representing corporate clients in complex commercial, consumer and *qui tam* matters in state and federal courts.

Ms. Vetter earned her J.D. from Temple University Beasley School of Law in 2007, where she was a member of the *Temple Political & Civil Rights Law Review*. She received her B.S. in International Business and Political Philosophy, *magna cum laude*, from Elizabethtown College in 2004.

Ms. Vetter was selected to the 2015-2016 *Pennsylvania Super Lawyers* Rising Stars list for Business Litigation. She is fluent in English and German.

Jason H. Wilson

Jason Wilson is an associate at Grant & Eisenhofer where he focuses on sovereign and public entity representation, primarily in matters to address the systemic environmental contamination of public resources. Currently, Mr. Wilson is prosecuting claims against Monsanto Co. arising out of that company's production, marketing, and sale of toxic PCBs, which now contaminate natural resources and municipal stormwater systems throughout the nation, and against 3M Co. and other manufacturers of toxic PFAS chemicals, which contaminate groundwater, drinking water, and other public resources. Mr. Wilson also represents investors and whistleblowers in corporate governance and securities litigation.

Prior to joining Grant & Eisenhofer, Mr. Wilson was an associate at an international law firm, resident in Philadelphia, defending shareholder disputes, consumer class actions, antitrust, bankruptcy, environmental litigation, and government investigations related to the False Claims Act, Anti-Kickback Act and Foreign Corrupt Practices Act. Regarding his experience in shareholder disputes, Mr. Wilson defended numerous securities class actions, derivative suits and various shareholder requests for books and records. Before that, he spent three years in the litigation department of a large New York law firm. Mr. Wilson also served as a law clerk to Judge William H. Walls of the US District Court for the District of New Jersey.

Mr. Wilson earned his J.D. from Columbia Law School in 2004 where he was a Harlan Fisk Stone Scholar, was awarded the Alfred S. Forsyth Prize for dedication to the advancement of environmental law, and served as Editor-in-Chief of the *Columbia Environmental Law Journal*. He received his B.A. in History and a concentration in Environmental Science from Williams College in 1999.

Ivan B. Woods

Ivan Woods is an associate at Grant & Eisenhofer, focusing on securities, appraisal and environmental litigation. He was part of G&E teams whose efforts resulted in significant awards for their clients, including *In re JP Morgan Chase & Co. Securities Litigation* (\$150 million recovery) and the \$1 billion settlement in the *Royal Bank of Scotland* case in the United Kingdom.

Prior to joining Grant & Eisenhofer, Mr. Woods worked as a consultant for several national law firms and was on the claim management and legal staff of several New Jersey insurance companies where he supervised fraud and training divisions as well as focused on corporate law and regulatory compliance.

Mr. Woods earned his J.D. from Rutgers School of Law, Newark in 1997 and his B.S. in education from Auburn University in 1976. Mr. Woods is a member of the New Jersey State Bar Association.

Selected Institutional Client Representations

G&E has represented or is currently representing a number of institutional investors in major securities fraud actions, shareholder derivative suits, other breach-of-fiduciary-duty cases and related ancillary proceedings around the country. Some of the Firm's cases include:

(A) In Securities Fraud Litigation:

(1) CellStar

In one of the earliest cases filed after the enactment of PSLRA, the State of Wisconsin Investment Board ("SWIB") was designated lead plaintiff and G&E was appointed lead counsel in *Gluck v. CellStar Corp.*, 976 F.Supp. 542 (N.D.Tex. 1997). The cited opinion is widely considered the landmark on standards applicable to the lead plaintiff/lead counsel practice under PSLRA. (See, especially, *In re Cendant Corp. Litig.*, 2001 WL 980469, at *40, *43 (3d Cir. Aug. 28, 2001), citing the CellStar case.) After the CellStar defendants' motion to dismiss failed and a round of discovery was completed, the parties negotiated a \$14.6 million settlement, coupled with undertakings on CellStar's part for significant corporate governance changes as well. With SWIB's active lead in the case, the class recovery, gross before fees and expenses, was approximated to be 56% of the class' actual loss claims, about 4 times the historical 14% average gross recovery in securities fraud litigation. Because of the competitive process that SWIB had undertaken in the selection of counsel, resulting in a contingent fee percentage significantly less than the average 31% seen historically, the net recovery to the class after all claims were submitted came to almost 50% of actual losses, or almost 5 times the average net recovery.

(2) Pfizer

G&E was class counsel in a certified federal securities class action against Pfizer and certain of its former officers and directors. Plaintiffs alleged that Pfizer affirmatively misrepresented the cardiovascular safety of its multi-billion-dollar arthritis drugs, Celebrex and Bextra, and actively concealed adverse safety information concerning the products in order to win market share from Merck's competing Cox-2 drug, Vioxx. In 2004 and 2005, when the truth about the cardiovascular risks of Celebrex and Bextra was finally revealed, Pfizer shareholders collectively lost billions of dollars. Plaintiffs also alleged that certain former officers and directors of Pfizer illegally sold shares of Pfizer stock during the class period while in possession of material, non-public information concerning the drugs.

The case was extensively litigated for nearly 10 years, with millions of pages of documents produced and more than 50 depositions taken. Prior to the beginning of merits discovery, the parties engaged in a Daubert proceeding in which Pfizer argued that there was no scientific basis for a claim that Celebrex and Bextra were associated with adverse cardiovascular effects. Both sides submitted extensive

expert reports and, after a 5 day trial, the Court completely rejected Pfizer's challenges to Plaintiffs' expert testimony. Defendants' motion for summary judgment was denied in most respects, although the Court held that Pfizer could not be held liable for a few statements made by its co-promoters concerning the drugs. In 2014, however, the Court granted Defendants' motion to exclude the testimony of Plaintiffs' expert concerning damages and causation, Professor Daniel Fischel, and thereafter granted summary judgment for Defendants because without Fischel's testimony, Plaintiffs could not prove damages or loss causation. Plaintiffs appealed to the United States Court of Appeals for the Second Circuit, and on April 12, 2016, the Court of Appeals reversed. The Court of Appeals held that the District Court abused its discretion in excluding Fischel's testimony and further held that the District Court's erred in granting summary judgment to Defendants concerning the statements made by Pfizer's co-promoter. Defendants moved in the Court of Appeals for rehearing *en banc*. While that motion was pending, the parties agreed on a settlement of the litigation providing for a cash payment by Pfizer of \$486 million. The parties then jointly moved, and the Court of Appeals agreed, to hold the rehearing petition in abeyance pending the District Court's consideration of the proposed settlement. The District Court held a conference on September 13, 2016 to consider whether to grant preliminary approval to the settlement and authorize the transmission of notice of the settlement to class members. The settlement was preliminarily approved on September 16, 2016, and on December 21, 2016, final approval was obtained. *In re Pfizer Inc. Securities Litigation*, SD-NY, No. 04-9866.

(3) **DaimlerChrysler**

Florida State Board of Administration was appointed lead plaintiff and G&E co-lead counsel in the PSLRA class action on behalf of shareholders of the former Chrysler Corporation who exchanged their shares for stock in DaimlerChrysler in Chrysler's 1998 business combination with Daimler-Benz AG which was represented at the time as a "merger of equals." Shortly before trial, the defendants agree to a \$300 million cash settlement, among the largest securities class action settlements since the enactment of the PSLRA. *In re DaimlerChrysler Securities Litigation*, D. Del., C.A. No. 00-0993.

(4) **Oxford Health Plans**

Public Employees' Retirement Association of Colorado ("ColPERA") engaged G&E to represent it to seek the lead plaintiff designation in the numerous securities fraud actions that were consolidated into *In re Oxford Health Plans, Inc., Securities Litig.*, S.D.N.Y., MDL Docket No. 1222 (CLB). The court ordered the appointment of ColPERA as a co-lead plaintiff and G&E as a co-lead counsel. G&E and its co-leads filed the Consolidated Amended Complaint. Memorandum opinions and orders were entered denying defendants' motions to dismiss (see 51 F.Supp. 2d 290 (May 28, 1999) (denying KPMG motion) and 187 F.R.D. 133 (June 8, 1999) (denying motion of Oxford and individual director

defendants)). The case settled for \$300 million, another settlement negotiated by G&E that is among the largest settlements since the enactment of the PSLRA.

(5) **Dollar General**

The U.S. District Court for the Middle District of Tennessee ordered the appointment of Florida State Board of Administration and the Teachers' Retirement System of Louisiana as lead plaintiffs and G&E as co-lead counsel in a PSLRA and Rule 10b-5 case against the defendant company, its accountants, and individual insiders who allegedly issued false and misleading statements over an alleged 3-year Class Period and failed to disclose adverse facts about the company's financial results. Settlements were approved involving a cash payment of \$162 million from the company and the individual defendants, an additional \$10.5 million from Deloitte & Touche, LLP (Dollar General's accountants), and beneficial governance reforms for Dollar General. *In re Dollar General Securities Litigation*, M.D. Tenn., No. 3:01-0388, orders dated July 19, 2001 and September 29, 2003.

(6) **Just For Feet**

G&E represented the State of Wisconsin Investment Board ("SWIB") in a federal securities class action against certain officers and directors of Just For Feet, Inc., and against Just For Feet's auditors, in the Northern District of Alabama. That action arose out of the defendants' manipulation of the company's accounting practices to materially misstate the company's financial results. Having been appointed co-lead plaintiff, SWIB, with G&E as its counsel, took primary responsibility for the case. (*SWIB v. Ruttenberg, et al.*, N.D. Ala., CV 99-BU-3097-S and 99-BU-3129-S, 102 F. Supp. 2d 1280 (N.D. Ala. 2000)). SWIB obtained a policy limits settlement with the individual defendants' D&O carrier and an additional \$7.4 million from Just For Feet's auditor, for a recovery totaling approximately \$32 million.

(7) **Waste Management**

G&E filed a non-class federal securities action against Waste Management, Inc., its former and current directors, and the company's accountants in the Northern District of Florida, on behalf of Lens Investment Management, LLC and Ram Trust Services, Inc. The complaint alleged that Waste Management had, over a five-year period, issued financial statements and other public statements that were materially false and misleading due to the defendants' fraudulent and improper accounting manipulations. G&E also filed non-class actions in Illinois state court, asserting similar claims on behalf of the Florida State Board of Administration ("FSBA") and the Teachers' Retirement System of Louisiana. After G&E successfully defeated the defendants' motions to dismiss FSBA's complaint in state court, FSBA's cause of action was transferred to the Northern District of Florida. At the point where there were competing motions for summary judgment pending, G&E successfully negotiated a settlement pursuant to which each plaintiff received several times what it would have received in the class action.

Florida State Board of Administration, Ram Trust Services, Inc. and Lens Investment Management, LLC v. Waste Management, Inc., et al., N.D.Fla., No. 4:99CV66-WS, amended complaint filed June 21, 1999; and *Teachers' Retirement System of Louisiana v. Waste Management, Inc., et al.*, Circuit Ct., Cook Co. [Ill.], No. 98 L 06034, complaint filed May 18, 1999.

(8) **Total Renal Care**

In June 1999, the Louisiana State Employees' Retirement System and Teachers' Retirement System of Louisiana were appointed as Lead Plaintiffs in a federal securities class action against Total Renal Care ("TRC") and certain of its officers and directors, in the U.S. District Court for the Central District of California. G&E served as Plaintiffs' Lead Counsel. Plaintiffs filed their Corrected Consolidated Amended Complaint against the defendants, alleging, *inter alia*, that the defendants manipulated TRC's financial statements so as to materially overstate TRC's revenues, income and assets and to artificially inflate TRC's stock price. G&E negotiated a settlement requiring TRC's payment of \$25 million into a settlement fund for the class and the company's adoption of certain internal corporate governance policies and procedures designed to promote the future accountability of TRC's management to its stockholders. At the time of the settlement, this amount represented 33% of the value of the Company's shares. *In re Total Renal Care Securities Litigation*, C.D. Cal., Master File No. CV-99-01745 CBM.

(9) **Safety-Kleen**

G&E was sole lead counsel for the plaintiffs in a federal securities class action and a series of related individual actions against former officers, directors, auditors and underwriters of Safety-Kleen Corporation, who are alleged to have made false and misleading statements in connection with the sale and issuance of Safety-Kleen bonds. *In re Safety-Kleen Corp. Bondholders Litig.*, D.S.C., No. 3:00-CV-1145-17, consolidated complaint filed January 23, 2001. In March of 2005, after a jury had been selected for trial, the auditor defendant settled with the class and individual claimants for \$48 million. The trial then proceeded against the director and officer defendants. After seven weeks of trial, the director defendants settled for \$36 million, and the court entered judgment as a matter of law in favor of the class and against the company's CEO and CFO, awarding damages of \$192 million.

(10) **Styling Technology Corporation**

G&E represented funds managed by Conseco Capital Management, Inc., Credit Suisse Asset Management, Pilgrim American Funds and Oppenheimer Funds, Inc. in a securities action brought in May 2001, asserting both federal (1933 Act) and state claims brought in the Superior Court of California. The suit alleged that certain former officers, as well as the independent auditors, of Styling Technology Corporation made false and misleading statements in connection with the sale and issuance of Styling Technology bonds. Styling Technology filed for bankruptcy

protection under Chapter 11 in August 1999. In October 2000, discovery of accounting irregularities and improperly recognized revenue forced the Company to restate its financial statements for the years 1997 and 1998. Plaintiffs, owning \$66.5 million of the total \$100 million in bonds sold in the offering, settled the case for a recovery representing approximately 46% of the losses suffered by the client funds that they manage. *Franklin High Income Trust, et al. v. Richard R. Ross, et al.*, Cal. Super., San Mateo Co. [Calif.], Case No: 415057, complaint filed November 28, 2000.

(11) Tyco

G&E served as co-lead counsel representing co-lead plaintiffs Teachers' Retirement System of Louisiana and Louisiana State Employees' Retirement System in a securities class action against Tyco International Ltd. and PricewaterhouseCoopers LLP. The complaint alleged that the defendants, including Tyco International, Dennis Kozlowski, and other former executives and directors of Tyco and PricewaterhouseCoopers, made false and misleading public statements and omitted material information about Tyco's finances in violation of Sections 10(b), 14, 20A and 20(a) of the Securities Exchange Act of 1934. Tyco agreed to fund \$2.975 billion in cash to settle these claims, representing the single largest payment from any corporate defendant in the history of securities class action litigation. PricewaterhouseCoopers also agreed to pay \$225 million to settle these claims, resulting in a total settlement fund in excess of \$3.2 billion.

(12) Global Crossing

Ohio Public Employees' Retirement System and the Ohio Teachers' Retirement System were appointed lead plaintiff and G&E was appointed sole lead counsel in a securities class action against Global Crossing, Ltd. and Asia Global Crossing, Ltd. *In re Global Crossing, Ltd. Securities & "ERISA" Litig.*, MDL Docket No. 1472. In November 2004, the Court approved a partial settlement with the Company's former officers and directors, and former outside counsel, valued at approximately \$245 million. In July 2005, the Court approved a \$75 million settlement with the Citigroup-related defendants (Salomon Smith Barney and Jack Grubman). In October 2005, the Court approved a settlement with Arthur Andersen LLP and all Andersen-related defendants for \$25 million. In October 2006, the Court approved a \$99 million settlement with various financial institutions. In total, G&E recovered \$448 million for investors in Global Crossing.

(13) Telxon Corporation

G&E filed a federal securities and common law action against Telxon Corporation, its former officers and directors and its accountants in the Northern District of Ohio on behalf of Wyser-Pratte Management Co., Inc., an investment management firm. Following mediation, G&E negotiated a settlement of all claims. *Wyser-Pratte Management Co., Inc. v. Telxon Corp., et al.*, N.D. Ohio, Case No. 5:02CV1105.

(14) **Hayes Lemmerz**

G&E served as lead counsel to plaintiffs and class members who purchased or acquired over \$1 billion in bonds issued by Hayes Lemmerz International, Inc. G&E negotiated a settlement worth \$51 million. *Pacholder High Yield Fund, Inc. et al. v. Ranko Cucoz et al.*, E.D. Mich., C.A. No. 02-71778.

(15) **Asia Pulp and Paper**

On behalf of bondholders of various subsidiaries of Indonesian paper-making giant Asia Pulp and Paper (“APP”), G&E filed an action alleging that the bondholders were defrauded by APP’s financial statements which were inflated by nearly \$1 billion in fictitious sales. Defendants’ motions to dismiss were denied. *Franklin High Income Trust, et al. v. APP Global Ltd., et al.*, N.Y. Sup. Ct., Trial Div., Index No. 02-602567. The matter was resolved through a confidential settlement.

(16) **Alstom**

Louisiana State Employees’ Retirement System was appointed as co-lead plaintiff and G&E was appointed co-lead counsel in a class action against Alstom SA, a French corporation engaged in power generation, transmission and distribution in France. The suit alleges that Alstom and other defendants made false and misleading statements concerning the growth and financial performance of its transportation subsidiary. G&E achieved a settlement in the amount of \$6.95 million. *In re Alstom SA Sec. Litig.*, S.D.N.Y. 03-cv-6595.

(17) **Parmalat**

G&E was co-lead counsel in this securities class action arising out of a multi-billion dollar fraud at Parmalat, which the SEC described as “one of the largest and most brazen corporate financial frauds in history.” Settlements exceeding \$110 million were reached. *In re Parmalat Sec. Litig.*, S.D.N.Y. 04-MDL-1653.

(18) **Marsh & McLennan**

G&E was co-lead counsel for the class of former Marsh & McLennan shareholders in this federal securities class action alleging that the company, its officers, directors, auditors, and underwriters participated in a fraudulent scheme involving, among other things, bid-rigging and secret agreements to steer business to certain insurance companies in exchange for “kick-back” commissions. After five years of litigation, G&E achieved a \$400 million settlement on behalf of the class. *In re Marsh & McLennan Companies, Inc. Sec. Litig.*, S.D.N.Y. 04-cv-8144.

(19) **Hollinger International**

G&E was co-lead counsel in this securities class action arising out of a company scandal at Hollinger International, Inc. which involves payment of millions of dollars to certain executives, including the company's former CEO, Lord Conrad Black, relating to sales of company assets. G&E negotiated a settlement with Hollinger in the amount of \$37.5 million. *In re Hollinger International Inc. Securities Litigation*, N.D. Ill. 04-C-0834.

(20) **General Motors**

G&E served as co-lead counsel in a securities class action against GM, arising from alleged false statements in GM's financial reports. After about two and a half years of litigation, a settlement was reached with GM for \$277 million, with GM's auditor, Deloitte & Touche contributing an additional \$26 million. The combined \$303 million settlement ranked among the largest shareholder recoveries of 2008. *In re General Motors Corp. Sec. Litig.*, E.D. Mich., MDL No. 1749.

(21) **Delphi**

Delphi is an automotive company that was spun off of General Motors. The company failed as a stand-alone entity, but concealed its failure from investors. G&E's client, one of the largest pension funds in the world, served as a lead plaintiff, and G&E served as co-lead counsel in this securities class action, which produced settlements totaling \$325 million from Delphi, its auditor and its director and officers liability insurer. *In re Delphi Corporation Securities Derivative & ERISA Litigation*, E.D. Mich., MDL No. 1725.

(22) **Refco**

A mere two months after going public, Refco admitted that its financials were unreliable because the company had concealed that hundreds of millions of dollars of uncollectible receivables were owed to the company by an off-balance sheet entity owned by the company's CEO. G&E served as a co-lead counsel and G&E's client, PIMCO, was a co-lead plaintiff. The case resulted in recoveries totaling \$422 million for investors in Refco's stock and bonds (including \$140 million from the company's private equity sponsor, over \$50 million from the underwriters, and \$25 million from the auditor). *In re Refco, Inc. Securities Litigation*, S.D.N.Y., No. 05 Civ. 8626.

(23) **Sprint**

G&E represented lead plaintiff institutional investor Carlson Capital, L.P. in this class action suit against Sprint Corporation and its former CEO and directors for breach of fiduciary duty in the consolidation of two separate tracking stocks. In December 2007, a \$57.5 million settlement was approved. *In re Sprint Corporation Shareholder Litigation*, D. Kan., No. 04 CV 01714.

(B) In Derivative and Other Corporate Litigation:**(1) Digex**

This case resulted in a settlement of over \$400 million, the largest reported settlement in the history of Delaware corporate litigation. G&E represented the lead plaintiff, TCW Technology Limited Partnership, in alleging that Digex, Inc.'s directors and majority stockholder (Intermedia, Inc.) breached their fiduciary duties in connection with WorldCom's proposed \$6 billion acquisition of Intermedia. Among other issues, WorldCom was charged with attempting to usurp a corporate opportunity that belonged to Digex and improperly waiving on Digex's behalf the protections of Delaware's business combination statute. Following G&E's argument on a motion to preliminarily enjoin the merger, the Court issued an opinion declining to enjoin the transaction but acknowledging plaintiffs' likelihood of success on the merits. *In re Digex, Inc. Shareholders Litigation*, C.A. No. 18336, 2000 WL 1847679 (Del. Ch. Dec. 13, 2000). The case settled soon thereafter.

(2) UnitedHealth Group

G&E represented the Ohio Public Employees Retirement System, State Teachers Retirement System of Ohio, and Connecticut Retirement Plans and Trust Funds as lead plaintiffs in a derivative and class action suit in which G&E successfully challenged \$1.2 billion in back-dated options granted to William McGuire, then-CEO of health care provider UnitedHealth Group. This was among the first – and most egregious – examples of options backdating. G&E's case produced a settlement of \$922 million, the largest settlement in the history of derivative litigation in any jurisdiction. *In re UnitedHealth Group Inc. Shareholder Derivative Litig.*, C.A. No. 06-cv-1216 (D. Minn.)

(3) AIG

In what was, at the time, the largest settlement of derivative shareholder litigation in the history of the Delaware Chancery Court, G&E reached a \$115 million settlement in a suit against former executives of AIG for breach of fiduciary duty. The case challenged hundreds of millions of dollars in commissions paid by AIG to C.V. Starr & Co., a privately held affiliate controlled by former AIG Chairman Maurice "Hank" Greenberg and other AIG directors. The suit alleged that AIG could have done the work for which it paid Starr, and that the commissions were simply a mechanism for Greenberg and other Starr directors to line their pockets. *Teachers' Retirement System of Louisiana v. Greenberg, et al.*, C. A. No. 20106-VCS (Del. Ch.).

(4) **Genentech**

When Swiss healthcare company Roche offered to buy out biotech leader Genentech Inc. for \$43.7 billion, or \$89 per share, G&E filed a derivative claim on behalf of institutional investors opposed to the buyout. With the pressure of the pending litigation, G&E was able to reach a settlement that provided for Roche to pay \$95 per share, representing an increase of approximately \$3 billion for minority shareholders. *In re Genentech, Inc. Shareholders Litig.*, C.A. No. 3911-VCS (Del. Ch.).

(5) **Willamette**

In January 2002, at the request of Wyser-Pratte Management Co., Inc. and others, G&E filed a shareholder derivative action in Oregon state court claiming that the board of Willamette Industries, Inc. breached its fiduciary duties by attempting to cause Willamette to acquire the asbestos-ridden building products division of Georgia-Pacific Company as part of a scorched-earth effort to defeat a hostile takeover of Willamette by its chief competitor, Weyerhaeuser Company. G&E obtained an expedited hearing on its motion for a preliminary injunction and obtained an agreement from Willamette at the hearing not to consummate any deal with Georgia-Pacific without providing prior notice to G&E. Almost immediately thereafter, and after years of fighting against Weyerhaeuser's takeover attempts, the Willamette board relented and agreed to sell the company to Weyerhaeuser. *Wyser-Pratte Management Co., Inc. & Franklin Mutual Advisors v. Swindells, et al.*, No. 0201-0085 (Ore. Cir. Ct.).

(6) **Medco Research**

In January 2000, G&E filed a shareholder derivative action on behalf of State of Wisconsin Investment Board against the directors of Medco Research, Inc. in Delaware Chancery Court. The suit alleged breach of fiduciary duty in connection with the directors' approval of a proposed merger between Medco and King Pharmaceuticals, Inc. G&E was successful in obtaining a preliminary injunction requiring Medco to make supplemental and corrective disclosures. Because of G&E's efforts, the consideration to Medco's stockholders increased by \$4.08 per share, or \$48,061,755 on a class-wide basis. *State of Wisconsin Investment Board v. Bartlett, et al.*, C.A. No. 17727, 2000 WL 193115 (Del. Ch. Feb. 9, 2000).

(7) **Occidental Petroleum**

G&E represented Teachers' Retirement System of Louisiana and served as co-counsel in a shareholders' derivative suit against the directors of Occidental Petroleum Corporation, challenging as corporate waste the company's excessive compensation arrangements with its top executives. Filed in California state court, the case settled when the company agreed to adopt California Public Employees' Retirement System's model principles of corporate governance and undertook to reconstitute its key committees so as to meet the tests of

independence under those principles. *Teachers' Retirement System of Louisiana v. Irani et al.*, No. BC1850009 (Cal. Super.).

(8) Staples, Inc.

On behalf of Teachers' Retirement System of Louisiana, G&E challenged Staples, Inc.'s proposed "recapitalization" plan to unwind a tracking stock, Staples.com, which it created in 1998. G&E obtained a preliminary injunction against the deal and the deal terms were ultimately altered resulting in a \$15-\$20 million gain for shareholders. Additional disclosures were also required so that shareholders voted on the challenged transaction based on a new proxy statement with substantial additional disclosures. *In re Staples, Inc. Shareholders Litigation*, C.A. No. 18784, 2001 WL 640377 (Del. Ch. June 5, 2001).

(9) SFX/Clear Channel Merger

G&E filed a class action on behalf of stockholders of SFX, challenging the merger between SFX and Clear Channel. While the SFX charter required that in any acquisition of SFX all classes of common stockholders be treated equally, the merger, as planned, provided for approximately \$68 million more in consideration to the two Class B stockholders (who happened to be the senior executives of SFX) than to the public stockholders. The merger was structured so that stockholders who voted for the merger also had to vote to amend the Charter to remove the non-discrimination provisions as a condition to the merger. G&E negotiated a settlement whereby \$34.5 million more was paid to the public stockholders upon closing of the merger. This was more than half the damages alleged in the Complaint. *Franklin Advisers, Inc., et al. v. Sillerman, et al.*, C.A. No. 17878 (Del. Ch.).

(10) Lone Star Steakhouse & Saloon

G&E filed a derivative lawsuit on behalf of California Public Employees' Retirement System ("CALPERS") against Lone Star's former CEO, Jamie Coulter, and six other Lone Star directors. The suit alleged that the defendants violated their fiduciary duties in connection with their approval of the company's acquisition of CEI, one of Lone Star's service providers, from Coulter, as well as their approvals of certain employment and compensation arrangements and option repricing programs. Before filing the suit, G&E had assisted in CALPERS in filing a demand for books and records pursuant to Section 220 of the Delaware General Corporation Law. The company's response to that demand revealed the absence of any documentation that the board ever scrutinized transactions between Lone Star and CEI, that the board negotiated the purchase price for CEI, or that the board analyzed or discussed the repricing programs. In August 2005, the Court approved a settlement negotiated by G&E whereby Lone Star agreed to a repricing of options granted to certain of its officers and directors, payments from certain of the officers and directors related to option grants, and a \$3 million payment from Lone Star's director and officer insurance policy. Lone Star further acknowledged that the lawsuit was one of the significant factors considered in its

adoption of certain corporate governance reforms. *California Public Employees' Retirement System v. Coulter, et al.*, C.A. No. 19191 (Del. Ch.).

(11) Siebel

The issue of excessive executive compensation has been of significant concern for investors, yet their concerns have remained largely unaddressed due to the wide discretion afforded corporate boards in establishing management's compensation. G&E effected a sea change in the compensation policies of Siebel Systems, a leading Silicon Valley-based software developer long considered to be an egregious example of executive compensation run amok, and caused Thomas Siebel, the company's founder and CEO, to cancel 26 million options with a potential value of \$54 million. Since the company's founding in 1996, Siebel Systems had paid Mr. Siebel nearly \$1 billion in compensation, largely in the form of lavish stock options that violated the shareholder-approved stock option plan. In addition, the company had paid its directors millions of dollars for their service on the board, also in the form of stock options, at levels exponentially higher than that paid to directors on the boards of similar companies. G&E, on behalf of Teachers' Retirement System of Louisiana, commenced a derivative action challenging the company's compensation practices in September of 2002 even though a prior, similar lawsuit had been dismissed. Following a hard-fought and acrimonious litigation, G&E successfully negotiated a settlement that, in addition to the options cancellation, included numerous corporate governance reforms. The company agreed to, *inter alia*, restructure its compensation committee, disclose more information regarding its compensation policies and decisions, cause its outside auditor to audit its option plans as part of the company's annual audit, and limit the compensation that can be paid to directors. The Siebel Systems settlement generated considerable favorable press in the industry, as investors and compensation experts anticipated that the reforms adopted by Siebel Systems could affect how other companies deal with compensation issues. *Teachers' Retirement System of Louisiana v. Thomas M. Siebel, et al.*, C. A. No. 425796 (Cal. Super.).

(12) HealthSouth Corporation

G&E filed a derivative and class action lawsuit on behalf of Teachers' Retirement System of Louisiana against HealthSouth Corporation, its auditors, certain individual defendants, and certain third parties seeking, *inter alia*, an order forcing the HealthSouth board of directors to hold an annual shareholder meeting for the purpose of electing directors, as no such meeting had been held for over thirteen months. Following a trial, G&E negotiated a settlement of part of its claims, pursuant to which five of the defendant directors who were alleged to have engaged in improper self-dealing with the company agreed to resign and be replaced by directors selected by a committee comprised in part by institutional investors of HealthSouth. *Teachers' Retirement System of Louisiana v. Scrushy*, Del. Ch., C.A. No. 20529 (March 2, 2004).

(13) NYSE/Archipelago

G&E served as co-lead counsel in a class action in New York state court, brought on behalf of a class of seat holders of the New York Stock Exchange (“NYSE”) challenging the proposed merger between the NYSE and Archipelago Holdings, LLC. The complaint alleged that the terms of the proposed merger were unfair to the NYSE seat holders, and that by approving the proposed merger, the NYSE board of directors had violated their fiduciary duties of care, loyalty and candor, because the transaction was the result of a process that was tainted by conflicts of interest and the directors failed adequately to inform themselves of the relevant facts. The court denied the defendants’ motion to dismiss, and after expedited discovery, including over 30 depositions in a five week period, a preliminary injunction evidentiary hearing was held, in which plaintiffs sought to postpone the vote on the merger until a new, current fairness opinion was obtained from an independent financial advisor. On the second day of the hearing, the defendants agreed to the relief being sought, namely that they would obtain a new, current fairness opinion from an independent financial advisor. *In re New York Stock Exchange/Archipelago Merger Litig.*, No. 601646/05 (Sup. Ct. N.Y. Co.)

(14) Caremark / CVS

G&E represented institutional shareholders in this derivative litigation challenging the conduct of the board of directors of Caremark Rx Inc. in connection with the negotiation and execution of a merger agreement with CVS, Inc., as well as that board’s decision to reject a competing proposal from a different suitor. Ultimately, through the litigation, G&E was able to force Caremark’s board not only to provide substantial additional disclosures to the public shareholders, but also to renegotiate the terms of the merger agreement with CVS to provide Caremark shareholders with an additional \$3.19 billion in cash consideration and to ensure Caremark’s shareholders had statutory appraisal rights in the deal. *Louisiana Municipal Police Employees’ Retirement System, et al. v. Crawford, et al.*, C.A. No. 2635-N (Del. Ch.).

(15) AIG

G&E achieved a settlement of derivative claims against former American International Group, Inc. (“AIG”) CEO Hank Greenberg and other officers of the insurer in connection with a well-documented bid-rigging scheme used to inflate the company’s income. The scheme — which included an array of wrongful activities, such as sham insurance transactions intended to deceive shareholders and illegal contingent commissions which amounted to kickbacks to obtain business — caused billions of dollars' worth of damage to AIG, and ultimately led to the restatement of years of financial statements.

In approving a settlement that returned \$90 million to AIG, the Court said the settlement was “an incentive for real litigation” with “a lot of high-quality lawyering.” *In re American International Group, Inc., Consolidated Derivative Litigation*. Delaware Chancery Court, 769-VCS

(16) **Del Monte Foods**

G&E served as lead counsel in shareholder litigation in which the Firm obtained an \$89.4 million settlement against Del Monte Foods Co. and Barclays Capital. On February 14, 2011, the Delaware Chancery Court issued a ground-breaking order enjoining not only the shareholder vote on the merger, but the merger agreement's termination fee and other mechanisms designed to deter competing bids. As a result of plaintiff's efforts, the Board was forced to conduct a further shopping process for the company. Moreover, the opinion issued in connection with the injunction has resulted in a complete change on Wall Street regarding investment banker conflicts of interests and company retention of investment bankers in such circumstances. *In re Del Monte Shareholder Litigation*, C.A. No. 6027-VCL (Del. Ch).

(17) **Facebook**

G&E served as co-lead counsel for plaintiffs, alleging that Facebook Chairman and CEO Mark Zuckerberg, as well as other officers and directors, breached their fiduciary duties to the class by approving the reclassification of Facebook stock. The reclassification, if implemented, would have allowed Mark Zuckerberg to maintain majority voting control while reducing his economic stake in the Company by over 65%. Just days before the trial was set to begin with Mark Zuckerberg's testimony, the Facebook Board of Directors met and decided to abandon the reclassification. Because G&E was seeking to enjoin the reclassification, the Board's abandonment of it was a complete win for the plaintiffs and the class. *In re Facebook Class C Reclassification Litigation*, C.A. No. 12286 (Del Ch).

(C) **In Securities Class Action Opt-Out Litigation**

(1) **AOL Time Warner, Inc.**

G&E filed an opt-out action against AOL Time Warner, its officers and directors, auditors, investment bankers and business partners. The case challenged certain transactions entered by the company to improperly boost AOL Time Warner's financials. G&E was able to recover for its clients more than 6 times the amount that they would have received in the class case.

(2) **BankAmerica Corp.**

G&E filed an individual action seeking to recover damages caused by the defendants' failure to disclose material information in connection with the September 30, 1998 merger of NationsBank Corporation and BankAmerica Corporation. G&E was preparing the case for trial when it achieved a settlement whereby the firm's client received more than 5 times what it would have received

in the related class action. Those proceeds were also received approximately one year earlier than the proceeds from the class action settlement.

(3) **Bristol-Myers Squibb**

G&E filed an opt-out action against Bristol-Myers Squibb, certain of its officers and directors, its auditor, and Imclone, Inc., alleging that Bristol-Myers had falsified billions of dollars of revenue as part of a scheme of earnings management. While the federal class action was dismissed and eventually settled for only 3 cents on the dollar, G&E's action resulted in a total settlement representing approximately 10 times what the firm's clients likely would have received from the class action.

(4) **Petrobras**

G&E filed securities fraud actions in Manhattan federal court on behalf of several U.S. and European public and private institutional investors against Petrobras, the Brazilian oil conglomerate, arising out of a decade-long bribery and kickback scheme that has been called the largest corruption scandal in Brazil's history. The action alleged that Petrobras concealed bribes to senior officers and government officials and improperly capitalized these bribes as assets on its books in order to inflate the value of the company's refineries. Many of these officers and officials have pled guilty before the Brazilian courts to charges stemming from their participation in the alleged scheme. G&E settled the action before the class action was resolved, and our clients received 2-3 times more than they would have had they stayed in the class, and received their share of the settlement at least two years before a class distribution.

(5) **Qwest Communications**

G&E filed an individual action against Qwest, its accountant (Arthur Andersen LLP), Solomon Smith Barney, and current and former officers and directors of those companies. The case alleged that Qwest used "swap deals" to book fake revenue and defraud investors. G&E was able to recover for its clients more than 10 times what they would have recovered had they remained members of the class.

(6) **WorldCom**

G&E filed an opt-out action against former senior officers and directors of WorldCom, including former CEO Bernard Ebbers, and Arthur Andersen LLP (WorldCom's former auditor), among others. The case stemmed from the widely-publicized WorldCom securities fraud scandal that involved false and misleading statements made by the defendants concerning WorldCom's financials, prospects and business operations. G&E recovered for its clients more than 6 times what they would have received from the class action.

EXHIBIT 21

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF KATHLEEN
HERKENHOFF IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Kathleen Herkenhoff, declare as follows:

2 1. I am a partner at the law firm of HAEGGQUIST & ECK, LLP (“HAE”).

3 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees (the
5 “Lead Order”), I was appointed to the Plaintiffs’ Executive Committee and as a Co-Chair of the
6 Law and Briefing Committee (the “LBC”), along with Amy E. Keller of the Dicello Levitt Gutzler
7 firm. In that role, I performed a number of responsibilities in the action, including extensive
8 research, factual investigation and drafting of the Consolidated Amended Complaint (the “CAC”)
9 (Dkt. 145). This work included analyzing the dozens of filed complaints, legal and factual research
10 to evaluate potential claims, analyzing the relevant Apple devices, batteries and iOS at issue, as
11 well as Apple’s statements in media sources (press releases, analyst conference calls, trade events,
12 annual Apple conferences, licensing agreements, etc.), marketing materials, packaging and
13 packaging inserts, patent applications, SEC filings, analyst conferences and responses to customer
14 complaints and/or inquiries concerning these items. After the filing of the CAC, the LBC provided
15 substantial additional legal research and drafting related to the opposition to Apple’s motion to
16 dismiss the CAC. The LBC worked at the direction of Co-Lead Counsel to research and draft the
17 Second Amended Complaint (Dkt. No. 244) (the “SAC”), including substantial work to counter
18 Apple’s arguments concerning the relevant devices and scope of intrusion. After the filing of the
19 SAC, the LBC was again involved in providing factual and legal research and drafting related to
20 the opposition to the Apple’s motion to dismiss the SAC. (Dkt. No. 280). The LBC also performed
21 analysis of Apple’s answer to the SAC (Dkt. No. 365), and performed further legal research
22 connected with additional pleadings, plaintiff fact discovery, and offensive discovery, including
23 briefs submitted to the Special Discovery Master regarding depositions of former plaintiffs,
24 depositions of class representatives, production of electronic data, and depositions of Apple
25 executives. This is not an exhaustive recitation of all work performed by the LBC, and it is
26 intended only to highlight select work projects. The LBC also provided assistance to the Co-Lead
27 Counsel to prepare for various hearings, when requested.

28 DECL OF KATHLEEN HERKENHOFF IN SUPPORT OF MTN FOR FINAL APPROVAL OF
PROP SETTLEMENT, AND FOR ATTORNEYS’ FEES, EXPENSES, AND SERVICE
AWARDS - 5:18-md-02827-EJD

1 3. The individuals of my firm who worked on this matter in the period from May 15,
2 2018 to July 31, 2020 are listed in Exhibit A, along with years in practice, the most recent hourly
3 rates reported to the Court in the litigation, hours spent, and total lodestar. I hereby attest that the
4 billing rates used on the attached Exhibit A conform to the professional rates set at my firm as of
5 our firm's most recent report to the Court. Further detail regarding the litigation and trial
6 experience of each professional may be found, to the extent available, in the firm resume attached
7 hereto as Exhibit C.

8 4. The detailed descriptions of the time spent by the attorneys and other professionals
9 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
10 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
11 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
12 Management No. 3 Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed time
13 records are available for the Court's review should the Court desire such records.

14 5. The total number of hours expended on this litigation by my firm, as approved by
15 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
16 consolidation through July 31, 2020 is 703.80 hours. The total lodestar for my firm from May 15,
17 2018 through July 31, 2020 is \$509,649.00.

18 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
19 ("expenses") totaling \$28,796.71 for the period May 15, 2018 to July 31, 2020, which were
20 necessary in relation to this litigation and submitted, vetted and approved by the Chair of the
21 Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
22 Management No. 3. The expenses pertaining this litigation are reflected in the books and records
23 of HAE. These books and records are prepared from expense vouchers, check records, and other
24 documents and are an accurate record of the expenses.

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1 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th
2 day of August 2020, at San Diego, California.

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5 _____
6 KATHLEEN HERKENHOFF
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EXHIBIT A

Haeggquist & Eck, LLP (5/15/18-7/31/20)

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Herkenhoff, Kathleen	Partner (27 years)	\$ 725.00	693.20	\$ 502,570.00
Eck, Amber	Partner (25 years)	\$ 690.00	10.10	\$ 6,969.00
Cameron, Winky	Senior Paralegal (30 years)	\$ 250.00	0.30	\$ 75.00
Lazar, Cass	Paralegal (3 years)	\$ 175.00	0.20	\$ 35.00
TOTAL			703.80	\$ 509,649.00

EXHIBIT B

EXHIBIT B**HAEGGQUIST & ECK, LLP (5/15/18-7/31/20)**

CATEGORY	AMOUNT
01. Outside Printing	\$0.00
02. Photocopies	\$1,385.00
03. Outside Fax Charges	\$0.00
04. Delivery Services/Messengers	\$0.00
05. Postage	\$0.00
06. Court Fees	\$0.00
07. Subpoena Fees	\$0.00
08. Witness Fees	\$0.00
09. Deposition Transcripts	\$0.00
10. Long-Distance Telephone Calls	\$0.00
11. Trial Transcripts	\$0.00
12. Trial Exhibits	\$0.00
13. Lexis / Westlaw	\$2,409.91
14. Litigation Support Vendors	\$0.00
15. Experts	\$0.00
16. Arbitrators/Mediators	\$0.00
17. Meals (excluding alcohol)	\$0.00
18. Taxi/Car Service/Other Ground Transport	\$0.00
19. Travel-Mileage Reimbursement	\$0.00
20. Travel-Airfare	\$0.00
21. Travel-Hotel	\$0.00
22. Travel-Rental Car	\$0.00
23. Service Fees	\$0.00
24. Miscellaneous	\$1.80
25. Assessments	\$25,000.00
TOTAL	\$ 28,796.71

EXHIBIT C



FIRM RESUME

225 Broadway, Suite 2050 | San Diego, CA 92101
p: 619.342.8000 | f: 619.342.7878
www.zhlaw.com

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ABOUT HAEGGQUIST & ECK, LLP

Haeggquist & Eck, LLP is a San Diego, California based law firm dedicated to representing clients throughout California and the nation in complex consumer, employment, and securities class action litigation, as well as in individual employment litigation matters. We are Southern California's definitive employee and consumer rights advocates who are committed to our clients, our community, and social justice.

The firm's founding partners trained at the country's largest plaintiff's consumer and securities class action firm, and since then, we've built our reputation in employment, consumer protection, and securities fraud class action cases, taking on large corporations that have wronged individuals or small businesses. We pride ourselves on our fearlessness: No defendant is too large or powerful for us to tackle. In 2016, we served as Co-Lead Counsel in litigation against then-presidential candidate Donald Trump and Trump University, resulting in a \$25 million settlement for class members, where class members received approximately 90 percent of the value of their claims. We took no fees for our seven years of work in the case.

We have played instrumental roles in litigating cutting-edge consumer, securities, insurance, antitrust, and class action cases of national importance, and have successfully advocated for consumers against some of the largest corporations in the United States. We have successfully pursued class actions against corporations for a wide range of unlawful practices including deceptive advertising; product defect; senior annuities fraud; securities fraud; wage/hour violations; employment discrimination based on race, religion, age, and disability; race discrimination in insurance underwriting and price-fixing. Whether we are vindicating the rights of defrauded consumers and shareholders, or representing employees who were wrongfully terminated, we are thorough, meticulous, and passionate about our work.

Our firm's culture is steeped in giving back to our community, and our lawyers sit on the boards of several innovative local nonprofit organizations. Managing Partner Alreen Haeggquist is a Director of the San Diego County Bar Foundation which strives to provide access to justice and advocacy for people in our community impacted by poverty, abuse, and discrimination. She is also a founding and advisory board member of Think Dignity, whose mission is to inspire, empower, and organize the San Diego community to advance basic dignity for those living on the streets. Partner Amber Eck is a volunteer with Genesis Diez Ministries, a nonprofit organization that creates learning experiences for orphans and migrant children in Baja California, Mexico. Our firm regularly sponsors events by, and donates to, area nonprofits and organizations including the California Innocence Project, Think Dignity, Casa Cornelia, Free to Thrive, Berry Good Food

Foundation, Lawyers Club of San Diego, and the San Diego County Bar Foundation. Our team also comes together to volunteer in our community (and those around us) by building cabins for Rancho Genesis in Baja for orphans and serving meals at the Monarch School for homeless youth.

In 2019, Haeggquist & Eck associate Robert Prine donated more than 150 hours to handling a federal asylum case in immigration court, and partner Aaron Olsen served as local counsel for two groups of immigrant parents and children separated at the U.S.-Mexico border due to the Trump administration's "zero tolerance" policy. Mr. Olsen is also serving as local counsel in a case to ensure government agencies properly disseminate information about immigrants. Senior associate Jenna Rangel serves on the panel of the San Diego Public Defenders' Juvenile Dependency Division, and Alreen Haeggquist and Amber Eck serve on the pro bono panel for the United States District Court for the Southern District of California.

Our mission is simple and straightforward: to obtain life-changing results and closure for our clients through compassionate representation of the highest caliber. We strive to achieve that mission through our commitment to the following values:

- Approaching each case energetically, passionately, and relentlessly;
- Promoting equality, honoring diversity, and holding corporations and employers accountable; and
- Cultivating a welcoming, supportive, and positive work environment.

Whether we are vindicating the rights of defrauded consumers and shareholders, representing employees who were wrongfully terminated, or advocating on behalf of victims of human rights violations and human trafficking, we are thorough, meticulous, and passionate about our work.

PRACTICE AREAS AND REPRESENTATIVE CASES

CONSUMER

Haeggquist & Eck represents consumers in class action lawsuits against some of the nation's largest corporations seeking to uphold consumer rights. We have played instrumental roles in claims involving product defects, false advertising, mortgage lending, banking, insurance fraud, discriminatory underwriting, and senior fraud.

Some of the consumer class actions in which Haeggquist & Eck attorneys have been appointed lead counsel or named counsel are:

- ▶ Serving on Plaintiffs' Executive Committee in one of the nation's largest domestic and international consumer class actions against Apple Inc., captioned as *In re Apple Inc. Device Performance Litigation*, No. 5:18-md-02827-EJD (N.D. Cal.) (the "*Apple Device Litigation*"). Plaintiffs in the *Apple Device Litigation* allege that, among other things, Apple sold defective iPhone models (and batteries for such devices), and that Apple also thereafter released iOS software updates to secretly throttle iPhone device performance.
- ▶ Served as Co-Lead Counsel on behalf of certified classes of Trump University seminar purchasers against Trump University, LLC and Donald Trump for violations of California, Florida, and New York consumer protection statutes, and California and Florida elder abuse claims regarding real estate investing seminars. *Low v. Trump University, LLC, et al.*, Case No. 3:10-cv-00940-GPC-WVG (S.D. Cal.). We also served as Co-Lead Counsel on behalf of a putative nationwide class of Trump University students alleging violations of the Racketeer Influenced and Corrupt Organizations Act ("RICO") by Donald Trump. *Cohen v. Donald J. Trump*, Case No. 3:13-cv-02519-GPC-WVG (S.D. Cal.). The cases resulted in a \$25 million settlement for the plaintiffs. The settlement was deemed one of California's Top 50 Class Action Settlements in 2016.
- ▶ Serving as Co-Lead Counsel on behalf of a putative class of consumers against Williams Sonoma, Inc., alleging that it falsely advertised and illegally inflated the thread count of its luxury bedding collections sold across the company's family of brands, including Williams Sonoma and Pottery Barn. *Rushing v. Williams Sonoma*, No. 3-16-cv-01421-WHO (N.D. Cal.)
- ▶ Served as Co-Lead Counsel for a multi-state class action against Sony Electronics, Inc. alleging fundamental flaws in the design and/or manufacturing process in certain VAIO Touchpad Notebooks. *In Re Sony VAIO Computer Notebook Trackpad*

Litigation, Case No. 3:09-cv-02109-BAS-MDD (S.D. Cal.). A settlement was approved, and eligible class members received a cash payment for the harm incurred.

- ▶ Served as Co-Lead Counsel for a nationwide consumer class action against Apple Inc. representing a class of laptop owners for product defect claims that Apple's power adapter is defectively designed. *In Re Magsafe Apple Power Adapter Litigation*, Case No. 5:09-cv-01911-EJD (N.D. Cal). A nationwide settlement was approved, and eligible class members received relief for the defective adapters.
- ▶ Served as Counsel for a putative class action on behalf of telecommunications customers against U.S. TelePacific Corp. alleging that its Early Termination Fees were improper and unlawful. *Brennan v. U.S. TelePacific Corp.*, Case No. 2010-00422317-CU-MC-CXC (Orange Super. Ct.).
- ▶ Served as Co-Lead Counsel for a nationwide class of over two million purchasers of an alleged defective power adapter in a consumer product defect claims against Apple Inc. *Gordon v. Apple Computer, Inc.*, Case No. 5:06-cv-05358-JW (N.D. Cal.). A nationwide settlement was approved, and eligible class members received \$25-\$79 each.
- ▶ Served as Co-Lead Counsel for a nationwide class of consumers who purchased defective live internet streams of Showtime's airing of an unprecedented fight between boxing legend Floyd Mayweather and UFC superstar Conor McGregor in a class action against Ultimate Fighting Championship. *Park, et. al. v. Zuffa, LLC, et al.*, Case No. 2:17-cv-02282 (D. Nev.). A nationwide settlement was approved, and eligible class members received up to a 100% refund of the purchase price, in addition to other relief.

SECURITIES FRAUD AND SHAREHOLDER DERIVATIVE LITIGATION

Haeggquist & Eck represents investors that have suffered from corporate fraud through securities class actions and shareholder derivative litigation. The firm's lead securities partner, Amber Eck, has worked for over 20 years on a wide range of complex litigation and securities fraud cases across the United States and has recovered hundreds of millions of dollars for her clients. She has also prosecuted numerous shareholder derivative actions against the executives of companies charged with violating federal environmental, labor, health and safety, and securities laws, and has conferred millions of dollars in added shareholder value through tailored corporate governance reforms designed to prevent future harm.

Some of the securities class actions and derivative cases in which Haeggquist & Eck attorneys have been appointed lead counsel or named counsel are:

- ▶ *Turocy v. El Pollo Loco*, Case No. 8:15-cv-01343 (C.D. Cal.). Served as named counsel in a securities fraud class action alleging that El Pollo Loco (LOCO) made false and misleading statements about its business and prospects. The case settled in 2019 for \$20 million.
- ▶ *In re Pacific Coast Oil Trust Sec. Litig.*, Case No. BC550418 (Los Angeles Super. Ct.). Served as named counsel in a Section 11 securities fraud class action against Pacific Coast Oil Trust (PCOT), alleging that Pacific Coast violated the Securities Act of 1933 by issuing documents in connection with its Offering that were false or misleading. The case settled in 2017 for approximately \$7.6 million.
- ▶ *Rosenberg v. Cliffs Natural Resources, Inc.*, Case No. CV-14-828140 (Cuyahoga Cty., Ohio, Common Pleas Ct.). Served as named counsel in a Section 11 securities fraud class action against Cliffs Natural Resources, Inc. (CLV), alleging that Cliffs violated the Securities Act of 1933 by issuing documents in connection with its Offering that were false or misleading. The case settled in 2016 for approximately \$10 million.
- ▶ *In re NQ Mobile, Inc.*, Case No. 1:13-cv-7608 (S.D.N.Y.). Served as named counsel in securities fraud class action against NQ Mobile, Inc. (NQ), alleging that NQ issued materially false or misleading Registration Statement and Prospectus in connection with its Initial Public Offering. The case settled in 2016 for approximately \$5.1 million.
- ▶ *West Palm Beach Police Pension Fund v. CardioNet, Inc.*, Case No. 37-2010-00086836-CU-SL-CTL (San Diego Super. Ct.). Served as named counsel in a securities class action against CardioNet, Inc. (BEAT) on behalf of the public purchasers in CardioNet's \$82 million March 25, 2008 Initial Public Offering and \$152 million

August 6, 2008 Secondary Public Offering, alleging that CardioNet issued false and misleading statements. The case settled in 2012 for approximately \$7.25 million.

- ▶ *Dulgarian v. Cinnamon (Akeena Solar, Inc. Derivative Litigation)*, Case No. 1:10-CV-173351 (Santa Clara Super. Ct.). Served as sole Lead Counsel in this action alleging breach of fiduciary duty and insider trading by Akeena Solar, Inc.'s (AKNS) founder and CEO Barry Cinnamon and the Akeena Board. The case settled in 2012 for substantial corporate governance enhancements.
- ▶ *In re Pacific Biosciences of California, Inc. Securities Litigation*, Case No. CIV509210 (San Mateo Super. Ct.). Represented shareholders in a state securities Section 11 action against Pacific Biosciences (PACB), alleging that its Registration Statement and Prospectus were false and misleading, and that Defendants were strictly liable to the Initial Public Offering share purchasers under Sections 11, 12 and 15 of the Securities Act of 1933. The case settled in 2013 for approximately \$7.6 million.
- ▶ *In re SandRidge Energy, Inc. Securities Litigation*, Case No. 5:12-cv-01341 (W.D. Okla.). Served as named counsel in securities fraud class action against SandRidge Energy, Inc. (SD), alleging that the oil and gas exploration company made material misrepresentations regarding one of its core holdings located in Oklahoma and Kansas, including the amount of oil being produced. Meanwhile, SandRidge's founder and CEO Tom Ward engaged in a classic form of front-running – purchasing lands around where SandRidge would be developing wells and then personally benefitting from SandRidge's investments.
- ▶ *In re ECotality, Inc. Securities Litigation*, Case No. 3:13-cv-03791-SC (N.D. Cal.). Served as named counsel in securities fraud class action against ECotality, Inc. (ECTYQ) alleging that the company, its CEO, and CFO made materially false and misleading statements concerning its electric vehicle charging and energy storing systems. The case settled in 2015 for approximately \$1.1 million.

EMPLOYMENT

Haeggquist & Eck also represents employees in cases involving wage disputes, sexual harassment, discrimination, retaliation, and wrongful termination based on protected statuses including age, race, disability, gender, and religion. Having resolved hundreds of employment matters, Haeggquist & Eck has recovered millions of dollars in damages on behalf of its employee clients.

Below is a small sampling of the wide-ranging employment matters we litigate in both state and federal courts against some of the largest employers in our community:

- ▶ *Gonzalez v. Kaiser Foundation Health Plan, Inc.*, Case No. 37-2015-00019382-CU-WT-CTL (San Diego Super. Ct.). Represented a wrongfully terminated Kaiser employee in a unique case of first impression for “associational discrimination.” We prevailed at trial and obtained a \$492,000 verdict. In 2016, this case was awarded one of California’s Top 50 Employment Verdicts.
- ▶ *Gonzalez v. Laboratory Corporation of America Holdings, et al.*, Case No. 3:17-cv-1077-JLS-JLB (S.D. Cal.). Served as Lead-Counsel for a class of phlebotomist workers in a wage and hour class action for misclassification as independent contractors. The Court granted final approval of the Class Action Settlement providing class members with over \$750,000 in damages.
- ▶ *Wood v. Barcardia, LLC*, Case No. 37-2013-00054903-CU-OE-CTL (San Diego Super. Ct.). Represented a California class of employees in a wage and hour class action against Barcardia, alleging failure to pay overtime and final pay, failure to provide meal and rest periods, and failure to itemize wage statements. This case settled for a confidential amount.
- ▶ *Heller v. Grand Pacific Resorts, Inc.*, Case No. 37-2010-57252-CU-OE-NC (San Diego Super. Ct.). Served as Lead Counsel for over twenty employees employed by Grand Pacific Resorts, Inc., who were improperly classified as independent contractors rather than employees by their timeshare company employer. This case settled for a confidential amount.
- ▶ *Jones v. 3 Weiss Guys, Inc.*, Case No. 37-2008-00095231-CU-OE-CTL (San Diego Super. Ct.). Served as Lead Counsel on behalf of a California class of employees in a wage/hour class action against 3 Weiss Guys alleging failure to pay overtime and failure to provide rest and meal breaks. This case settled for a confidential amount.

- ▶ *Emerson v. Salk Institute for Biological Studies, San Diego, California.*, Case No. 37-2017-00026375-CU-OE-CTL (Consolidated into Case No. 37-2017-00025159-CU-OE-CTL) (San Diego Super. Ct.). Represented an internationally renowned female scientist (in consolidation with two other female scientists) who brought claims for gender discrimination, unequal pay, and failure to prevent discrimination against the Salk Institute for decades-long gender inequities. This case settled for a confidential amount.
- ▶ *Osuna, et al. v. Sharp Health Plan*, Case No. 37-2016-00044129-CY-WT-CTL (San Diego Super. Ct.). Represented two female plaintiffs in pregnancy-related discrimination and wrongful termination action. This case settled for a confidential amount.
- ▶ *Reeb v. AmeriGas Propane, Inc.*, Case No. 3:16-cv-02565-AJB-KSC (S.D. Cal). Represented a propane delivery driver in an age discrimination and wrongful termination action. This case settled for a confidential amount.
- ▶ *Spot Water Management, Inc. v. Plageman, et al.*, Case No. 37-2009-00052285-CU-JR-NC (San Diego Super. Ct.). Defended a former employee whose employer alleged misappropriation of trade secrets against him when he sought payment of wages due. At trial in August 2010, we obtained a favorable verdict on behalf of the employee. The court found that the employer brought the action in bad faith and awarded our client damages, attorneys' fees, and costs. This case settled for a confidential amount.
- ▶ *Wallace v. BAE Systems San Diego Ship Repair, Inc.*, Case No. 37-2013-00073399-CU-WT-CTL (San Diego Super. Ct.). Represented a BAE African American employee for retaliation and wrongful termination, after he was terminated after complaining to BAE's Human Resources and Ethics Departments of being assaulted and discriminated against on the job. This case settled for a confidential amount.
- ▶ *Moore v. Diamond Environmental Services, L.P.*, Case No. 37-2013-00080961-CU-WT-NC (San Diego Super. Ct.). Represented a former Diamond employee for pregnancy discrimination and wrongful termination, after she was terminated while on maternity leave caring for her new baby. This case settled for a confidential amount.
- ▶ *Jou v. Ambry Genetics Corporation, et al.*, Case No. 30-2014-00742811-CU-WT-CJC (Orange County Super. Ct.). Represented a former Ambry employee for sexual harassment and wrongful termination, after she was terminated for reporting her boss' unwanted sexual advances. This case settled for a confidential amount.

- ▶ *Masukawa v. County of San Diego*. Represented a state employee who brought claims for constructive discharge against the County of San Diego and County Supervisor Dave Roberts for misconduct including, among other things, forcing her to work on his campaign on county time and putting pressure on her to lie to investigators. This case settled for a confidential amount.
- ▶ *Murphy, et al. v. FHR GDM Hotel Management Company, LLC.*, Case No. 37-2019-00010853-CU-WT-CTL (San Diego Super. Ct.). Representing two former female massage therapists against the Fairmont Grand Del Mar Hotel and Resort for sexual harassment and failure to prevent sexual harassment at the hands of its male spa clientele despite numerous complaints over the past several years to spa management and Human Resources.

JUDICIAL COMMENDATIONS

► *Low v. Trump University, LLC*. On March 31, 2017, in granting final approval of the settlement, the Honorable Gonzalo P. Curiel hailed the settlement as “extraordinary” and “all the more exceptional when viewed in light of the risk” of continued litigation. The court further commended Haeggquist & Eck for prosecuting the case on a pro bono basis:

Class Counsel’s exceptional decision to provide nearly seven years of legal services to Class Members on a *pro bono* basis evidences not only a lack of collusion, but also that Class Counsel are in fact representing the best interests of Plaintiffs and the Class Members in this Settlement. Instead of seeking compensation for fees and costs that they would otherwise be entitled to, Class Counsel have acted to allow maximum recovery to Plaintiffs and Class Members. Indeed, that Eligible Class Members may receive recovery of 90% or greater is a testament to Class Counsel’s representation and dedication to act in their clients’ best interest. The Court commends Class Counsel for their pro bono representation of Plaintiffs and the Class Members.

In addition, at the final approval hearing, the Court commented that “this is a case that has been litigated – if not fiercely, zealously throughout.” *Low v. Trump University, LLC*, 246 F. Supp. 3d 1295, 1302, 1312 (S.D. Cal. 2017); *Low v. Trump University LLC and Donald J. Trump*, No. 10-cv-0940 GPC-WVG (S.D. Cal. 2017); and *Cohen v. Donald J. Trump*, No. 13-cv-2519-GPC-WVG, transcript at 7 (S.D. Cal. Mar. 31, 2017).

► *Lane v. Page*. In granting final approval of the settlement in the federal component of the Westland cases, Judge Browning from the District of New Mexico commented:

Class Counsel are highly skilled and specialized attorneys who use their substantial experience and expertise to prosecute complex securities class actions.... The Court has previously noted that the class would “receive high caliber legal representation” from class counsel, and throughout the course of the litigation the Court has been impressed with the quality of representation on each side. ... “[F]ew plaintiffs’ law firms could have devoted the kind of time, skill, and financial resources over a five-year period necessary to achieve the pre- and post-Merger benefits obtained for the class here” [Class counsel is] both skilled and experienced, and used those skills and experience for the benefit of the class.

Lane v. Page, 862 F. Supp. 2d 1182, 1253-54 (D.N.M. May 22, 2012).

PRO BONO

At Haeggquist & Eck, we consider it our imperative as attorneys and advocates to be a voice for the aggrieved. It's a cornerstone of our mission, and now more than ever, we are committed to doing all we can, both professionally and personally, to advance the underrepresented: women, the disabled, and the elderly; refugees, asylum-seekers, and immigrants; our LGBTQ brothers and sisters; Muslims, Christians, Jews, and atheists; and people of every creed, religion, ethnicity, and race.

Every member of our team is working to make San Diego better. And to commemorate that, we give every Haeggquist & Eck employee \$1,000 a year to donate to the charity of their choice. Recipients include the Veterans Village of San Diego; the youth arts program A Reason To Survive; the San Diego LGBT Community Center; UCSD Moore's Cancer Center; the Casa Cornelia Law Center, which provides pro bono humanitarian legal representation in immigration matters; and Passion4Kids, which allocates dollars to children in desperate situations.

We believe in paying things forward. We prove that commitment by our actions through individual volunteer work, firm-wide philanthropic initiatives, and partnerships with and support of organizations that are making a real difference in advancing justice, fairness, and equality in California and beyond.

To this end, we are committed to volunteer work, firm-wide philanthropic initiatives, and pro bono representation. Below are a few exemplar cases of our pro bono work:

- ▶ *Dora, et al. v. Jefferson B. Sessions, III*. Serving as pro bono local counsel for two groups of immigrant parents and children separated at the Mexican border under the United States government's "zero tolerance" immigration policy.
- ▶ *Muslim Advocates v. U.S. Dept. of Justice*. Serving as pro bono local counsel in a case seeking to uphold The Information Quality Act to ensure government agencies properly disseminate information about immigrants.
- ▶ *Roberts v. Hensley, et al.* Represented an inmate pro bono from summary judgment through trial on his Constitutional claims that his Eighth Amendment rights were violated by the prison dentist's refusal to treat his serious medical needs.
- ▶ *In the Matter of Hesham Abdullah Abdulwahab*. Represented Mr. Abdullah Adulwahab in his removal proceedings in conjunction with Casa Cornelia Law Center, a local organization that is devoted to protecting the human rights of immigrants.

ATTORNEYS

ALREEN HAEGGQUIST, MANAGING PARTNER

Alreen Haeggquist, the founder and Managing Partner of Haeggquist & Eck, is a nationally recognized advocate for employees who have suffered wrongful termination, sexual harassment, and discrimination at work. She has spent her entire legal career litigating on behalf of consumers and employees and is dedicated to challenging large, deep-pocketed corporate defendants on behalf of aggrieved employees and consumers.

As the lead employment partner at Haeggquist & Eck, Ms. Haeggquist works tirelessly advocating on behalf of employees that have been wrongfully terminated and/or discriminated based on their sex, race, religion, or disability; retaliated against for refusing to engage in unlawful conduct; or who suffer from wage theft. She frequently writes and lectures on issues relating to equal pay, wage and hour theft, and legislation impacting employees at the federal and state level.

No defendant is too large or powerful for her to tackle: she has recently represented plaintiffs in employment claims against such major corporations as Herbalife, Trader Joe's, Sharp Healthcare, Manpower, Wyndham, Kaiser Permanente, and the Grand Del Mar. In 2018, Ms. Haeggquist represented a female scientist in a well-publicized gender discrimination case against The Salk Institute, which ended with a confidential settlement shortly before trial. That same year, she also secured a confidential settlement on behalf of an employee of Jollibee, a national fast-food chain, in a case involving claims of sexual harassment, which after the motion for fees, totaled over \$1.2 million. In 2017, her jury trial verdict in a disability discrimination case against Kaiser Permanente was awarded one of the Top 50 Employment Verdicts in California. Ms. Haeggquist also served as Class Counsel in the high-profile consumer fraud litigation against presidential contender Donald Trump and Trump University, which settled in November 2016 for \$25 million. The settlement was deemed one of California's Top 50 Class Action Settlements in 2016.

Before starting Haeggquist & Eck, Ms. Haeggquist practiced law at the nation's largest plaintiffs' class action firm, Robbins Geller Rudman & Dowd (formerly "Lerach Coughlin" and "Milberg Weiss"), where she litigated numerous nationwide consumer and antitrust class actions. Ms. Haeggquist participated and played an instrumental role in the successful prosecution and settlement of numerous antitrust and unfair competition cases, including the *Rubber Chemicals Indirect Purchaser Cases*, which resulted in significant *cy pres* funds to nonprofit groups advocating for competition, and the *Bank Privacy Cases* (S.F. Super. Ct.), which resulted in better bank privacy policies,

funding to nonprofit groups advocating for privacy rights, and benefits to credit cardholders.

Ms. Haeggquist was also a major part of the team that obtained judgment of over \$115 million against Farmers Insurance Exchange and against the Automobile Club for not disclosing the total premium to policyholders as required by law. Ms. Haeggquist also has been involved in a number of precedent-setting appellate decisions, including *McKell v. Washington Mutual, Inc.*, 142 Cal. App. 4th 1457 (2006), *Dehoyos v. Allstate Corp.*, 345 F.3d 290 (5th Cir. 2003), and *Lorix v. Crompton Corp.*, 736 N.W.2d 619 (Minn. 2007).

Ms. Haeggquist has been named a Super Lawyer for her work in employment litigation every year since 2016. In 2019, she was named as a Top 25 Women Super Lawyers and the Top 50 San Diego Super Lawyers lists. She was also named as a National Trial Lawyers Top 100. She holds an AV Preeminent rating, the highest peer rating standard bestowed on attorneys by research clearinghouse Martindale-Hubbell, for professional excellence in legal knowledge, skills, and ethics.

In February 2017, Ms. Haeggquist received the President's Award from the Consumer Attorneys of San Diego for her commitment to CASD's community outreach efforts. In September 2016, she was named one of *San Diego Metro Magazine's* "40 Under 40." In April 2016, she was nominated for the National Association of Women Business Owners' Women's Advocate of the Year award for her work on behalf of women who have been wrongfully terminated or sexually harassed in the workplace. In 2011, the *San Diego Daily Transcript* named Ms. Haeggquist a Top Labor/Employment Attorney, and she is a past recipient of the California Innocence Project's Distinguished Alumni Award. She has published numerous articles for the annual publication of *California Litigation Review* regarding recent developments in class action and discovery law.

Ms. Haeggquist is licensed to practice in all state and federal courts in California and is a member of the Consumer Attorneys of San Diego, the Lawyers Club of San Diego, and the Public Justice Foundation. She is also a member of the San Diego County Bar Association, California Employment Lawyers Association, Consumer Attorneys of California, and the Employment Section of the California Bar Association. She serves on the Board of Directors of the San Diego County Bar Foundation, where she also chairs the grant committee.

Ms. Haeggquist holds a B.A. from the University of California and a J.D. from California Western School of Law, where she graduated *magna cum laude* and served as Editor-in-Chief of the *California Western Law Review* and the *International Law Journal*.

AMBER L. ECK, PARTNER

Amber Eck is a Partner at Haeggquist & Eck and for the past 25 years, she has been a tenacious advocate for shareholders, employees, and consumers. Ms. Eck has taken three cases to trial in the past few years in both state and federal court as lead trial attorney and has recovered millions of dollars for her clients in settlements. Ms. Eck was co-lead counsel in the well-publicized class action against President Donald Trump and Trump University, which settled for \$25 million. For her work in the case, which spanned seven years, Ms. Eck and her partners took no fees. In 2016, the Trump University settlement was deemed one of California's Top 50 Class Action Settlements.

As chair of Haeggquist & Eck's Securities Litigation Practice Department, Ms. Eck is a tireless advocate for consumers, employees, and shareholders. Over the years, she has recovered hundreds of millions of dollars on behalf of shareholders, consumers, and employees who have been wronged by real estate investment scams, securities fraud, and unlawful employment practices. Ms. Eck has litigated securities class actions against El Pollo Loco (LOCO), Pacific Biosciences (PACB), HQ Sustainable (HQ), CardioNet (BEAT), SandRidge (SD); ECotality (ECTY), NQ Mobile (NQ), and Cliffs Natural Resources (CLV). Ms. Eck was sole lead counsel in a shareholder derivative action against the officers and directors of Akeena Solar, Inc. (AKNS), which settled in 2012 for substantial corporate governance enhancements. In addition, Ms. Eck has represented plaintiffs in employment cases for wrongful termination, sexual harassment, unequal pay, and discrimination based on gender, race, religion, pregnancy, disability, and age against such major corporations as Trader Joe's, LuLaRoe, Dollar Tree, Cemex, and Jollibee (an international fast-food chain).

Ms. Eck frequently speaks on employment and other legal issues. She spoke in January 2019 at the Public Interest Advocacy Collaborative on "Using a Victim Advocate to Strengthen Your Civil Case," and served as a discussion facilitator at the Lawyers Club Solutions Summit on the topic of Eliminating Sexual Harassment, Sexism & Bullying in the Workplace in 2018. Ms. Eck was also a panelist discussing "The Law as a Tool" at the 2018 International Agro-Ecological & Environmental Conference in San Francisco, and she was a panelist at the 2017 California Women Lawyers Conference on "Transitions to Leadership." Ms. Eck has been a featured guest on ESPN's Real Talk Downtown and a guest speaker on the topic of small law firms and solo practitioners at the Lawyers Club of San Diego's annual symposium.

Ms. Eck has written articles for publication, including "Lessons Learned from Mentors of the Past," which was published in the national American Inn of Court magazine, *The Bench*. Ms. Eck currently serves as a Master in the Louis M. Welsh Inn of Court, and

previously served as a Barrister and Associate in the William B. Enright Inn of Court and a Barrister in the Welsh Inn.

Ms. Eck is dedicated to providing pro bono legal assistance to underserved populations. She is a current member of the Southern District of California's Pro Bono Panel, and in 2019 was lead trial counsel representing an inmate in a jury trial for violation of his Eighth Amendment rights. She is also a member of the Lawyers Club of San Diego Human Trafficking Collaborative. She previously received the SDVLP Distinguished Service Award for her pro bono work in the case *Sanchez v. County of San Diego* (alleging searches of welfare applicants' homes were unconstitutional); and the Wiley M. Manuel Pro Bono Service Award for her work in *Badua v. City of San Diego* (contending that the City's long-term disability policy unlawfully discriminated against employees with mental disabilities).

Ms. Eck was recognized as one of *San Diego Business Journal's* Best of the Bar in 2016-2019, has been named a Super Lawyer every year since 2016, and was a finalist for *San Diego Magazine's* Woman of the Year Award in 2016. She was also nominated for the National Association of Women Business Owners' Woman Business Owner of the Year award in 2016 and their Trailblazer's Award in 2017. Other awards include: Distinguished Service Award for pro bono service in *Sanchez v. County of San Diego* (2002), which was the subject of a "Colbert Report" feature; Wiley W. Manuel Pro Bono Service Award for *Badua v. City of San Diego* (1999); *International Law Journal*, Case & Notes Editor (1993-1995); Giles S. Rich Intellectual Property Moot Court Team, Best Brief, Northeast Region (1995); Grant recipient, Harvard School of Public Health (1993).

Ms. Eck is also a member of the National Association of Securities and Consumer Attorneys, Federal Bar Association, California Employment Lawyers Association, Lawyers Club of San Diego, Consumer Attorneys of San Diego and Consumer Attorneys of California, and formerly served on the Board of Directors for the San Diego Barristers Club. Ms. Eck formerly served as a Girl Scout leader for eight years and has served as the GATE District Advisory Council representative for Loma Portal Elementary. She is admitted to practice in California and Nevada.

Ms. Eck holds a B.A. from Pepperdine University, 1990 (*magna cum laude*), and a J.D. from Boston University School of Law.

KATHLEEN A. HERKENHOFF, PARTNER

Kathleen Herkenhoff joined Haeggquist & Eck as a Partner in June 2017. For the past 24 years, Ms. Herkenhoff has exclusively focused her practice on litigating complex securities class and derivative actions in courts across the country, and she has helped obtain more than \$1 billion in settlement recoveries.

Since joining Haeggquist & Eck, Ms. Herkenhoff has been honored with an appointment to serve on the Plaintiffs' Executive Committee in one of the nation's largest domestic and international consumer class actions against Apple Inc., captioned as *In re Apple Inc. Device Performance Litigation*, No. 5:18-md-02827-EJD (N.D. Cal.) (the "*Apple Device Litigation*"). Plaintiffs in the *Apple Device Litigation* allege that, among other things, Apple sold defective iPhone models (and batteries for such devices), and that Apple also thereafter released iOS software updates to secretly throttle iPhone device performance. Ms. Herkenhoff, as a Co-Chair of the Law and Briefing Committee, focuses on the factual development and legal claims pursued in the *Apple Device Litigation*, most notably in the pleadings and pivotal substantive motions in the action. To date, Plaintiffs have successfully opposed Apple's efforts to obtain early dismissal of several key claims in the action, including claims that Apple's conduct violated the federal Computer Fraud and Abuse Act, California's Comprehensive Computer Data Access and Fraud Act, constituted trespass to chattels, and violated California's Unfair Competition Law (based upon alleged unfair and unlawful practices).

Ms. Herkenhoff has also successfully continued to represent shareholder plaintiffs in litigation since joining Haeggquist & Eck, plaintiffs in consumer class actions alleging data privacy violations, and plaintiffs in employment class actions alleging improper and unlawful employment practices.

Ms. Herkenhoff started her law career in 1993 at the United States Securities and Exchange Commission's Pacific Regional Office in Los Angeles, where she investigated and prosecuted complex securities fraud and insider trading actions, including securing a \$22 million securities fraud judgment in favor of the SEC. In 1997, she joined Milberg Weiss Bershad Hynes & Lerach LLP (later Coughlin Stoia) in Los Angeles and later moved to the firm's San Diego office, where she served as a partner from 2002 to 2009. During her 12 years at the firm, she practiced in all areas of securities class and derivative litigation and settled numerous actions for both monetary recoveries and sweeping corporate governance improvements. A sample of these notable settlements include:

- \$618 million in opt-out litigation against AOL Time Warner, Inc.
- \$122 million in class action case against Mattel, Inc.

- \$100 million in class action case against Honeywell International, Inc.
- \$30+ million in derivative stock option backdating cases

Ms. Herkenhoff was also one of the first attorneys at Coughlin Stoia to handle the litigation of the consolidated securities class action ultimately known as *In re HealthSouth Corp. Sec. Litig.*, which action settled (in stages) after years of litigation for a combined recovery of approximately \$671 million.

In 2010, Ms. Herkenhoff joined the Weiser Law Firm, P.C.'s merger & acquisition and derivative practice groups. At Weiser, she played a key role in drafting and obtaining cutting edge corporate governance reforms at SciClone Pharmaceuticals, Inc., based on conduct the plaintiffs alleged violated the Foreign Corrupt Practices Act of 1977. She secured the firm's position as lead counsel in an action that obtained more than \$10 million in consideration and novel governance improvements in *In re Velti PLC Securities Litig.*, Master File No. 3:13-cv 03889-WHO (N.D. Cal. Feb. 3, 2015), and played an instrumental role as Co-Lead Counsel in shareholder derivative litigation which resulted in more than \$10 million in financial consideration being secured for Diamond Foods, Inc.'s benefit. Ms. Herkenhoff was also involved in key aspects of the litigation in a shareholder derivative litigation against various Allergan, Inc. insiders for the alleged illegal marketing of Botox. Ms. Herkenhoff also served, on behalf of her former firm, as Lead Counsel in *In re Intuitive Surgical Shareholder Derivative Litigation*, Lead Case No. 5-14-cv-00515-EJD.

Ms. Herkenhoff holds a B.A. in English Literature from the University of California at Berkeley, where she served as a Philanthropy Chair of Alpha Omicron Pi sorority. She earned her law degree from Pepperdine University School of Law in 1993, where she was on the Dean's Honor List and received American Jurisprudence Awards in both Constitutional Law and Agency-Partnership.

A native of San Jose, California, Ms. Herkenhoff calls San Diego home, but maintains strong ties to the Bay Area community. She has worked in several major cities in California, including San Francisco, San Jose, Sacramento, Los Angeles, and San Diego, and currently resides in Carmel Valley. She has enjoyed a nationwide practice, and her employment positions at entities throughout California have served to strengthen her understanding of the unique and diverse challenges facing clients in their respective communities.

AARON M. OLSEN, PARTNER

Aaron Olsen is a Partner and is chair of Haeggquist & Eck's Employment Law and Complex Consumer Litigation Departments.

Mr. Olsen has resolved hundreds of individual labor and employment law cases on behalf of employees. He has recovered millions of dollars in damages. Notably, Mr. Olsen was on the trial team in a unique associational disability discrimination matter against Kaiser Permanente that resulted in one of the top 50 largest labor and employment verdicts in California in 2017 on TopVerdict.com.

Mr. Olsen has served as Lead and Co-Lead Counsel prosecuting class action suits, including consumer fraud actions, product defect cases, wage and hour actions, and unfair competition and false advertising claims. He has successfully litigated against major corporations such as Apple, Sony, AT&T, UFC/Showtime, and LabCorp (to name a few), and served as Co-Lead Counsel on a team that negotiated a \$25 million settlement on behalf of students who attended (now U.S. President) Donald Trump's infamous Trump University.

Mr. Olsen is currently local counsel for two groups of immigrant parents and children separated at the Mexican border under the United States government's "zero tolerance" immigration policy. He also served as local counsel in a case seeking to uphold The Information Quality Act to ensure government agencies properly disseminate information about immigrants. Mr. Olsen has also dedicated much of his time to charitable organizations throughout San Diego.

Mr. Olsen is admitted to practice in California, the United States District Court for the Southern, Central, and Northern District of California, and is a member of the Consumer Attorneys of San Diego, California Employment Lawyers Association, and the San Diego County Bar Association.

Mr. Olsen has been named a Super Lawyer since 2015 and was nominated as one of San Diego's Outstanding Young Attorneys in both 2011 and 2012. He is a guest writer for *San Diego Lawyer* magazine, volunteers his time with the California Innocence Project, and is an Ironman finisher.

Mr. Olsen holds a B.A. in Finance from the University of Utah, and a J.D. from California Western School of Law, where he served as Editor-in-Chief of the California Western School of Law Commentary and as an Executive Board Member of the Student Bar Association.

JENNA M. RANGEL, SENIOR ASSOCIATE

Jenna Rangel is a Senior Associate with Haeggquist & Eck. Her practice is focused on representing employees in all aspects of labor and employment litigation in federal and state courts including wrongful termination, discrimination, harassment, retaliation, and wage and hour actions, among others. To Ms. Rangel, every detail matters and she prides herself on developing and nurturing open, trusting relationships with her clients. Ms. Rangel approaches every day as an opportunity to stand up for employees, to help right the wrongs perpetrated by employers, and to provide closure to her clients so they can move forward with their lives. She has represented clients against such employers as the San Diego Sheriff's Department, Herbalife, and Wyndham, and is currently representing massage therapists in a case alleging iconic San Diego hotel the Grand Del Mar failed to protect female employees from sexual harassment by the spa's clients. In 2018, together with Haeggquist & Eck Managing Partner Alreen Haeggquist, Ms. Rangel represented a female scientist in a well-publicized case against The Salk Institute that resulted in a confidential settlement.

Prior to joining Haeggquist & Eck, Ms. Rangel served as an attorney at Barker Olmsted & Barnier, APLC, a general civil litigation firm representing clients in the areas of employment law, business law, construction law, and estate planning, among others. Ms. Rangel practiced primarily in the areas of employment law defense and business litigation including state and administrative claims involving wage and hour violations, wrongful termination, discrimination, harassment, retaliation, breach of contract, misappropriation of trade secrets, interference with economic relationships, unfair business practices, misrepresentation, and premises liability. Ms. Rangel also provided employment law compliance services including drafting employee handbooks, independent contractor agreement and severance agreements, assisting in the adoption of alternative workweek schedules, and counseling employers on a variety of employment law issues.

A native San Diegan, Ms. Rangel graduated in 2010 from California Western School of Law, where her tireless dedication to public interest causes earned her a spot on the school's Pro Bono Honor Society. During law school, she worked at the nonprofit California Women's Law Center in Los Angeles on matters relating to gender discrimination in education and Title IX violations. In addition, she assisted in matters relating to women's health and lactation accommodations for working mothers. While at CWSL, Ms. Rangel also completed an internship program in the Juvenile Dependency Division of the Office of the San Diego County Public Defender, where she assisted in the representation of foster children in court.

Ms. Rangel holds a B.A. in business administration and marketing from California State University – Chico, a J.D. from California Western School of Law, and a paralegal certificate from the University of San Diego.

Ms. Rangel is admitted to practice in California, the United States District Courts for the Central and Southern Districts of California and is a member of the Consumer Attorneys of San Diego, San Diego County Bar Association, Lawyers Club, and Federal Bar Association. In 2019, she was named a Super Lawyers Rising Star, and in 2017, she was named among the *San Diego Business Journal's* Best of the Bar. Her publications include "Employment Law from A to Z in California" (Lorman Education Services, San Diego, California, June 20, 2014) and "Setting Up an Alternative Workweek Schedule in California" (*Today's General Counsel*, August/September 2014).

ROBERT D. PRINE, ASSOCIATE

Robert Prine is an Associate with Haeggquist & Eck, where he represents employees in employment litigation matters in federal and state courts throughout California for claims including wrongful termination, discrimination, sexual harassment, retaliation, and wage theft. Since joining Haeggquist & Eck in 2017, Mr. Prine has second-chaired multiple jury trials and, in 2019, along with Alreen Haeggquist, successfully represented a client in arbitration.

In addition to Mr. Prine's employment cases, he relishes the opportunity to give back to his community by providing pro bono representation to those in need. Mr. Prine works closely with Casa Cornelia Law Center, a local organization that is devoted to protecting the human rights of immigrants. He also devotes time to the Community Law Project, a free legal service for low income and indigent communities in San Diego. As a native San Diegan, Mr. Prine is always looking for new opportunities to give back to his hometown and reflect the change he wants to see in the world. In recognition of his pro bono service, the California Lawyers Association awarded Mr. Prine with the Wiley W. Manual Certificate for devoting over 80 hours of pro bono legal service in 2018.

Prior to working at Haeggquist & Eck, Mr. Prine worked as the primary attorney on a variety of matters and engaged extensively in law and motion and oral advocacy work for Winet Patrick Gayer Creighton & Hanes. Mr. Prine's practice consisted primarily in the area of personal injury defense and representing public entities in a wide array of civil litigation matters.

Mr. Prine graduated from California Western School of Law in 2016, where he was a member of the Dean's List and a recipient of the Academic Excellence Award. He was a member of the Moot Court Honors Board, served as Vice President of the Entertainment and Sports Law Society, and was on the school's Negotiation/Mediating Traveling Team. During law school, Mr. Prine placed first in the 2016 California State Bar Student Environment Negotiations Competition, first in the 2015 California Western Intra-School Mediation Competition, and fourth in the 2015 National Sports Law Negotiation Competition.

Mr. Prine holds a B.A. in Legal Studies with a minor in Philosophy from the University of California Santa Cruz.

He is admitted to practice law in California, the United States District Court for the Northern and Southern District of California and is a member of the Consumer Attorneys of San Diego, San Diego County Bar Association, Lawyers Club, and the Enright Inn of Court.

IAN PIKE, ASSOCIATE

Ian Pike is an Associate at Haeggquist & Eck and focuses his practice on representing employees in a wide range of matters throughout California for claims including wrongful termination, discrimination, sexual harassment, retaliation, and wage theft.

A former columnist whose career included a lengthy stint at the *San Diego Reader* covering food, theatre, and the arts, Mr. Pike graduated *summa cum laude* from the University of San Diego School of Law. While at USD, he received CALI Awards for the highest grades in contracts, legal writing and research, evidence, remedies, civil rights theories, administrative law, and discrimination law. Mr. Pike was the recipient of the Dean's Honor Scholarship and the Law Achievement Scholarship. In 2017, he won the USD Alumni Torts Tournament.

While at USD, Mr. Pike volunteered at the Clean Slate Clinic, where he assisted indigent clients with felony reduction and misdemeanor expungement. He completed approximately 250 hours as an intern at USD's Civil Clinic, where he represented clients in various consumer cases, and received the Outstanding Clinic Intern award during his final semester. In 2019, he gave the student commencement address at his law school graduation.

During law school, Mr. Pike worked as summer law clerk at a large San Diego full-service firm and spent the summer after his second year as a summer associate at Haeggquist & Eck. Mr. Pike also completed a judicial externship with the Honorable Judith McConnell of the California Court of Appeal.

Mr. Pike chose to pursue plaintiffs' work because he cares deeply about civil rights. For Mr. Pike, the story of civil rights in the United States is one of our most moving and important national narratives, and he believes that representing employees allows him to help tell the next phase of that story. In his free time, he enjoys a diverse array of hobbies including fishing, freediving, reading, growing roses, and working on cars and motorcycles.

EXHIBIT 22

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF DANIEL J.
MULLIGAN IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Daniel J. Mulligan, declare as follows:

2 1. I am a partner at the law firm of Jenkins Mulligan & Gabriel LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
9 with years in practice, most recent hourly rates reported to the Court during the pendency of this
10 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
11 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
12 and trial experience of each professional can be found, to the extent available, in the firm resume
13 attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other professionals
15 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
16 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020 is 82.00 hours. The total lodestar for my firm is \$71,115.00.

23 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
24 ("expenses") totaling \$400.00, which were necessary in relation to this litigation and submitted,
25 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
26 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining to this
27 litigation are reflected in the books and records of my firm. These books and records are prepared

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1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th
5 day of August 2020, at San Diego, CA.

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/s/ Daniel J. Mulligan

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EXHIBIT A

Jenkins, Mulligan & Gabriel, LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Gabriel, Larry W.	Partner (45 years)	\$ 900.00	28.30	\$ 25,470.00
Mulligan, Daniel J.	Partner (40 years)	\$ 850.00	53.70	\$ 45,645.00
TOTAL			82.00	\$ 71,115.00

EXHIBIT B

EXHIBIT B**JENKINS MULLIGAN & GABRIEL LLP**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	\$ 400.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	
TOTAL	\$ 400.00

EXHIBIT C

LAW OFFICES

JENKINS MULLIGAN & GABRIEL LLP

FIRM RESUME

Jenkins, Mulligan & Gabriel LLP is a nationally known litigation and consumer rights law firm which focuses on complex litigation matters, particularly consumer issues that affect large numbers of the general public and have widespread social impact. The firm also has a substantial practice in complex insurance and bankruptcy litigation, as well as homeowner issues. Dating back to 1982, the firm's principals have been co-counsel or lead counsel on many of the nation's most significant and challenging complex class action and insolvency matters, which resulted in recoveries in excess of the hundreds of millions of dollars for the firm's clients. The firm's principals acted as lead or co-lead counsel in such nationally known cases insolvency cases such as Executive Life Insurance Company, First Alliance Mortgage Company, the bankruptcy of Orange County, and the Natural Gas Class Action Litigations. Other significant class action litigations in which the firm's principals acted as lead counsel include claims against Household International and Fairbanks Capital Corp., which produced settlement funds of approximately \$140 million and \$50 million, respectively.

Recent and Active Representations:

The firm is currently acting as special litigation counsel to the Examiner in the bankruptcy case, *In re CenterStaging Musical Productions, Inc.*, Case No.: 2:08-bk-13019-VZ, (suit against officers and directors for breach of fiduciary duty), and is working with another firm as Committee Counsel in the bankruptcy case, *Estate Financial Inc.*, Case No.: 08-11457-RR, a chapter 11 case involving a mortgage broker fraud affecting over 1600 investors (total investment in excess of \$350 million) in 550 properties. The firm is also lead counsel in a class action brought on behalf of investor/members of limited liability investment companies formed by Quality Home Loans. The case is pending in the bankruptcy court, *In re Quality Home Loans*, Case No.: SV 07-13006 GM.

Other recent and active representations include employment / wage and hour class actions: *In re Wachovia Securities, LLC, Wage and Hour litigation*, (Master File No: SA CV 05-1031 DOC); *In re Ann Taylor Wage and Hour Litigation*, (LASC No.: BC342729) (consulting role); Anti-trust class actions: *In re W. States Wholesale Natural Gas Antitrust Litig.*, (MDL 1566, CV-S-03-1431-PMP (PAL), BASE FILE, MDL 1566, CV-S-04-0465-PMP (PAL)); *In Re TFT-LCD (Flat Panel) Antitrust Litigation*, (USDC ND Cal. 07-cv-1827); *In re Graphics Processing Units Antitrust Litigation*, (USDC ND Cal. 07-cv-1826); *In re Flash Memory Antitrust Litigation* (USDC ND Cal. 07-cv-86); *In re LTL Trucking Anti-Trust Litigation* (MDL: Georgia); and *In re Ammari Electronics v. SBC Communications; Koszdin Fields et al v. Pacific Bell Directory*, Alameda Superior Court Nos.: RG05198014; RG05 220096 (Class Action).

Prior Representations:

The firm has been appointed special or lead litigation counsel in numerous bankruptcy and class action proceedings. The principals represented the Liquidating Trustee in the First Alliance

Mortgage bankruptcy in a \$400 million equitable subordination claim against Lehman Brothers, Inc. (a claim based upon “aiding and abetting” a mortgage fraud program); the Chapter 11 trustee *In the bankruptcy of Magic Ford*; and the receiver in the matter of *Norman David Stark/JPS Corporation*, [131 Cal. App. 4th 184 (2005), cert denied Case No. S136969, Oct 19, 2005], the first reported case involving the use of a receiver by a state agency involving a criminal business enterprise (Penal Code §186.11). Other reported cases involving the firm’s principals are: *Lealao v. Beneficial California*, 82 Cal.App.4th 19 (2000)[class action against Beneficial California, Inc., for wrongfully charging a penalty when persons with whom it entered into certain credit line account agreements prepaid their open-end loans, as the imposition of such a penalty was neither provided for in the agreement nor otherwise authorized; case settled for \$14,500,000]; *Austin v. Chisick* (In re First Alliance Mortg.Co.), 289 B.R. 652(2003); *Texas Life, Accident, Health & Hospital Service Insurance Guaranty Association v. Gaylord Entertainment Company*, 105 F.3d 210 (5th Cir. 1997); *Board of Trustees of the Maryland Teachers & State Employees Supplemental Retirement Plans v. Life and Health Insurance Guaranty Corporation*, 335 Md. 176; 642 A.2d 856 (1994); *In Re Executive Life Insurance*, 32 Cal. App. 4th 344; 38 Cal. Rptr. 2d 453 (1995); *State Street Bank & Trust Company v. Mutual Life of New York*, 811 F. Supp. 915; (SDNY, 1993); *Federal Deposit Insurance Corporation v. Imperial Bank*, 859 F.2d p.101 (9th Cir. 1988); *Seven Elves, Inc. v. Eskinazi, et al*, 635 F.2d 396 (5th Cir. 1981).

Education, Community Activities and Awards:

The firm’s principals are actively involved in a variety of educational and community activities. The firm’s principals have assisted the Legal Aid for the Elderly in San Francisco and Alameda counties by presenting seminars and helping to develop outreach programs to the elderly in an effort to prevent mortgage and home improvement frauds; and prepared video presentations for training of attorneys in foreclosure and lending practices, utilized by the Bay Area Legal Aid, and the San Francisco, Santa Clara, San Mateo and Contra Costa County Bar Associations. They have served as professors of law at colleges and universities and as elected public officials. They have also drafted and testified on legislation in both Sacramento, California and Washington D.C. on consumer and banking legislation. The firm’s principals have lectured before the California Attorney’s General, the National Consumer Law Center, the National Association of Consumer Advocates, the Practising Law Institute, the American Conference Institute, the California Bar Association and the American Bar Association. The firm’s contribution to the consumer rights field has been recognized by numerous bar associations and organizations over the years. In 1999, the American Bar Association awarded the firm with its Pro Bono Publico Award in recognition of its public service, the first small firm entity to ever receive this accolade. Other awards include: Outstanding Volunteer in Public Service - Bar Association of San Francisco, 1995; Outstanding Senior Advocate for 1994 - awarded to Mr. Mulligan by State Senator Milton Marks; Public Service Award - Bar Association of San Mateo county – 1996; Outstanding Volunteer in Public Service - Bar Association of San Francisco - 1998 -2000; Justice Philanthropist Award -- Bar Association of San Francisco; awarded to the firm for providing funding and access for low income persons; State Senate of California Outstanding Volunteer – awarded to Mr. Mulligan in 2004; Center for California Homeowner Association Law Service Award – awarded to Mr. Mulligan in 2009.

The Principals

Larry W. Gabriel

Mr. Gabriel specializes in complex business, insurance and insolvency litigation. He is admitted to practice in Illinois (1974) and California (1976). He is a graduate of De Paul University (J.D., 1974) and Southern Illinois University (B.A., 1970). Mr. Gabriel is a member of the Los Angeles County and American Bar Associations (Member: Business Law Section, Commercial Financial Services Committee, Insurance Insolvency Task Force; Tort and Insurance Practice Section). His civic and educational activities include serving as an Adjunct Professor (Business Law) College of the Desert (2005 -). In addition he served on the City Council, City of Hidden Hills, California (1997-2002) and was the City's Mayor Pro Tem (1998-2002). He was a representative to the Las Virgenes Council of Governments (2000-2002) and served as the Planning Commissioner for the City of Hidden Hills (1991-1993). Other activities include: Adjunct Professor of Law, Banking, Pepperdine University (1987-1989); Judge Pro Tem, Beverly Hills Municipal Court (1982-1990); Board of Directors, Calabasas Country Club (President, 2004-5). In addition, Mr. Gabriel has authored several articles including: "1994 Receivers and Guaranty Funds in Life Insurance Insolvency Proceedings: The Need For Reform," ABA National Institute; "Solvency Concerns With Foreign Insurers and Reinsurers/Recent Developments/US Reform Efforts," 1994; "Pension Phantasmagoria," Business Insurance, September 6, 1993; "Check Kiting - The Implications of a Discovering Bank's Actions on Its Right of Recovery," Banking News, November 15, 1982, reprinted Independent Banker, January, 1983; "Ramifications of a Check Kite - Liability Between Banks," Pacific Banker and Business, March, 1983.

Dan Mulligan:

Mr. Mulligan is a graduate of University of California Berkley (BA Economics, (1975); MA Economics (1981); J.D. (1982). He has specialized in anti-trust and consumer matters, including class litigation. He is recognized as a leading member of the plaintiffs' bar on consumer issues, particularly consumer lending. He is also one of the founders of the Center For California Homeowner Law and served on its board of Directors. He regularly speaks on homeowner association issues and for meetings of the California State Bar Association, the American Bar Association, the Practicing Law Institute and the American Conference Institute.

Tom Jenkins:

Mr. Jenkins is a graduate of California State University, Northridge and Lincoln Law School. He has been an outspoken advocate for California homeowners since 1983. He has drafted legislation in this area and testified many times before the California Assembly and Senate. Mr. Jenkins was also involved in negotiations in 1985 leading to revamping the trustee fee charges and the pricing of Trustee Sale Guarantees in California.

EXHIBIT 23

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF FRANK J. JOHNSON
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Frank J. Johnson, declare as follows:

2 1. I am the Managing Partner at the law firm of JOHNSON FISTEL, LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
9 with years in practice, most recent hourly rates reported to the Court during the pendency of this
10 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
11 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
12 and trial experience of each professional can be found, to the extent available, in the firm resume
13 attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other professionals
15 of my firm in this litigation were prepared from contemporaneous, daily time records prepared and
16 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of billable hours expended on this litigation by my firm, as
21 approved by the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from
22 appointment and consolidation through July 31, 2020 is 51.50 hours. The total lodestar for my
23 firm is \$33,212.50.

24 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
25 ("expenses") totaling \$824.68, which were necessary in relation to this litigation and submitted,
26 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
27 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining to this
28 litigation are reflected in the books and records of my firm. These books and records are prepared

EXHIBIT A

Johnson Fistel, LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Johnson, Frank J.	Partner (26 years)	\$ 995.00	4.30	\$ 4,278.50
Fistel, Michael	Partner (19 years)	\$ 730.00	2.00	\$ 1,460.00
Stern, Chase M.	Associate (7+ years)	\$ 560.00	2.20	\$ 1,232.00
Tran, Phong L.	Associate (20 years)	\$ 670.00	35.70	\$ 23,919.00
O'Connor, Kristen O.	Associate (4+ years)	\$ 475.00	0.30	\$ 142.50
Lee, Serena	Paralegal	\$ 315.00	5.70	\$ 1,795.50
Ostman, Matthew T.	Paralegal	\$ 315.00	0.60	\$ 189.00
Vasquez, Estevan	Paralegal	\$ 280.00	0.70	\$ 196.00
TOTAL			51.50	\$ 33,212.50

EXHIBIT B

EXHIBIT B**JOHNSON FISTEL, LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ -
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ 824.68
25. Assessments	\$ -
TOTAL	\$ 824.68

EXHIBIT C



FIRM RESUME

SAN DIEGO, CALIFORNIA • NEW YORK, NEW YORK • MARIETTA, GEORGIA

WWW.JOHNSONFISTEL.COM

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INTRODUCTION

Johnson Fistel is a law firm built on the following five core values: trust, hard work, determination, integrity, and excellence in everything we do. These values are more than words on a piece of paper; each person at Johnson Fistel must embrace them in everything we do.

Trust

At Johnson Fistel, we believe transparency and trust are critical to developing long-lasting and successful relationships. Not only must our clients trust us to provide excellent services, we must trust each other to always do the right thing and to zealously advance our clients' interests. Additionally, we share a collective mission to build trust with judges, juries, and our adversaries so that our professional reputation remains synonymous with honor and integrity.

Hard work

We do not achieve success for our clients by hoping for it. To succeed, we know that we must exercise the strength of mind and the willingness to exceed client and industry expectations and provide exceptional advocacy, every time. Our success is not left to chance or luck; it is achieved through hard work and dedication.

Determination

Determination is key to our success. At Johnson Fistel, we don't give up when faced with well-financed opponents or difficult arguments; instead, we rise to the challenge and meet it head on by relentlessly pursuing innovative and persuasive solutions in order to advance the best interests of our clients. It is our determination, our will to not give up, that separates us from most lawyers.

Integrity

There's never a wrong time to do the right thing. And we do the right thing, in the right way, for the right reason. At Johnson Fistel, we take pride in our reputation for having integrity when zealously advocating for our clients. By always acting with integrity, we build trust with our clients, colleagues, judges, juries, and adversaries.

Excellence in everything we do

Simply put, we hold ourselves to a higher standard. Average is easy. Excellence is hard. Whether it's writing persuasive legal arguments, maintaining a strong and prompt communication line with our clients, or vigorously advocating in a courtroom

on their behalf, we wholly reject mediocrity and strive for a competitive edge by delivering excellence in everything we do.

We believe we are only as good as our people, and Johnson Fistel recruits only the best and brightest and most determined candidates possible. Our lawyers include those who started their training by working for esteemed judges in both state and federal courts and have also worked at the largest law firms in the world. We pride ourselves on providing the same level of service with a greater level of efficiency. As a result, we have developed the reputation for delivering big-firm results with the efficiency and personal touch one would expect at a small law firm.

OUR ATTORNEYS

PARTNERS

FRANK J. JOHNSON

Mr. Johnson is one of the founding partners of Johnson Fistel and has twenty-five years of experience as a trial attorney focusing on complex civil litigation. Prior to starting his own law firm in 2004, Mr. Johnson was a partner in the law firm Sheppard, Mullin, Richter & Hampton, LLP, a full-service Am Law 100 law firm with 875 attorneys in 15 offices located around the world.

While at Sheppard Mullin, Mr. Johnson represented some of the largest companies in the country in complex business disputes conducting trials in state and federal court. He brings this “Big Law” experience to his current practice where he can offer the efficiency and personal touch of a smaller law firm. With the trust and confidence of his colleagues and clients over the past 15 years, the law firm that Mr. Johnson started with just one lawyer has now grown to a full-service litigation law firm with 14 lawyers and offices in California, Georgia, and New York.

Representative Matters: Mr. Johnson’s experience representing publicly traded companies at Sheppard Mullin has carried over to his current practice. Mr. Johnson has been and continues to be retained by private and publicly-traded companies. For example, in 2013 the court appointed U.S. Chapter 7 Trustee overseeing the bankruptcy of Powerwave Technologies, Inc. retained Mr. Johnson as lead counsel to pursue claims for breach of fiduciary duty against the company’s wayward officers and directors. Mr. Johnson helped the Trustee recover \$5.5 million for the estate. *In re Powerwave Technologies, Inc.*, (Bankr. D. Del.). Mr. Johnson obtained a similar result in *In re Artes Medical, Inc.*, (Bankr. S.D. Cal.) when the U.S. Chapter 7 Trustee of Artes Medical, Inc. retained Mr. Johnson as lead counsel. Mr. Johnson helped the

estate recover a multi-million-dollar settlement. In finding that “[t]here’s no question in my mind that this settlement is in the best interest of this Estate,” the Honorable Laura S. Taylor stated, “I want to compliment Mr. Johnson, and I want to compliment on the successful recovery for the Estate. The creditors thank you, and I thank you.” *See also International Real Estate PLC v. Oaktree Capital Management, LLC*, (Cal. Super. Ct. Los Angeles Cnty.) (a public company with shares listed on the London Stock Exchange retained Mr. Johnson as lead counsel to pursue claims for breach of fiduciary duty against former directors of a joint venture company for damages in excess approximately \$20 million; the case ultimately settled on favorable terms to International Real Estate) (*See* testimonial from the firm’s client under Testimonials).

Mr. Johnson has also continued to represent individual clients and small companies through jury verdicts in complex civil litigation. By way of example, in *Healthy Life Marketing, LLC, et al. v. Jaime Brenkus’ Sound Body, Inc.* (San Diego Superior Court), Mr. Johnson helped his client recover a seven-figure verdict following a week-long jury trial. *See* testimonial from the firm’s client below. Similarly, in *DCI Solutions v. Urban Outfitters* (S.D. Cal), Mr. Johnson served as lead trial counsel for a small local consulting firm in a case against one of the nation’s largest clothing retailers in a matter that would have forced the company into bankruptcy if it lost. Following a week-long trial in federal court, the jury returned a verdict rejecting the retailer’s \$1.5 million damage claim in its entirety.

In addition to his complex civil litigation practice, Mr. Johnson has served as lead or co-lead counsel in scores of representative matters (class actions and derivative actions) throughout the country, including: *In re Motorola, Inc. Derivative Litigation*, (Ill. Cir. Ct. Cook County) (derivative action settled after six years of litigation on terms that required the implementation of comprehensive corporate therapeutic changes valued by one expert at over \$1 billion); *In re the Titan Corp. Derivative Litigation*, (San Diego Superior Court) (derivative action resulting in \$29 million in increased consideration to Titan’s shareholders in the all-cash merger acquisition); *Bagot v. Bracken, et al.*, (Tenn. 6th Cir.) (derivative action resulting in a payment of \$19 million to the company, believed to be among the largest recoveries in a derivative case in the State of Tennessee, and implementation of significant corporate therapeutics); *Englehart v. Brown, et al.* (Wash. Super. Ct. King Cnty) (shareholder class action resulting in what is believed to be the largest recovery ever obtained in a class action challenging the price of a merger or acquisition of a public company in a Washington court, \$12.75 million additional consideration for class members); and *Baker v. Visa International Corp.*, (San Diego Superior Court) (consumer class action against Visa for wrongfully assessing undisclosed fees by manipulating the currency conversion rates when consumers used their Visa Card for purchases in other countries and ultimately coordinated with *In re Currency*

Conversion Fee Antitrust Litigation which resulted \$336 million for the class members).

Areas of Practice: Mr. Johnson's practice focuses on complex litigation. Mr. Johnson has extensive experience in all aspects of trial practice, mediation, trial preparation, and non-jury and jury trials in state and federal court. In addition to his general trial practice, Mr. Johnson has both prosecuted and defended a number of cases involving securities fraud in class actions and derivative cases.

Professional Qualifications and Activities: Mr. Johnson was admitted to the State Bar of California in 1994. He is currently admitted in good standing with the following courts:

- The Supreme Court of the United States of America
- All courts in the State of California
- The United States Courts of Appeals for the Third and Ninth Circuits
- The United States District Courts for the Southern, Central, Eastern, and Northern Districts of California
- The United States Court of Federal Claims
- The United States District Court for the Northern District of Illinois
- The United States District Court for the District of Colorado

Mr. Johnson is currently, or has been previously, a member of the following professional organizations:

- The San Diego County Bar Association
- The Federal Bar Association
- The Litigation Section of the State Bar of California
- SD Regional Chamber of Commerce, Vice Chair Tech Comm. (2002-03, 2003-04, 2004-05)
- Association of Business Trial Lawyers, Member of the Board of Governors (2018-2020)

Mr. Johnson completed the following trial advocacy programs:

- San Diego County District Attorney one-month misdemeanor jury trial program
- Louis M. Welsh American Inn of Court, one-year program
- San Diego Inn of Court College of Advocacy, multi-week trial course
- San Diego Inn of Court College of Advocacy, multi-week evidence course

Following graduation from law school in 1994, Mr. Johnson served as a judicial law clerk for one year for the Honorable John S. Rhoades, a federal trial judge in the United States District Court for the Southern District of California.

Awards and Peer Recognition:

- *Martindale-Hubbell*: Martindale-Hubbell Peer Review Ratings, the gold standard in attorney ratings, have recognized lawyers for their strong legal ability and high ethical standards for more than a century. Mr. Johnson has received an AV rating for more than 16 consecutive years, awarded to only those lawyers with the highest ethical standards and professional ability, as established by confidential opinions from members of the Bar.
- *Super Lawyers*: Mr. Johnson is recognized as a Super Lawyer in Business and Securities Litigation. Thomson Reuters awards this recognition to the top 5% of attorneys who have obtained a high-level of professional achievement and are highly regarded by their peers.
- *San Diego Magazine Top Lawyers*: In its March 2020 edition, San Diego Magazine recognized Mr. Johnson as one of the Top Lawyers in San Diego. Each year, San Diego Magazine compiles a list, based on peer reviews, of local lawyers who have reached the highest levels of ethical standards and professional excellence. This year, the magazine listed only five lawyers in Complex Litigation in San Diego and Mr. Johnson was on the list once again. This year is the seventh consecutive year that San Diego Magazine has recognized Mr. Johnson for his achievements.

Education: Mr. Johnson received his Juris Doctor degree from Washington University School of Law in 1994, where he was in the top 10% of his class while in attendance. In his first year of law school, Mr. Johnson received the American Jurisprudence Award in Contracts. At both Washington University School of Law and the University of San Diego School of Law (where Mr. Johnson was a visiting student in his third year), Mr. Johnson won first place awards in each school's Moot Court Competition. He received his Bachelor of Science degree in Business Administration with an emphasis in Finance from San Diego State University in 1990, where he graduated second in his class major, with honors and *summa cum laude*.

Community and Volunteer Activities: Mr. Johnson serves on the Board of Governors for the San Diego Chapter of the Association of Business Trial Lawyers. And for a number of years, he served as a volunteer at Voices for Children, where he acted as a CASA (Court Appointed Special Advocate) meeting several times each month with a foster child and attending court hearings to advocate for the child's best interests.

MICHAEL I. FISTEL, JR.

Mr. Fistel is one of the founding partners of Johnson Fistel and manages the firm's Marietta, Georgia office. He has spent his entire career specifically dedicated to protecting investor rights in shareholder class action and derivative litigation around the country. Several recent examples of results obtained by Mr. Fistel include: *Alex v. McCullough, et al.*, No. 1:12-cv-08834 (N.D. Ill.), a shareholder derivative action where Mr. Fistel helped secure a \$20 million recovery and sweeping management and board-level corporate governance reforms for Career Education Corporation; *Gerneth v. Chiasma, Inc.*, No. 1:16-cv-11082-DJC (D. Mass.), a securities class action lawsuit where Johnson Fistel served as co-lead counsel and secured an \$18.75 million class-wide settlement; and *In Re Flowers Foods, Inc. Securities Litigation*, No. 7:16-CV-00222-WLS (M.D. Ga.), another securities class action where Johnson Fistel serves as lead counsel and in which a \$21 million class settlement became final on January 10, 2020.

Prior to joining as one of the founding partners of Johnson Fistel, Mr. Fistel was a partner at an Atlanta-based boutique litigation firm that represented individuals and businesses in shareholder and other complex litigation in federal and state courts throughout the country. In that role, Mr. Fistel served as partner-in-charge of the firm's active case inventory, and obtained millions of dollars on behalf of injured shareholders, consumers, and businesses. Mr. Fistel was also instrumental in securing sweeping corporate governance reforms at numerous publicly-traded companies.

In 2011, 2013, 2014, 2015, and 2016, Mr. Fistel was recognized as a Georgia Super Lawyer—Rising Star by Atlanta Magazine, an honor bestowed on just 2.5% of the attorneys in the State of Georgia. Additionally, Mr. Fistel has an AV rating with Martindale-Hubbell, which indicates very high to preeminent legal ability and very high ethical standards as established by confidential opinions from members of the Bar.

Mr. Fistel has also been invited to speak at the Georgia State University School of Law in the area of corporate governance and shareholder rights and has served as an invited panelist for the Securities and Corporate Litigation Sub-Section of the Atlanta Bar Association.

Areas of Practice: Mr. Fistel devotes his practice to representing individuals, institutions, and businesses in shareholder and other complex litigation. Specifically, a substantial portion of Mr. Fistel's practice is focused on representing shareholders in securities fraud class action litigation and shareholder derivative litigation. In addition to shareholder litigation, Mr. Fistel also represents aggrieved consumers and businesses in other complex litigation arising out of financial and consumer fraud.

Professional Qualifications: Mr. Fistel was admitted to the State Bar of Georgia in 2001, and is currently admitted in good standing with the following courts:

- All courts in the State of Georgia
- The Supreme Court of the United States of America
- The United States Courts of Appeals for the First, Second, Fourth, Tenth, and Eleventh Circuits
- The United States District Courts for the Northern and Middle Districts of Georgia
- The United States District Court for the District of Colorado
- The United States District Court for the Northern District of Illinois
- The United States District Court for the District of Maryland

Education and Awards: Mr. Fistel attended New England Law in Boston, Massachusetts, earning his Juris Doctor degree in 2001. While at New England Law, Mr. Fistel was repeatedly named to the Dean's List and received the CALI Award for Excellence in Trial Practice and Sports Law. Prior to attending New England Law, Mr. Fistel attended Florida State University as a Florida Undergraduate Scholar, and graduated with a Bachelor of Arts degree in English.

Community and Volunteer Activities: Mr. Fistel is an active member of his local Hickory Flat, Georgia community, having served as an Executive Board Member and as Secretary of the Board of Directors of East Cherokee Baseball, a total volunteer youth sports organization where approximately 500 boys and girls ages 3-17 are provided a safe, fun, and educational baseball experience. Mr. Fistel and his family are members of St. Peter Chanel Catholic Church in Roswell, Georgia.

BRETT M. MIDDLETON

Mr. Middleton has over two decades of significant securities, corporate, and business litigation experience in which he has recouped billions of dollars in cash and shareholder value on behalf of institutional and individual shareholders. Working with the firm's shareholder clients, he strives to hold management of publicly traded companies accountable by achieving significant financial recoveries and meaningful corporate governance reforms. Mr. Middleton focuses specifically on representing shareholders in securities fraud class actions, shareholder derivative suits, and mergers and acquisitions ("M&A") transactional litigation.

Mr. Middleton has served in prior litigation as lead or co-lead counsel in a wide variety of high-profile securities fraud class actions, including: *Lehman Brothers Securities Litigation* (S.D.N.Y.) (recovered \$615 million for investors from multiple defendants arising from the alleged accounting fraud that prolonged the historic bankruptcy); *Lumber Liquidators Securities Litigation* (E.D. Va.) (obtained over \$40 million in cash and common stock for class members arising from alleged scheme to

inflate margins by importing cheap and illegal flooring products as exposed by the CBS news show *60 Minutes*); *Clarent Corp. Securities Litigation* (N.D. Cal.) (after a four-week jury trial, obtained rare jury verdict in favor of plaintiffs and against the former CEO); *Williams Securities Litigation* (N.D. Okla.) (\$311 million combined settlement for alleged accounting fraud, which was the largest settlement at the time without a company restatement); *Accredo Health Securities Litigation* (W.D. Tenn.) (\$33 million for investors arising from accounting fraud claims); and *Accredited Home Lenders Securities Litigation* (S.D. Cal.) (\$22 million recovered for investors for fraud claims relating to mortgage lending practices).

He also has extensive experience representing individual and institutional shareholders in derivative litigation seeking to improve corporate governance practices and enforce the fiduciary obligations of corporate boards and officers. Among others, he prosecuted shareholder derivative actions on behalf of Activision, Apollo, News Corporation, and the Ryland Group. Moreover, Mr. Middleton has contributed significantly to efforts to challenge the improper use of defensive measures and deal protections for management's benefit, including M&A transactional litigation actions involving Arena Resources, Alberto-Culver and Unilever, Caremark and CVS, Emulex and Broadcom, Long Drugs and CVS, Medco and Express Scripts, Ticketmaster and Live Nation, and Yahoo! and Microsoft.

Prior to joining Johnson Fistel, Mr. Middleton served for 14 years as an Associate and Senior Counsel at the plaintiff class action law firm of Bernstein Litowitz Berger & Grossmann LLP, where he was instrumental in the prosecution of securities fraud class actions, shareholder derivative litigation, and M&A transactional actions.

Recognition: For his professional achievements, Mr. Middleton has received multiple industry and national recognitions, including "San Diego Super Lawyer" by *Super Lawyers*, "Best of the Bar" by the *San Diego Business Journal*, and "Recommended Lawyer in M&A Related Shareholder Litigation" by *Legal 500 USA Guide*.

Professional Qualifications and Associations: Mr. Middleton was admitted to the State Bar of California on December 8, 1998 and is admitted in good standing with all courts in the State of California. He is also admitted in good standing with the United States District Courts for the Central, Northern, and Southern Districts of California.

Mr. Middleton is a member of the following professional associations:

- Association of Business Trial Lawyers
- California Lawyers Association, Litigation and Business Law

- North County Bar Association
- San Diego County Bar Association
- UCLA Alumni Association, San Diego Network
- University of San Diego School of Law Alumni Association

Education: Mr. Middleton earned his Juris Doctor Degree from the University of San Diego School of Law on May 23, 1998. He obtained a Bachelor of Arts degree from the University of California, Los Angeles on June 18, 1993.

ASSOCIATES

REED F. BAKER

Mr. Baker is an associate in the San Diego office of Johnson Fistel. While in law school, Mr. Baker interned for the United States Attorney's Office, Civil Division in San Diego and clerked for a judge in the 20th Judicial Circuit of Florida.

Prior to joining Johnson Fistel, Mr. Baker worked as an associate at one of San Diego's largest and oldest civil defense firms, where he represented Fortune 500 companies and medical providers in various complex civil litigation matters in both federal and state courts.

Areas of Practice: Mr. Baker focuses his practice on commercial and business litigation, securities class actions, and shareholder derivative suits.

Professional Qualifications and Activities: Mr. Baker was admitted to the State Bar of California in 2018, and is in good standing and admitted to practice in the following courts:

- All courts in the State of California
- The United States District Courts for the Central and Southern Districts of California

Mr. Baker is also a member of the following organizations:

- San Diego County Bar Association
- Louis M. Welsh Inn of Court

Education and Awards: Mr. Baker attended California Western School of Law, where he earned his Juris Doctor degree graduating cum laude and in the top 15% of his class. While in law school, Mr. Baker demonstrated excellent writing skills, was a published author, and served as the Associate Editor of the California Western Law Review. He received the American Jurisprudence award for receiving the highest

grade in his class in advanced legal writing, advanced legal research, and trial practice courses.

Mr. Baker earned his Bachelor of Science degree in Finance from Florida Gulf Coast University. He also attended the University of Michigan to play basketball on a full athletic scholarship.

Community and Volunteer Activities: After college, Reed played professional basketball for 3 years abroad and administered free basketball clinics to children in India, Colombia, Belarus, Panama, and Brazil. Upon returning home, Mr. Baker organized after-school events, summer camps, and day clinics for local children, with attendance ranging between 20-150 kids.

MARY ELLEN CONNER

Ms. Conner is an attorney in the Atlanta office of Johnson Fistel. Ms. Conner's extensive experience in securities litigation is exemplified by her active role in securing an \$18.75 million settlement on behalf of a proposed class of investors alleging the biopharmaceutical company, Chiasma, Inc., misled investors in its 2015 initial public offering about the prospects for regulatory approval of the company's drug candidate, Mycapssa, in violation of §§ 11 and 15 of the Securities Act of 1933.

Ms. Conner's fiduciary duty litigation experience is highlighted by her instrumental work in negotiating a favorable settlement for her client in the *In re International Textile Group Merger Litigation*, brought by Safety Components International ("SCI") minority shareholders against WL Ross & Co., certain current and former officers and directors of International Textile Group ("ITG"), and others, arising out of the merger of ITG and SCI in which minority shareholders alleged breach of fiduciary duties by controlling shareholders.

Areas of Practice: Ms. Conner concentrates her practice on securities litigation and complex commercial disputes, representing businesses and individuals who have been wronged by corporate fraud in shareholder litigation, including direct and derivative actions.

Prior to joining Johnson Fistel, Ms. Conner practiced law at Jones Day, a full-service law firm with more than 2,500 lawyers and 43 offices around the world, representing *Fortune 500* companies in complex commercial and securities litigation. Additionally, Ms. Conner has since served on the faculty of Atlanta's John Marshall Law School teaching Civil Procedure I and II; Legal Research, Writing, and Analysis I; and Legal Communications and Process. She also served as the Faculty Adviser to the Moot Court and co-directed the school's Oral Advocacy Competition.

Ms. Conner also previously represented numerous businesses, healthcare providers (including hospitals, physician groups, laboratories, Durable Medical Equipment supply companies, and ambulatory surgery centers), and individuals in government investigations and litigation brought by the Department of Justice and Office of Inspector General for alleged violations of the False Claims Act, federal securities and commodities fraud statutes, and insider trading laws.

Professional Qualifications: Ms. Conner was admitted to the State Bar of Georgia in 2011 and is admitted to practice and in good standing with the following courts:

- All courts in the State of Georgia
- The United States District Court for the Northern District of Georgia
- The United States Court of Appeals for the Eleventh Circuit

Education and Awards: Ms. Conner graduated from the University of North Carolina at Chapel Hill as a Public Service Scholar with a B.A. in English and Psychology. She received her J.D. from the University of North Carolina School of Law with Honors in 2011, where she served on the editorial board for *The North Carolina Law Review* and received the Gressman-Pollitt Award for Excellence in Oral Advocacy from the Holderness Moot Court. While in law school, Ms. Conner also served as a summer clerk to The Honorable Judge Robert J. Conrad, Jr., Chief Judge for the Western District of North Carolina.

Ms. Conner is recognized as one of Atlanta's top lawyers by Martindale-Hubbell in 2019, having received the highest possible rating in both legal ability and ethical standards based upon peer reviews—the Martindale-Hubbell AV Preeminent peer rating. Ms. Conner was also recognized as a member of the General Litigation Department of the Year, awarded by *The Daily Report*, for the years 2013 and 2014. She also received the Safe Haven Award for Excellence in Pro Bono Representation in 2012.

Publications and Speaking Engagements:

“The ‘Advice-of-Counsel’ Defense: Cautionary Tales for Counsel in False Claims Act Cases,” American Health Lawyers Association.

“Buyers Beware: The Drug Supply Chain Security Act and the False Claims Act,” American Health Lawyers Association Fraud & Abuse, April 2017.

Speaker, “Responding to Governmental Civil Investigative Demands and Government Subpoenas,” Clear Law Institute, February 21, 2017.

Community and Volunteer Activities: Ms. Conner remains active in legal education. She has served as an instructor at Emory University's School of Law

Keissler Eidson Trial Techniques Program and volunteers as an instructor for Empire Mock Trial.

JOHN J. O'BRIEN

Mr. O'Brien is an attorney in the San Diego office of Johnson Fistel. Mr. O'Brien's extensive experience in complex business litigation and trial work is exemplified by his spearheading the widely publicized fraud and Bus. & Prof. § 17200 mass tort case, *Jane Does No. 1–22 v. GirlsDoPorn.com, et al.* (Cal. Super. Ct. San Diego County, Case No. 2016-19027.) After initiating the case with a single plaintiff against the online pornography enterprise, the representation grew to 22 plaintiffs, all of whom were young women represented on a contingency fee basis. After over 3 years of litigation, opposing over 100 motions, filing over 30 motions, and taking depositions throughout the country, the case culminated in a 99-day bench trial, with 57 witnesses and over 3,000 exhibits. At trial, which Mr. O'Brien co-chaired, the court awarded the clients approximately \$13,000,000 in damages, voided the purported release agreements and copyrights, and issued a mandatory injunction against the defendants. The court also found all 11 defendants jointly and severally liable as alter egos, co-conspirators, and agents. During the trial, following the defendants' and their employees' testimony on the stand, the Department of Justice indicted all of the individual defendants, and several of the employees, for sex trafficking and other crimes. (*USA v. Pratt, et al.*, No. 3:19-cr-04488, S.D. CA.) Two of the defendants are now in federal prison awaiting trial and one remains a fugitive.

Prior to joining Johnson Fistel, Mr. O'Brien successfully owned and operated a private law practice for more than 10 years, focused on plaintiff commercial litigation, including business fraud, breach of fiduciary duty, unfair competition, misappropriation of trade secrets, misappropriation of name and likeness, breach of contract, alter ego claims, and real estate fraud litigation. For his clients, Mr. O'Brien has prevailed in several business litigation trials and arbitrations.

Areas of Practice: Mr. O'Brien concentrates his practice on complex commercial disputes, including consumer protection class actions and securities fraud class actions, representing businesses and individuals harmed by the fraudulent or wrongful acts of others. He has extensive experience in all aspects of pre-trial practice, mediation, and trial work.

Professional Qualifications: Mr. O'Brien was admitted to the State Bar of California in 2007 and is admitted to practice in all courts in the State of California and The United States District Court for the Southern District of California.

Education and Awards: Mr. O'Brien graduated from Boston College with a Bachelor of Arts degree in Economics. He received his Juris Doctor degree from

California Western School of Law, where he was on the Dean's List and Moot Court Honor's Board. While in law school, Mr. O'Brien clerked for the United States Attorney's Office for the Southern District of California.

In 2017, 2018, 2019, and 2020, Mr. O'Brien was recognized as a Super Lawyers Rising Star in business litigation, an award only bestowed to the top 5% of attorneys in San Diego.

Community Activities: Mr. O'Brien is President of the Irish American Bar Association of San Diego, a member of Consumer Attorneys of San Diego, a member of the San Diego County Bar Association, a member of the Association of Business Trial Lawyers, captain of his adult ice hockey team, and a member of the San Diego Yacht Club.

KRISTEN L. O'CONNOR

Ms. O'Connor is an associate in the San Diego office of Johnson Fistel and concentrates her practice on employment and complex securities litigation. Ms. O'Connor has particular expertise representing a diverse clientele in federal and state actions for sexual harassment and discrimination.

Prior to joining Johnson Fistel, she served as Managing Counsel at a life sciences contract research organization (CRO), where she negotiated clinical trial agreements with preeminent research institutions and provided market clearance submission development and support for global medtech and pharmaceutical industry clients.

Among prominent representations, Ms. O'Connor played an active role in securing an \$18.75 million settlement on behalf of a proposed class of investors alleging the biopharmaceutical company, Chiasma, Inc., misled investors in its 2015 initial public offering about the prospects for regulatory approval of the company's drug candidate, Mycapssa, in violation of §§ 11 and 15 of the Securities Act of 1933. She also acted as the lead attorney in procuring an \$875k settlement against a grocery chain owned by a global investment firm on behalf of six plaintiff workers alleging sexual harassment and related claims.

Professional Qualifications and Activities: Ms. O'Connor was admitted to the State Bar of California in 2015, and is currently admitted in good standing with the following courts:

- All courts in the State of California
- The United States District Courts for the Northern, Southern, and Central Districts of California

Ms. O'Connor is also a member of the following professional organizations:

- American Bar Association
- San Diego County Bar Association,
- American Inns of Court—J. Clifford Wallace Chapter
- Lawyers Club of San Diego

Education and Awards: Ms. O'Connor holds an LL.M. in Securities and Financial Regulation from Georgetown University Law Center. She holds a J.D. from the Thomas Jefferson School of Law, where she graduated summa cum laude and third in her class, received the CALI Award for Excellence in Legal Writing I, Legal Writing II, Civil Practice, Contracts I, Property II, Entertainment Law Transactions, and Wills and Trusts, and received the Jefferson Medal for Mediation and Negotiation. During law school, she had the distinct honor of serving as both a faculty teaching and research assistant. She also served as an editor for the Thomas Jefferson Law Review, where her work in intellectual property was published.

Ms. O'Connor received a Bachelor of Arts from California Lutheran University, where she received academic scholarships. During her senior year, she studied Eastern European history and the Czech language as a visiting student at Charles University in Prague, Czech Republic.

Ms. O'Connor was selected as a Thomson Reuters' Super Lawyer in 2020. She was also selected by the organization as a 2020 Rising Star, a designation awarded to no more than 2.5% of attorneys in each state.

CHASE M. STERN

Mr. Stern is an associate in the San Diego office of Johnson Fistel. Mr. Stern is an integral part of the firm's complex business and class action litigation practices, focusing on shareholder, consumer, and employment litigation. Mr. Stern also has extensive experience representing individuals and corporations in complex business tort and contract matters, insurance coverage disputes, personal injury matters, and employment matters.

Throughout his career, Mr. Stern has been and continues to be retained by individuals and commercial entity plaintiffs in the prosecution of complex class action matters and his work has proved instrumental in securing significant, multi-million dollar settlements from some of the nation's largest employers, healthcare providers and commercial service providers. Some of Mr. Stern's notable cases include: *Anello, et al. v. HealthSouth, et al.*, Lead Case No. GIC806902 (\$5 million class settlement on behalf of surgery/rehabilitation patients where the average recovery of a class member was in excess of \$13,000); *Martin v. Costco*, Case No. 34-2012-00118165

(significant consumer class settlement arising out false and misleading product labeling); *Connors v. Rag Traders Retail, LLC*, Case No. BC581413 (significant wage and hour class settlement); *Orzano v. Hazelwood Enterprises*, Case No. 37-2016-00029231 (significant wage and hour class settlement); *Gallagher v. H. H. Restaurant, Inc.*, Case No. 37-2016-00031247 (significant wage and hour class settlement); *Lujano v. Advantage Health Systems*, Case No. 27-2017-00023690 (significant wage and hour class settlement).

Notably, prior to joining Johnson Fistel, Mr. Stern served as trial counsel on behalf of a family-owned corporation in a case involving fraud and related tort claims, resulting in significant jury awards for compensatory and punitive damages, ultimately enabling Mr. Stern's client to continue its decades-old family business.

Areas of Practice: Mr. Stern concentrates his practice on complex securities and derivative litigation, consumer rights litigation, and employment litigation, representing both plaintiffs and defendants.

Professional Qualifications and Activities: Mr. Stern was admitted to the State Bar of California in 2013, and is admitted in good standing with the following courts:

- All courts in the State of California
- The United States District Courts for the Northern, Southern, and Central Districts of California
- United States Court of Appeals for the Ninth Circuit

Mr. Stern is also a member of the following professional organizations:

- American Bar Association
- Consumer Attorneys of San Diego
- San Diego County Bar Association
- North County Bar Association
- National Football League Players Association (NFLPA)

Mr. Stern is also a certified contract advisor/agent with the National Football League (NFL).

Education and Awards: Mr. Stern earned his Bachelor of Science degree from Syracuse University in 2008 and his Juris Doctor degree from California Western School of Law in 2012, graduating from both institutions with honors.

WILLIAM W. STONE

Mr. Stone has litigated cases in both federal and state courts throughout the country, and has over a dozen years of experience with all aspects of trial practice and discovery, including trial preparation, factual investigation, drafting and responding to pleadings and discovery, expert discovery, depositions, motion practice, trial, and appeals. Some of Mr. Stone's representative matters include:

- *In Re Flowers Foods, Inc. Securities Litigation*, No. 7:16-CV-00222-WLS (M.D. Ga.). In a securities class action case alleging violations of §§10(b) and 20(a) of the Securities Exchange Act of 1934, Johnson Fistel's client was appointed Lead Plaintiff and the firm was appointed Co-Lead Counsel under the Private Securities Litigation Reform Act of 1995. The complaint filed in the action alleges that defendants made false and misleading statements in connection with the Company's labor strategy. As a result of these false and misleading statements, Flowers Foods stock traded at artificially inflated prices during the Class Period. A \$21 million class settlement became final on January 10, 2020. At the hearing on final approval of the settlement, Judge W. Louis Sands expressed his satisfaction with the settlement and offered the following commentary: "I'd also just like to acknowledge just really the professional way you all handled this case . . . and I think it is that type of substantial work from opposing sides that I think that is what we look at a settlement that both sides of this case have been well represented and represented so the Court is satisfied that it has been in the hands of people who knew what they were doing"
- *Gerneth v. Chiasma, Inc.*, No. 1:16-cv-11082-DJC (D. Mass.). Johnson Fistel served as co-lead counsel and represented the lead plaintiff in a securities class action alleging violations of Sections 11 and 15 of the Securities Act of 1933. The complaint alleged that defendants made false and misleading statements in connection with the company's IPO regarding the company's business and the prospects for approval of a pharmaceutical drug. A class-wide settlement in the amount of \$18.75 million was approved on June 27, 2019.
- *Cobb EMC litigation*: In 2007 and 2008, Mr. Stone prosecuted class and derivative state court claims brought by customer-members of the non-profit Cobb Electric Management Corporation ("EMC") addressing conflicts of interest, transfer of the EMC's employees and assets to a for-profit entity, improper by-laws, and breach of by-laws. The cases resulted in a recovery of over \$120 million of assets, return of the employees to the EMC, revision of the by-laws, replacement of the board via elections conducted pursuant

to the revised bylaws, dissolution of the for-profit entity, and the resignation of the CEO.

- *Checking account overdraft litigation.* Mr. Stone was instrumental in establishing groundbreaking consumer contract law requiring banks to order transactions and impose overdraft charges in a manner consistent with their implied duty of good faith and fair dealing, leading to over \$1 billion in settlements. Reported decisions: 563 F. Supp. 2d 1358 (N.D. Ga. 2008); 694 F.Supp.2d 1302 (S.D. Fl. 2010).

Areas of Practice: Mr. Stone practices complex civil litigation with a focus on securities and consumer fraud class action litigation and shareholder derivative litigation.

Professional Qualifications: Mr. Stone was admitted to the State Bar of Georgia in 2007. He is currently admitted to practice before the following courts:

- The United States Court of Appeals for the Eleventh Circuit
- The United States District Courts for the Middle and Northern Districts of Georgia
- All courts in the State of Georgia

Education and Awards: Mr. Stone received his Juris Doctor degree from the Georgia State University College of Law in 2007. During law school, he received CALI Awards for Excellence in Trial Practice in Research, Writing, Advocacy, and Criminal Law, clerked for a judge, and studied for a term at Johannes Kepler University in Linz, Austria, completing courses focusing on arbitration. Prior to law school, he was a legal assistant for a large law firm in Atlanta during breaks from college. He received his Bachelor of Arts degree with Honors from the University of Georgia's Honors Program in Athens, Georgia, where he published his honors thesis on American and European antitrust law.

ADAM J. SUNSTROM

Mr. Sunstrom is an associate in the Atlanta office of Johnson Fistel. Prior to joining Johnson Fistel, Mr. Sunstrom worked for the Georgia Secretary of State as an enforcement attorney, where he conducted investigations and brought enforcement actions against entities and individuals for violations of the Georgia Uniform Securities Act.

During his third year of law school, Mr. Sunstrom interned at the U.S. Securities and Exchange Commission in the Enforcement Division's Complex Financial Instruments Unit, which investigates fraud in connection with sophisticated

financial instruments. While at the SEC, Mr. Sunstrom invested insider trading violations and the manipulation of asset valuations.

Areas of Practice: Mr. Sunstrom focuses his practice on complex commercial litigation, including securities class actions and shareholder derivative actions.

Professional Qualifications: Mr. Sunstrom was admitted to the State Bar of Georgia in November of 2018 and is currently admitted in good standing with the following courts:

- The United States District Courts for the Middle and Northern Districts of Georgia
- All State and Superior Courts of Georgia
- The Georgia Court of Appeals
- The Georgia Supreme Court

Educations and Awards: In 2018, Mr. Sunstrom graduated cum laude from the University of Georgia School of Law, where he served as a Notes Editor on the Georgia Journal of International & Comparative Law and was a member of Mock Trial finishing as a Quarter-finalist in the J. Melvin England Mock Trial Competition. Mr. Sunstrom graduated summa cum laude from the University of West Georgia in 2015 with degree in Political Science.

Publications:

China: Environmental Protectionist or Economic Protectionism, 46 Ga. J. Int'l & Comp. L. 873 (2018).

Community and Volunteer Activities:

Mr. Sunstrom is a member of the Rotary Club of Midtown Atlanta, and serves on the Public Image Committee.

OLIVER S. TUM SUDEN

Mr. tum Suden is an associate in the Atlanta office of Johnson Fistel. Prior to joining Johnson Fistel, Mr. tum Suden served as Assistant Attorney General in the Commercial Transactions and Litigation Division of the Georgia Office of the Attorney General, where he prosecuted and defended breach of contract actions, contested asset valuations, and represented beneficiaries in the merger and acquisition of charities and nonprofit institutions.

Mr. tum Suden is a graduate of the University of Georgia School of Law. During law school, Mr. tum Suden was an Honors Clerk at the U.S. Securities and Exchange Commission in the Enforcement Division's Complex Financial Instruments

Unit, focusing on fraud in connection with sophisticated financial instruments. While at the SEC, Mr. tum Suden investigated an insider trading ring and built a successful case against a hedge fund manager for misrepresenting assets.

Areas of Practice: Mr. tum Suden focuses his practice on complex commercial litigation, including securities class actions and shareholder derivative actions.

Professional Qualifications: Mr. tum Suden was admitted to the State Bar of Georgia in 2018 and is currently admitted in good standing with the following courts:

- All State and Superior Courts of Georgia
- The Georgia Court of Appeals
- The Georgia Supreme Court

Educations and Awards: Mr. tum Suden graduated in 2018 from the University of Georgia School of Law, where he was in the top half of his class, he served as Notes Editor on the Journal of Intellectual Property, President of the Asian Law Students Association, member of Phi Alpha Delta A.H. Stephens Chapter, and Hearing Officer on the Honor Court. He received an award for his outstanding contributions to the Journal of Intellectual Property. Mr. tum Suden graduated cum laude from West Virginia University with a Bachelor of Science in Business Administration.

Community and Volunteer Activities: Mr. tum Suden is an active member of the Georgia Asian Pacific American Bar Association and University of Georgia Mentor program.

SPECIAL COUNSEL & TRIAL ATTORNEY

TIFFANY R. JOHNSON

Mrs. Johnson has years of trial experience as both a Deputy Attorney General for the State of California and a Judge Advocate General in the United States Navy. She now focuses her practice on complex business litigation and civil rights matters. She also has experience representing clients in family law matters.

Prior to joining Johnson Fistel, Mrs. Johnson was a Deputy Attorney General for the State of California for over twelve years where she primarily litigated civil rights cases through trial. In addition, Mrs. Johnson served as a Judge Advocate General in the United States Navy for close to ten years where she achieved the rank of Lieutenant Commander. While in the Navy, Mrs. Johnson represented hundreds of sailors and marines in criminal proceedings through verdict, administrative boards, and disability hearings.

Professional Qualifications and Activities: Mrs. Johnson was admitted to the bar for the State of Minnesota in May of 2000, and to the bar of the State of California in 2005. Additionally, Mrs. Johnson is admitted to practice in the following courts:

- All courts in State of California
- All courts in State of Minnesota
- The United States Court of Appeals for the Ninth Circuit
- The United States District Court for the Southern, Central, Eastern, and Northern Districts of California

Education: Mrs. Johnson received her Juris Doctor degree from Chicago-Kent College of Law in 2000. She received her Bachelor of Arts degree in Education from Concordia University, St. Paul, Minnesota, in 1996.

OF COUNSEL

JEFFREY A. BERENS

Jeffrey A. Berens is an accomplished securities litigator, having made a career of prosecuting violations of federal securities laws on behalf of defrauded stockholders, pursuing derivative claims under state corporate law to redress misconduct committed by corporate officers and directors, and seeking to maximize shareholder value in merger and acquisition litigation. In addition to his securities litigation practice, Mr. Berens litigates a wide variety of other complex matters including cases involving consumer fraud, state and federal RICO violations, antitrust claims, unfair trade practices, and employment law violations.

Between 2007 and 2016, Mr. Berens was a principal of Dyer & Berens LLP, a Colorado-based shareholder rights law firm. Prior to founding Dyer & Berens, he was an associate and later a partner in a boutique law firm which recovered hundreds of millions of dollars for aggrieved investors nationwide. Before entering law school, Mr. Berens worked as a corporate accountant, during which time he passed the Certified Public Accountant examination.

Representative Matters: Mr. Berens has successfully litigated shareholder class and derivative lawsuits against more than one hundred public and private companies including, among others, BancorpSouth, Inc. (\$29.25 million recovered), Tele-Communications, Inc. (\$26.5 million recovered), FirstWorld Communications, Inc. (\$25.925 million recovered), Transcript International, Inc. (approximately \$25 million recovered), Molycorp, Inc. (\$20.5 million recovered), ICG Communications,

Inc. (\$18 million recovered), Rhythms NetConnections Inc. (\$17.5 million recovered), One-Stop Wireless of America, Inc. (approximately \$11 million recovered), Fidelity Management & Research Company (\$7.5 million recovered), Carrier Access Corporation (\$7.4 million recovered), and State Street Corporation (\$6.25 million recovered). Early in his career, Mr. Berens successfully argued to the Colorado Court of Appeals that the trial court had erred in failing to allow thousands of victims of a nationwide boiler room fraud to band together and prosecute their claims in a single class action. The Court of Appeals' opinion in *Toothman v. Freeborn & Peters* established new law, making it more difficult for dishonest promoters to evade the reach of the securities laws. Mr. Berens later won entry of a \$75 million summary judgment against the alleged ringleader of the scheme.

Areas of Practice: Mr. Berens devotes his practice to representing individuals, institutions, and businesses in shareholder and other complex litigation. Specifically, a substantial portion of Mr. Berens' practice is focused on representing shareholders in securities fraud class action litigation and shareholder derivative litigation.

Education: Mr. Berens attended Marquette University Law School, from which he graduated *cum laude* in 1996. While at Marquette, he served as a judicial extern to the Honorable John L. Coffey of the United States Court of Appeals for the Seventh Circuit and was a member of the Marquette University Law Review. Mr. Berens received his undergraduate degree in business and accounting from the University of Wisconsin.

Admissions: Mr. Berens was admitted to the state bar of Wisconsin in 1996 and the state bar of Colorado in 1997. He is also admitted to practice before the United States District Courts for Colorado and the Eastern District of Wisconsin, the Tenth Circuit Court of Appeals, and has been admitted to practice, on a case by case basis, in various state and federal jurisdictions throughout the country.

Publications: Mr. Berens is the author of Pleading Scienter Under The Private Securities Litigation Reform Act of 1995, which was published in *The Colorado Lawyer*.

RICHARD A. NERVIG

Mr. Nervig is a tenacious litigator with practical securities industry experience obtained from working as both a Dean Witter stockbroker prior to attending law school and as a compliance attorney after graduation. Mr. Nervig has successfully recovered in excess of \$20 million dollars on behalf of his clients.

Areas of Practice: For over 23 years, Mr. Nervig's practice has focused primarily upon the representation of investors in securities litigation matters in

FINRA arbitration proceedings, as well as matters in both state and federal court. Mr. Nervig is experienced handling all manner of securities sales practice claims ranging from suitability violations, churning, unauthorized trading, and fraud. Mr. Nervig is particularly adept at pursuing secondary liability claims arising from Ponzi schemes, unregistered securities sales, and anti-money laundering violations. Mr. Nervig also routinely represents creditors in bankruptcy adversary proceedings involving securities violation discharge avoidance matters pursuant to §523(a)(19) of the Bankruptcy Code.

Professional Qualifications and Activities: Mr. Nervig is currently admitted in good standing with the following courts:

- All courts in the State of Arizona (1997)
- All courts in the State of California (2003)
- All courts in the State of Colorado (1993)
- The United States District Court for the District of Arizona
- The United States District Courts for the Southern and Central Districts of California
- The United States District Court for the District of Colorado
- The United States Court of Appeals for the Tenth Circuit

Mr. Nervig is also a member of the following organizations:

- American Bar Association (Member Sections of Business Law and Litigation)
- Denver Bar Association
- San Diego County Bar Association
- San Diego North County Bar Association
- Southwest Riverside County Bar Association
- Public Investors Arbitration Bar Association
- Arbitrator, Financial Industry Regulatory Authority (FINRA) and San Diego County Bar Association Fee Arbitration Committee
- Former Member New York Stock Exchange and National Association of Securities Dealers

Education: Mr. Nervig received his Juris Doctor degree from the Claude W. Petit College of Law at Ohio Northern University in 1992. He received a Bachelor of Arts degree in 1988 from the Metropolitan State University of Denver.

RALPH M. STONE

Ralph M. Stone is recognized as a leading lawyer in the securities litigation, investor rights, and international discovery fields. He has represented public and private companies, hedge funds, and other institutional investors in a wide variety of commercial litigation in courts around the country and in FINRA and American

Arbitration Association arbitrations, on creditor committees in international bankruptcies, and in various other forums. He actively represents and advises private banks and other non-U.S. institutions in major securities litigation, and he regularly represents and advises them in various hedge fund disputes and matters arising from collapsed funds. He also represents securities industry whistleblowers before the SEC and CFTC, helping whistleblowers maintain their anonymity in presenting tips and helping them to secure financial awards as a result of their whistleblowing.

From 1990 to 1992, Mr. Stone was associated with the international law firm Mayer, Brown & Platt, where he was involved in a variety of commercial litigation. He was an associate at the law firm of Milberg Weiss from 1992 until 1997. At Milberg Weiss, he focused on the representation of investors and consumers in litigation involving the federal securities laws, consumer fraud statutes, and the fiduciary obligations of corporate officers and directors. From 1997 through 2018, Mr. Stone was a partner at the firm of Shalov Stone & Bonner LLP, which he co-founded, and which later became Stone Bonner & Rocco LLP.

Mr. Stone is admitted to practice in New York and in many federal courts. He has also been active in the legal community, serving on various bar association committees and as an Arbitrator in the New York City Civil Court.

Representative Matters: Mr. Stone has been involved in a large number of mass actions, collective actions, and class actions. Among other achievements, Mr. Stone obtained the first-ever class certification against a foreign government in *Urban GmbH v. Republic of Argentina*, in which he represented holders of defaulted Republic of Argentina bonds. He has represented a group of more than 100 bondholders of an Uruguayan bank in claims against the bank's former directors who reside in New York. Also, he has represented high-profile hedge funds as well as European and Asian funds in major securities fraud actions.

The significant securities class actions in which he has played a principal role as one of the lead counsel include: *In re Winstar Communications Inc. Securities Litigation* (S.D.N.Y.) (over \$40 million in recoveries, including a substantial recovery secured in connection with the pursuit of innovative claims brought against a business partner of a securities issuer); *In re Baan Company Securities Litigation* (D.D.C.) (settlement with bankrupt Dutch software company and its executives totaling \$32 million, which amounted to nearly all of the damages claimed by class members); *In re TEAM Communications Securities Litigation* (C.D. Cal.) (settlement with bankrupt American television licensing company predominantly traded on a German stock exchange and its executives totaling \$12.5 million); *In re Crayfish Inc. Securities Litigation* (S.D.N.Y.) (recoveries from Japanese software company and its executives totaling \$9 million); *In re Intershop Communications AG Securities Litigation* (N.D. Cal.) (recovery of more than \$3 million from bankrupt German

software company and its executives); *In re Workstream, Inc., Securities Litigation* (recovery of \$3.9 million); *Cooper v. CPS Systems, Inc.* (N.D. Tex.) (recovery of \$3.44 million); *In re Mitcham Industries Securities Litigation* (S.D. Tex.) (recovery of \$2.7 million); *Yuan v. Bayard Drilling Technologies, Inc.* (W.D. Okla.) (recovery of \$3.1 million); and *Varljen v. H.J. Meyers & Co., Inc.* (S.D.N.Y.) (recovery of more than \$5 million).

Mr. Stone has also served as lead class counsel on behalf of participants in certain companies' retirement plans in a number of ERISA class actions, including: *In re Ferro Corp. ERISA Litigation* (N.D. Ohio) (recovery of \$4 million for retirement plan participants); *In re Comerica, Inc. ERISA Litigation* (E.D. Mich.) (recovery of \$2.2 million for plan participants).

He also has been involved in a wide variety of securities arbitrations and other commercial cases relating to the securities industry. He has represented a listed company in a dispute with an investment banking firm before the American Arbitration Association and has represented investors with fraud, suitability, and deceptive practice claims against both electronic brokerage firms and traditional brokerages in FINRA arbitrations.

He has, on several occasions, served as a court-appointed receiver or fiduciary to protect and distribute funds in various insider-trading disgorgement and other cases brought by the SEC.

In addition to the wide variety of matters relating to securities and financial services, Mr. Stone has also played an active role representing victims of terrorism, including participating in the *Linde v. Arab Bank* litigation (E.D.N.Y.) on behalf of victims of terrorism who obtained the first verdict ever against a financial institution for providing material support to a terrorist organization's attacks on Americans, and participating in briefing in connection with various actions seeking to enforce terrorism-based judgments against Iran, including in *Peterson v. Bank Markazi*, which resulted in a recovery of over \$1.8 billion for victims of the 1983 Marine Barracks bombing in Beirut, Lebanon.

Mr. Stone has actively litigated consumer protection class actions in courts around the country. For example, he played a principal role as lead counsel in *In re Cablevision Consumer Litigation* (E.D.N.Y.), recovering benefits of more than \$28 million for cable TV subscribers who were denied access to certain Fox network-affiliated channels during a 2010 carriage dispute between Cablevision and News Corp., and *Health Science Products LLC v. Sage Software SB, Inc.* (N.D. Ga.), recovering \$5.5 million on behalf of a class asserting that software was buggy and defective. He has also served as a lead counsel and made substantial recoveries for classes in many consumer protection cases, including in cases alleging that various

finance charges imposed by banks, credit card companies, and other lenders are deceptive or unfair, electronics products were defective, software was defective or invasive of privacy rights, sports memorabilia products were not genuine as represented, insurance products were improperly or deceptively marketed, and that insurance contracts were breached.

Mr. Stone's reported decisions include: *Brandi-Dohrn v. IKB Deutsche Industriebank AG*, 673 F.3d 76 (2d Cir. 2012); *In re Cablevision Consumer Litigation*, 864 F.Supp.2d 258 (E.D.N.Y. 2012); *In re Ferro Corp. ERISA Litigation*, 422 F.Supp.2d 850 (N.D. Ohio 2006); *In re Baan Company Securities Litigation*, 245 F.Supp.2d 117 (D.D.C. 2003); *Macomber v. Travelers Property and Casualty Co.*, 261 Conn. 620 (Conn. 2002); *In re Baan Company Securities Litigation*, 81 F.Supp.2d 75 (D.D.C. 2000); *Milman v. Box Hill Systems Corp.*, 72 F.Supp.2d 220 (S.D.N.Y. 1999); *Varljen v. H.J. Meyers & Co.*, [1998 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 90,259 (S.D.N.Y. 1998); *Saddle Rock Partners, Ltd. v. Hiatt*, [1996.97 Transfer Binder] Fed. Sec. L. Rep. (CCH) & 99,413 (W.D. Tenn. 1996); and *Sikes v. American Telephone & Telegraph Co.*, 841 F. Supp. 1572 (S.D. Ga. 1993).

Areas of Practice: Mr. Stone's practice focuses on complex litigation, investor rights, and whistleblower protection. Mr. Stone has extensive experience in all aspects of complex civil litigation and securities and consumer fraud class actions.

Professional Qualifications and Activities: Mr. Stone was admitted to the Bar of the State of New York in 1991. He is currently admitted in good standing with the following courts:

- All New York State courts
- The United States Courts of Appeals for the Second, Fifth, Sixth and Eleventh Circuits
- The United States District Courts for the Southern and Eastern Districts of New York

Mr. Stone is currently, or has been previously, a member of the following professional organizations:

- American Bar Association (ABA)
- Association of the Bar of the City of New York (ABCNY)
- Former Secretary, Consumer Affairs Committee
- Public Investors Advocate Bar Association (PIABA)

Awards and Peer Recognition: Super Lawyers: Mr. Stone is recognized as a Super Lawyer in Securities Litigation. Thomson Reuters awards this recognition to

the top 5% of attorneys who have obtained a high-level of professional achievement and are highly regarded by their peers.

Education: Mr. Stone received his Juris Doctor degree from the University of Texas School of Law in 1990, where he was an editor of *The Review of Litigation*. He received an A.B. in Philosophy from Columbia College, Columbia University in 1987.

Publications: Contributor of chapter “United States” in *Shareholder Claims* (Jordans 2012), describing U.S. law relating to investor and shareholder rights.

SELECTED EXAMPLES OF REPRESENTATIVE MATTERS

Johnson Fistel aggressively pursues complex litigation matters for both plaintiffs and defendants on an hourly or contingency fee basis depending upon the circumstances of the matter. Below are just a few of the cases the firm has undertaken. To respect the privacy of some of the firm's clients who prefer we do not mention their names involved in litigation, their matters are described below without identifying the parties' names.

Business and Commercial Litigation

- *International Real Estate PLC v. Oaktree Capital Management, LLC*, Case No. BC 324973 (Cal. Super. Ct. Los Angeles Cnty.). International Real Estate (a public company with shares listed on the London Stock Exchange) retained Johnson & Fistel to pursue claims for breach of fiduciary duty against former directors of a joint venture company. That case involved alleged damages of approximately \$20 million, and after years of aggressive litigation and a mediation, ultimately settled on favorable terms to International Real Estate. *See* testimonial from the firm's client below.
- *Doe Shipping Company v. John Doe* (Cal. Super. Ct. San Diego Cnty.). A national shipping company retained Johnson Fistel after a former employee left the company with customer lists, other employees, and other confidential information. Johnson Fistel filed a complaint alleging claims for fraud, breach of contract, and misappropriation of trade secrets, among others. After a series of depositions and the threat of putting the defendants out of business, Johnson Fistel assisted the company in obtaining a resolution that restricted the former employee from doing business with certain of the company's clients, protected the company's trade secrets, and provided for a significant monetary payment to the company.
- *Liebsohn, et al. v. Augme Technologies, Inc., et al.*, Case No. 13-2-40007-3 SEA (Wash. Super. Ct. King Cnty.). Johnson Fistel represented a group of 47 high net worth investors who were defrauded into trading their stock in a privately-held company for stock in a publicly-traded company. After defeating several motions to dismiss and a petition for discretionary review by the Washington Court of Appeals, Johnson Fistel obtained a highly-favorable confidential settlement from the defendants' insurance carrier on February 2, 2016.

- *John Doe v. Doe Hedge Fund* (Cal. Super. Ct. San Diego Cnty.). Johnson Fistel defended one of the world's most successful hedge funds and its manager against meritless claims of fraud. After aggressively defending the matter, the plaintiff accepted a nuisance value settlement that was less than the cost of defense.

Trials & Arbitrations

- *Healthy Life Marketing, LLC, et al. v. Jaime Brenkus' Sound Body, Inc.*, Case No. GIC822927 (Cal. Super. Ct. San Diego Cnty.). On behalf of a marketing firm, Johnson Fistel pursued claims for breach of contract and fraud against the manufacturer of a weight loss product. After a week-long jury trial, the jury returned a seven-figure verdict in favor of J Johnson Fistel's client, including actual and punitive damages. See testimonial from the firm's client below.
- *DCI Solutions v. Urban Outfitters*, (S.D. Cal). Johnson Fistel represented a small local consulting firm in a case against one of the nation's largest clothing retailers in a matter that would have forced the company into bankruptcy if it lost. Following a week-long trial in federal court, the jury returned a verdict rejecting the retailer's \$1.5 million damage claim in its entirety. Johnson Fistel also prevailed on all of Urban Outfitter's post-trial motions.
- *Timeshare Resale Alliance v. Fleming, et al.*, (San Diego Cnty. Arbitration). Johnson Fistel successfully defended a real-estate broker accused of stealing her former employer's alleged trade secrets. Following a week-long arbitration, the arbitrator issued an order completely exonerating Johnson Fistel's client.
- *Mary Joe v. Jane Doe* (Cal. Super. Ct. San Diego Cnty.). Johnson Fistel represented the minority shareholder of a small family corporation to pursue claims against the other shareholders who wasted millions of dollars of corporate assets by using those assets to pay for their personal expenses. The client retained Johnson Fistel to substitute into the case just two months before trial. On day four of a five-day trial, defendants agreed to settle the case.

Shareholder Derivative Actions

- *In re Powerwave Technologies, Inc.*, Case No. 13-10134 (MFW) (Bankr. D. Del.). On behalf of a shareholder client, Johnson Fistel filed a shareholder derivative action in a California Superior Court alleging that certain of Powerwave’s officers and directors had affirmatively engaged in improper accounting to conceal the company’s true financial condition. Shortly after filing this action, Powerwave filed for bankruptcy and the United States Bankruptcy Court appointed a Chapter 7 Trustee. The Bankruptcy Court appointed Johnson Fistel as special counsel to represent the Trustee to prosecute these claims as assets of the estate. After nearly two years of litigation, Johnson Fistel secured a settlement that included payment of \$5.5 million for the benefit of the estate in bankruptcy.
- *Rubin v. Reinhard*, Case No. 37-2008-00091039-CU-NP-CTL (Cal. Super. Ct. San Diego Cnty.). Johnson Fistel was sole Lead Counsel in this derivative lawsuit. After the company filed a petition for relief under Chapter 7 of the Bankruptcy Code, the Bankruptcy Trustee retained Johnson Fistel as special litigation counsel to prosecute claims for breach of fiduciary duty against certain officers and directors. After several years of hard-fought litigation, the Estate in Bankruptcy settled recovering \$3 million. In approving the settlement, the Bankruptcy Court judge remarked: “The Court thanks [Johnson Fistel] for its outstanding work on behalf of the Chapter 7 Trustee and the Estate.”
- *In re Southern Company Shareholder Derivative Litigation*, No. 1:17-cv-00725-MHC (N.D. Ga.). On behalf of a shareholder client, Johnson Fistel filed a shareholder derivative action in the United States District Court for the Northern District of Georgia against certain of The Southern Company’s current and former officers and directors for breaches of fiduciary duties, unjust enrichment, and corporate waste. The Court appointed Johnson Fistel as Lead Counsel in the pending action.
- *In re HD Supply Holdings, Inc. Derivative Litigation*, Lead Case No. 1:17-cv-02977-MLB (N.D. Ga.). Johnson Fistel was appointed Co-Lead Counsel in a stockholder derivative action brought on behalf of HD Supply alleging, among other things, that certain executives and directors of HD Supply violated federal and state law by making false and misleading statements to investors, thereby artificially inflating the stock price. The complaint filed in the action also alleges that while the price of HD Supply stock was artificially inflated, certain corporate insiders engaged in unlawful insider trading of their personally-held HD Supply stock holdings. Plaintiffs seek damages and disgorgement from the alleged wrongdoers on the company’s

behalf, as well as corporate governance reforms to prevent the recurrence of similar misconduct in the future.

- *Whitten v. Clarke, et al.*, Case No. 1:17-cv-02585-LMM (N.D. Ga.) (*FleetCor Technologies, Inc. Derivative Litigation*). Johnson Fistel was appointed Lead Counsel in a stockholder derivative action brought on behalf of FleetCor Technologies, Inc. alleging, among other things, that certain executives and directors of FleetCor violated federal and state law by making false and misleading statements to investors, thereby artificially inflating the stock price. The complaint filed in the action also alleges that while the price of FleetCor stock was artificially inflated, certain corporate insiders engaged in unlawful insider trading, unloading approximately \$108 million worth of their personally-held FleetCor stock holdings. Plaintiff seeks damages and disgorgement from the alleged wrongdoers on the Company's behalf, as well as corporate governance reforms to prevent the recurrence of similar misconduct in the future.
- *In re CoreCivic, Inc. Shareholder Derivative Litigation*, Lead Case No. 3:16-cv-03040 (M.D. Tenn.). Johnson Fistel was appointed Co-Lead Counsel in a shareholder derivative action brought on behalf of CoreCivic, Inc. alleging, among other things, that certain officers and directors of CoreCivic violated federal and state law by making false and misleading statements to investors concerning CoreCivic's history of quality, savings, and compliance at Federal Bureau of Prisons facilities, causing its common stock to be traded at artificially inflated levels. On CoreCivic's behalf, Plaintiffs seek damages and disgorgement from the alleged wrongdoers.
- *In re United States Steel Corporation Derivative Litigation*, Lead Case No. 2:17-cv-01005-CB (W.D. Pa.). Johnson Fistel was appointed Co-Lead Counsel in a shareholder derivative action brought on behalf of United States Steel Corporation, alleging, among other things, that certain officers and directors of US Steel violated federal and state law by causing the company to make false and misleading statements to investors which concealed that U.S. Steel failed to implement necessary maintenance measures at its facilities and that the Company did not have the capacity to meet then-current market demand, causing its common stock to be traded at artificially inflated levels. On US Steel's behalf, Plaintiffs seek damages and disgorgement from the alleged wrongdoers.

- *In re: Twitter, Inc. Shareholder Derivative Litigation*, C.A. No. 18-062 (D. Del.). Johnson Fistel was appointed Co-Lead Counsel in a shareholder derivative action brought on behalf of Twitter, Inc., alleging, among other things, that certain officers and directors of Twitter caused the company to make false and misleading statements concerning the metrics used by the company to measure user growth and engagement, causing its common stock to be traded at artificially inflated levels. In addition, the complaint filed in the action alleges that while the price of Twitter stock was artificially inflated, certain corporate insiders engaged in unlawful insider trading, unloading approximately \$281 million worth of their personally-held Twitter stock holdings. On Twitter's behalf, Plaintiffs seek damages and disgorgement from the alleged wrongdoers.
- *In re TrueCar, Inc. Shareholder Derivative Litigation*, Lead Case No 1:19-cv-00617 (D. Del.). Johnson Fistel was appointed Lead Counsel in a shareholder derivative action brought on behalf of TrueCar, Inc., alleging, among other things, that certain officers and directors of TrueCar violated federal and state law by causing the company to make false and misleading statements, which concealed that TrueCar's most important "affinity partner," USAA, had decided to make critical changes to the co-branded car buying site that it shared with TrueCar, and that such changes would have a material adverse effect on the volume of car sales on the site generated by TrueCar. The complaint filed in the action also alleges that while the price of TrueCar stock was artificially inflated, certain corporate insiders engaged in unlawful insider trading, unloading more than \$16 million worth of their personally-held TrueCar stock holdings. On TrueCar's behalf, Plaintiffs seek damages and disgorgement from the alleged wrongdoers.

Corporate Takeover Litigation

- *Azar v. Blount International, Inc., et al.*, No. 3:16-CV-00483-SI (D. Or.). Johnson Fistel was appointed as Co-Lead Counsel in a case arising out of the 2016 acquisition of Blount International Inc. by a group comprised of a private equity firm, Blount's largest stockholder, and two Blount insiders. The plaintiffs allege, among other things, that the proxy statement Blount disseminated in connection with the deal failed to disclose a set of financial projections that best reflected Blount's long-term prospects and, instead, disclosed only later, artificially reduced projections. The plaintiffs allege that misleading proxy statement tainted the stockholder approval of the merger, and they are seeking an unspecified amount of monetary damages. This matter recently settled resulting in millions of dollars in additional consideration for Blount's shareholders and is pending final approval.

- *Englehart v. Brown*, Case No. 13-2-33726-6-KNT (Wash. Super. Ct. King Cnty.). As discussed further below under the heading Noteworthy Success Stories, Johnson Fistel was appointed as Co-Lead Counsel in a case arising out of the 2014 acquisition of Flow by American Industrial Partners which resulted in a \$12.75 million settlement, believed to be the largest recovery ever obtained in a class action challenging the price of a merger or acquisition of a public company in a Washington court.

Securities Class Actions

- *Desrocher v. Covisint Corporation, et al.*, Case No. 1:14-CV-03878-AKH (S.D.N.Y.). In a case alleging violations of §§11 and 15 of the Securities Act of 1933, the Court appointed Johnson Fistel Co-Lead Counsel and certified the firm as Co-Lead Class Counsel. The class action complaint alleged that there were misrepresentations or omissions in documents filed with the SEC in connection with the company's IPO. Under the settlement, defendants agreed to create an \$8 million common fund to compensate Covisint stockholders who were harmed by the alleged misrepresentations or omissions, which amount represented a substantial percentage of the maximum potential recovery. The Court approved the settlement in its entirety on December 13, 2016.
- *Gerneth v. Chiasma, Inc., et al.*, No. 1:16-cv-11082-DJC (D. Mass.). Johnson Fistel served as co-lead counsel and represented the lead plaintiff in a securities class action alleging violations of Sections 11 and 15 of the Securities Act of 1933. The complaint alleged that defendants made false and misleading statements in connection with the company's IPO regarding the company's business and the prospects for approval of a pharmaceutical drug. A class-wide settlement in the amount of \$18.75 million was approved on June 27, 2019.
- *In re Flowers Foods, Inc. Securities Litigation*, No. 7:16-cv-0022-WLS (M.D. Ga.). In a securities class action case alleging violations of §§10(b) and 20(a) of the Securities Exchange Act of 1934, Johnson Fistel's client was appointed Lead Plaintiff and the firm was appointed Co-Lead Counsel under the Private Securities Litigation Reform Act of 1995. The complaint filed in the action alleges that defendants made false and misleading statements in connection with the Company's labor strategy. As a result of these false and misleading statements, Flowers Foods stock traded at artificially inflated prices during the Class Period. A settlement-in-principle in the amount of \$21.0 million was recently reached and is pending approval from the Court.

- *Mohanty v. Avid Technology, Inc., et al.*, No. 1:16-cv-12336-IT (D. Mass.). Johnson Fistel served as lead counsel and represented the lead plaintiff in a securities class action alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934. The plaintiff alleged that the defendants made false and misleading statements concerning the company's business, operations, and financial outlook. A class-wide settlement in the amount of \$1.325 million was approved on May 2, 2018.
- *Crystal v. Medbox, Inc., et al.*, No. 2:15-cv-00426-BRO-JEM (C.D. Cal.). Johnson Fistel served as lead counsel and represented the lead plaintiffs in a securities class action alleging violations of Sections 10(b) and 20(a) of the Securities Exchange Act of 1934. The complaint alleged that defendants made numerous and repeated false and misleading statements concerning Medbox's accounting, finances, internal controls, business, prospects, and outlook throughout the Class Period. A class-wide settlement in the amount of \$1.850 million in cash and 2.3 million shares of company stock was approved on May 2, 2018.

Consumer Class Actions

- *Baker v. Visa International Corp.*, Case No. 06cv0376 (Cal. Super. Ct. San Diego Cnty.). Johnson Fistel was appointed Co-Lead Counsel for this nationwide consumer class action that was filed in 2006 against Visa International Corp. for wrongfully assessing undisclosed fees on consumers by manipulating the currency conversion rates when consumers used their Visa Card for purchases in other countries. This matter was removed to federal court, and transferred by the Judicial Panel on Multidistrict Litigation to the United States District Court for the Southern District of New York to be coordinated with the *In re Currency Conversion Fee Antitrust Litigation*. The Court approved a settlement that provided for \$336 million for the class members. While the *Baker* case was not the driving force leading to the \$336 million for the class members, it was coordinated with that matter and the firm played a material role in the ultimate settlement.
- *Giancola v. Lincare Holdings Inc.*, Case No. 8:17-cv-2427-T-33AEP (M.D. Fla.). Serving as Class Counsel in this action, Johnson Fistel represented a class of current and former employees of Lincare, who were exposed to an unlawful data breach and the potential disclosure of their personal information. After Johnson Fistel filed an amended complaint and engaged in preliminary discovery, the parties agreed to mediation. Johnson Fistel was ultimately able to achieve a class-wide settlement that provided multiple forms of relief to class members, including: (i) a Settlement Fund totaling

\$875,000 in cash that was used to pay claims of class members impacted by the data breach; (ii) enhanced credit and identity monitoring protection services for the class, which was valued at more than \$972,000; and (iii) Lincare's agreement to implement certain enhanced data security measures to protect the company from future data breaches and safeguard the personal information of its employees.

- *In re: Apple Inc. Device Performance Litigation*, Case No. 18-md-02827-EJD (N.D. Cal.). In December 2017, Johnson Fistel filed a class action complaint against Apple Inc. ("Apple"), alleging that Apple knowingly designed the batteries of certain iPhones to prematurely degrade, causing them to unexpectedly shut down. After the matter was consolidated with numerous other lawsuits filed against Apple for similar alleged misconduct, Johnson Fistel was appointed to the Steering Committee of the consolidated action. The litigation concerns one of the largest consumer frauds in history, affecting hundreds of millions of mobile devices around the world. The parties are currently engaged in discovery in this action.

NOTEWORTHY SUCCESS STORIES

Johnson Fistel aggressively pursues complex litigation matters for both hourly paying clients and for contingency fee clients. While not an exhaustive list, below are a few of the cases for which the firm has achieved noteworthy successful results for its clients.

A Happy Client Following Trial

On behalf of a marketing firm, Johnson Fistel pursued claims for breach of contract and fraud against the manufacturer of a weight loss product. After a week-long jury trial, the jury returned a seven-figure verdict in favor of Johnson Fistel's client, including actual and punitive damages. *See* testimonial from the firm's client. *Healthy Life Marketing, LLC, et al. v. Jaime Brenkus' Sound Body, Inc.*, Case No. GIC822927 (Cal. Super. Ct. San Diego Cnty.).

Record Setting Class Action Settlement in Washington

In what is believed to be the largest recovery ever obtained in a class action challenging the price of a merger or acquisition of a public company in a Washington court, on January 20, 2017, the court approved a \$12.75 million settlement for the benefit of former Flow shareholders. Specifically, the case challenged the fairness of the price shareholders received from the 2014 acquisition of Flow by American Industrial Partners. Johnson Fistel served as court-appointed Co-Lead Class Counsel.

After three years of hard-fought litigation, which included 26 depositions taken throughout the country, defeating defendants' motions to dismiss, defeating defendants' motion for summary judgment, and obtaining an order certifying the class, the parties reached an agreement to settle the case just before trial. "I am proud to be part of a settlement that achieved what is now a rarity, more money for the shareholders in a merger case," said Frank Johnson, one of the founding partners of Johnson Fistel. Cornerstone Research recently published a report regarding M&A shareholder suits in 2015 and the first half of 2016, reporting that amongst the hundreds of merger-related lawsuits identified, only six of those cases resulted in any monetary recovery for shareholders. The report concluded that in merger-related litigation, "monetary consideration paid to shareholders has remained relatively rare."

Mr. Johnson and Mr. Holleman were the attorneys at the firm responsible for helping obtain this settlement for shareholders. *Englehart v. Brown*, Case No. 13-2-33726-6-KNT (Wash. Super. Ct. King Cnty.).

One of the Largest Recoveries in a Derivative Case in Tennessee

Johnson Fistel was appointed sole Lead Counsel in this shareholder derivative action against certain current and former officers and directors of HCA Holdings, Inc., the largest private hospital chain in the country. The derivative claims related to similar facts that resulted in the company paying \$215 million to settle a class action lawsuit filed by shareholders who alleged the company used false and misleading information to sell stock during its 2011 initial public offering.

The parties litigated the action for more than four years and attended multiple mediations, after which Johnson Fistel secured an extremely favorable settlement for HCA and its shareholders, including a payment of \$19 million to HCA (believed to be among the largest recoveries in a derivative case in the State of Tennessee), the appointment of a new independent director, and implementation of significant corporate therapeutics. *Bagot v. Bracken, et al.*, Case No. 11C5133 (Tenn. Cir. Ct., 6th Cir.).

Helped Secure \$24 million for the Company

Johnson Fistel was initially appointed Co-Lead Counsel in state court in one of the highest-profile cases in the country challenging the award of backdated stock options by executive officers of Brocade. For years, Brocade's insiders engaged in a secret stock option backdating scheme designed to reward executives and recruit engineers with stock options priced below their fair market value as of the date of the grants. The U.S. Government pursued and ultimately won criminal convictions against the responsible executives.

On behalf of its client, Johnson Fistel helped prevent an inadequate settlement of a related federal action from being approved, which would have released the officers, directors, and agents of the company responsible for the criminal backdating scheme resulting in no money to the company and only a payment of attorney's fees for the lawyers. Brocade then formed a Special Litigation Committee and retained Johnson Fistel as co-counsel to Brocade to help litigate claims against ten former officers and directors of the company. After years of litigation, over \$24 million was recovered for Brocade. *In re Brocade Communications, Systems, Inc. Derivative Litigation*, Case No. 1:05cv41683 (Cal. Super. Ct. Santa Clara Cnty.).

Helped Secure \$29 Million for Shareholders

Johnson Fistel was appointed Co-Lead Counsel in a derivative lawsuit that involved claims against the officers and directors of Titan Corporation for breach of fiduciary duty. During the pendency of the litigation, Titan announced that it would be acquired, threatening to cause the shareholders in the derivative action to lose standing. Johnson Fistel then coordinated with counsel in a related derivative action pending in Delaware to negotiate a settlement that resulted in \$29 million in increased consideration to Titan's shareholders in the all-cash merger acquisition. *In re the Titan Corp. Derivative Litigation*, Case No. GIC 832018 (Cal. Super. Ct. San Diego Cnty.).

Helped Investors Harmed In Connection with Public Offerings

Johnson Fistel has extensive experience representing investors who purchased shares and suffered losses in connection with public offerings. In that regard, Johnson Fistel has successfully brought claims under the Securities Act of 1933 and helped investors recover many millions of dollars, including in the following class action cases: *In re Sunrun Shareholder Litigation*, No. CIV. 538215 (Cal. Super. Ct., San Mateo Cnty.) (\$32 million settlement achieved on behalf of investors who purchased shares in the Sunrun IPO); *In re MobileIron, Inc. Shareholder Litigation*, No. 1-15-284001 (Cal. Super. Ct., Santa Clara Cnty.) (\$7.5 million settlement achieved on behalf of investors who purchased shares in the MobileIron IPO); *In re Ooma, Inc. Shareholder Litigation*, No. CIV536959 (Cal. Super. Ct., San Mateo Cnty.) ((\$8.65 million settlement achieved on behalf of investors who purchased shares in the Ooma

IPO – preliminary approval pending); and *Switzer v. W.R. Hambrecht & Co., LLC* (Cal. Super. Ct., San Francisco Cnty.) (\$2.45 million settlement achieved on behalf of investors who purchased shares in the Arcimoto IPO – preliminary approval pending).

Examples of Settlements Requiring Stricter Company Controls

- *In re Motorola, Inc. Derivative Litigation*, Case No. 07CH23297 (Ill. Cir. Ct. Cook County). Johnson Fistel was appointed Co-Lead Counsel in a shareholder derivative action filed against current and former officers and directors of Motorola, Inc. The derivative claims charged certain officers with making misrepresentations about the company’s financial statements and prospects of success in order to artificially inflate the company’s stock price while they personally sold shares and while causing the company to simultaneously purchase shares on the open market. After six years of hard-fought litigation, the action settled on terms that required the implementation of significant corporate therapeutic changes throughout the company—changes that were valued by one expert at over \$1 billion
- *In re Heelys Inc. Derivative Litigation*, Case No. 07-CV-1682 (N.D. Tex.). Johnson Fistel’s predecessor firm was appointed Co-Lead Counsel in this shareholder derivative action filed against current and former officers and directors of Heelys Inc. After prevailing on defendants’ motion to dismiss, and more than a year of litigation including multiple mediations, this matter settled on terms that required the implementation of significant corporate therapeutic changes that benefitted the company and its shareholders for years to come. When granting final approval of the settlement, the Honorable Ed Kinkeade, United States District Court Judge for the Northern District of Texas, praised Johnson Fistel’s efforts. “The quality of representation by the Derivative Plaintiffs’ Counsel was witnessed first hand by this Court through their articulate, high quality, and successful pleadings. Moreover, as shown by their excellent efforts in this case, Derivative Plaintiffs’ Counsel are dedicated to vindicating the rights of shareholders.”
- *In re MannKind Corporation Derivative Litigation*, Lead Case No. 11-cv-05003-GAF-SSx (C.D. Cal.). Johnson Fistel was appointed sole Lead Counsel in this shareholder derivative action filed against current and former officers and directors of MannKind, alleging that the defendants had misled shareholders about the FDA approval process for MannKind’s core product. After more than two years of litigation and a mediation, this matter settled on terms that required the implementation of significant corporate therapeutic changes, including the creation of a new Board-level Disclosure & Controls Committee and significant enhancements to financial reporting requirements.

- *Singh v. Hsu*, Case No. 1-13-cv-243247 (Cal. Super. Ct. Santa Clara Cnty.) (Impax Laboratories, Inc. Derivative Litigation). Johnson Fistel was appointed sole Lead Counsel in this shareholder derivative action against certain current and former officers and directors of Impax Laboratories, Inc. for allegedly failing to correct systemic problems at the company's manufacturing centers and for misleading shareholders about FDA sanctions related to these problems. After two years of litigation and a mediation, the matter settled on terms requiring the implementation of company-wide corporate governance reforms, significantly enhancing reporting and oversight at the Board, officer, and employee level.
- *In re LHC Group, Derivative Litigation*, No. 6:13-CV-02899-JTT-CBW (W.D. La.). Johnson Fistel, as co-lead counsel in this shareholder derivative action, was able to resolve the action for substantial corporate governance reforms at LHC Group which included, among other reforms, amendments to the company's compliance policies designed to address allegations concerning the company's Medicare home health program and to the Audit Committee Charter to provide greater oversight of the company's compliance-related activities, Medicare and Medicaid reimbursement policies, compliance audits, handling of anonymous complaints, and the effectiveness of the company's Code of Conduct. The settlement also caused changes to be made to the company's insider trading and preclearance policies to provide more clarity and transparency, as well as additional restrictions, on insider sales of company stock.
- *Weitzman v. Ullman, et al.*, Civ. No. 4:13-cv-00585 (E.D. Tex.) (J.C. Penney Company, Inc. Derivative Litigation). In its role as lead counsel, and after almost five years of litigation and nearly two years of protracted settlement negotiations, Johnson Fistel was able to secure a settlement that provided for a series of material reforms to JCPenney's corporate governance systems, which were designed to strengthen the Company's internal control functions and board accountability, and ultimately prevent the recurrence of the events that led to the alleged harm to the company and the filing of the derivative lawsuit.
- *Orrego & Kim v. Lefkosky, et al.*, Case No.: 12 CH 12420 (Consolidated with 12 CH 19431) (Ill. Cir. Ct., Cook Cnty., Ch. Div.) (*Groupon, Inc. Derivative Litigation*). Johnson Fistel, serving as co-lead counsel, negotiated a settlement which included extensive and detailed measures designed to improve corporate governance at Groupon and restore and maintain investor confidence in the Company. Groupon's Board of Directors agreed to implement these sweeping corporate governance reforms designed to improve decision-making and legal-regulatory compliance in the critical areas

of accounting and financial disclosure, earnings guidance, and committee oversight at the company.

- *In re World Acceptance Corporation Derivative Litigation*, Lead Case No. 6:15-cv-02796-MGL (D.S.C.). Johnson Fistel, as co-lead counsel, was able to resolve the action for the benefit of World Acceptance even though the District Court granted defendants' motions to dismiss the case, and that order was being appealed to the U.S. Court of Appeals for the Fourth Circuit. Johnson Fistel, its co-counsel, and our clients never gave up, and fought to achieve a significant settlement despite significant obstacles. Specifically, the settlement, among other things, preserved corporate resources by ensuring that the related securities class action was resolved within insurance policy limits and without monetary contribution from the company, and caused significant corporate governance reforms designed to increase shareholder control and provide for improved operational oversight at the company. The settlement will have a lasting, positive impact on the Company and its shareholders for years to come.
- *In re Marrone Bio Innovations, Inc. Derivative Litigation*, Lead Case No. CV14-1481 (Cal. Super. Ct., County of Yolo). Johnson Fistel, in its role a co-lead counsel, negotiated a settlement on behalf of Marrone Bio Innovations which reformed its governance practices in order to prevent the misconduct alleged in case from reoccurring again in the future. The case stemmed from the criminal misconduct of the company's former Chief Operating Officer and the control and oversight environment at the company that allowed such misconduct to occur in the first place causing harm to Marrone Bio Innovations. Specifically, the reforms put into place by the settlement created more transparency in connection with stockholder proposals, created more extensive oversight of management by the Audit Committee, revised the company's Code of Business Conduct and Ethics and added responsibilities to the company's Compliance Officer to foster a corporate environment of legal and ethical compliance, revised the company's policies with respect to expense recognition policies and training in connection therewith, and formalized the company's Disclosure and Controls Committee and defined the responsibilities of it.

TESTIMONIALS

“There’s no question in my mind that this settlement is in the best interest of this Estate. So I’m prepared to approve it. . . . But I want to compliment Mr. Johnson, and I want to compliment on the successful recovery for the Estate. The creditors thank you, and I thank you.” *In re Artes Medical, Inc.*, (Bankr. S.D. Cal., Case No. 08-12317-LT7) (approving a \$3 million settlement recovered for the estate of a bankrupt public company after the Chapter 7 Trustee retained Johnson Fistel to pursue claims for breach of fiduciary against the directors). In approving the final award of attorneys’ fees, Judge Taylor further stated: “The Court thanks [Johnson Fistel] for its outstanding work on behalf of the Chapter 7 Trustee and the Estate.”

The Honorable Laura S. Taylor
United States Bankruptcy Court Judge
Southern District of California

“The quality of representation by the Derivative Plaintiffs’ Counsel was witnessed first hand by this Court through their articulate, high quality, and successful pleadings. Moreover, as shown by their excellent efforts in this case, Derivative Plaintiffs’ Counsel are dedicated to vindicating the rights of shareholders.” *In re Heelys, Inc. Derivative Litigation*, Case No. 3:07-CV-1682 (N.D. Tex.) (granting final approval of a settlement agreement that required the company to implement sweeping improvements to its governance).

The Honorable Ed Kinkeade
United States District Court Judge
Northern District of Texas

Johnson Fistel’s predecessor firm, Johnson & Weaver (“J&W”), has “demonstrated that they are qualified and experienced and are capable of acting as lead counsel.” “The Court is favorably impressed by J&W’s presentation and knowledge” and “J&W’s experience litigating shareholder derivative actions gives it a certain amount of pre-existing expertise.” *In re Oclaro, Inc. Derivative Litigation*, Case No. C-11-3176 EMC (N.D. Cal.) (appointing J&W, Lead Counsel in a complex shareholder derivative litigation in which three separate lawsuits were filed).

The Honorable Edward M. Chen
United States District Court Judge
Northern District of California

“The settlement was reached through hard fought, arm's-length negotiations conducted by skilled counsel in good faith.... The Plaintiffs also are represented by counsel that I know and respect ... which I count among the finest shareholder rights advocates.”

The Honorable Layn R. Phillips
Former United States District Court Judge
Western District of Oklahoma

“Counsel for the parties were highly experienced in derivative litigation, well informed on the current law, and had performed considerable work to prepare the case for mediation.... The advocacy on both sides of the case was of the highest caliber and counsel for both parties exhibited great effort, creativity, and zeal in advocating their positions.”

Michelle Yoshida
Mediator
Phillips ADR Enterprises

“As chairman of the board of a public company, my company was represented by Mr. Johnson to pursue claims for breach of fiduciary duty for millions of dollars against former directors of a company formed in England. I have retained law firms throughout the world and found Mr. Johnson’s services to be superb. He was very responsive and grasped complex corporate matters involving international real estate transactions. His firm aggressively litigated my company’s claims against several defendants who were represented by one of the largest law firms in the world. This case was very complex and complicated and involved three jurisdictions (U.S., Europe, and Sweden). Mr. Johnson’s firm played an instrumental role in bringing the whole case to a successful settlement out of court. We ultimately reached a resolution short of trial with which I was very pleased.”

Rolf L. Nordström
Chairman of the Board
International Real Estate PLC

“While I was the Executive Vice President and Chief Financial Officer for a publicly traded company, I consulted Frank Johnson on various legal issues. As CFO I was responsible for SEC reporting requirements and compliance with GAAP. In addition, I successfully completed the public offering of the company’s stock which was a consistent top performer on the NASDAQ from 1998 to 1999. During the ten years I’ve known him, I’ve been very impressed with Mr. Johnson’s integrity, business acumen, and understanding of complex securities issues. Based upon these factors, I retained Mr. Johnson to represent me in matters where it appeared that a public company’s officers or directors engaged in fraudulent conduct to the detriment of the company’s shareholders (of which I was one). As a former CFO for a public

company and as a shareholder, I can say with confidence that this firm has proven to be aggressive and astute in identifying claims for fraudulent conduct in connection with the sale of publicly traded securities.”

James Baker
Chief Cost Reduction Officer
DCI Solutions

“While I was assistant general counsel for GNC Corporation, a publicly traded company at the time, I had the good fortune of working with Frank Johnson as GNC’s lawyer. While he was at Sheppard Mullin, he successfully defended GNC in several matters, including a consumer class action and various business litigation matters. I have since left GNC Corporation and am now a partner at one of the largest law firms in the country. I have worked with Mr. Johnson on various matters, including a jury trial in San Diego, California. Mr. Johnson proved to be an exceptional trial lawyer who assisted my firm in obtaining an outstanding verdict in our client’s favor. I have recommended his services without reservation to both clients and lawyers who need highly skilled and effective representation.”

Gerald J. Stubenhofer, Esq.
Partner
McGuire Woods LLP

“In 2004, Axeus, Inc. was using Sheppard Mullin, a large law firm, for nearly all of its legal matters. When Frank Johnson, who was then a partner at Sheppard Mullin, announced that he was departing to start his own law firm, I did not hesitate in my decision to send all of Axeus’s litigation work to Mr. Johnson. At the time, Axeus was embroiled in a huge legal battle involving more than 20,000 pages of evidence and millions of dollars. Mr. Johnson helped Axeus successfully resolve that matter and has since handled several litigation matters for Axeus, all with outstanding results. I have worked with many different law firms over the years and I can say with confidence that Mr. Johnson is one of the best lawyers I’ve worked with. He understands what is important to his clients: excellent legal work and value. While other firms may be less expensive, Johnson Fistel provides value for its fees.”

Sean H. Mallean
President & CEO
Axeus, Inc.

“Frank Johnson was Awesome! He was professional, organized and as evidenced by juror testimonials following a one-week jury trial.... extremely effective. On claims for breach of contract and fraud, the firm helped me win a 7 figure verdict for me and my company and I will forever be grateful. You never realize how important it is to have a good attorney until you need one!”

Ronald T. Fricke
President
Healthy Life Marketing, LLC

“I am the owner of Natural Energy, which was established in 1977 and is the largest solar energy company in the western United States. Although we have an exceptional reputation, as with any large company, legal disputes are sometimes inevitable. After using a number of law firms, for the past several years Natural Energy has used Frank Johnson’s law firm for all of its business litigation matters, from general business disputes to successfully getting a baseless class action dismissed. Mr. Johnson is aggressive, has a strong work ethic and, of utmost importance to me, has unquestionable integrity. I have the utmost faith and confidence in Mr. Johnson.”

Ted Mount
Owner
Natural Energy

“I first retained Johnson Fistel when my husband and I became concerned with what I thought looked like wrongful conduct by executive management at one of the publicly traded companies in which we had invested. Mr. Johnson always clearly communicated his strategy and the underlying legal reasons why it needed to done that particular way. Most importantly, he always responded to any questions or concerns in a timely manner and consistently updated us without overwhelming us with complicated details. We were very happy with the outcome of the securities case. When I needed a lawyer again to help me with employment matters, I retained the firm again. They demonstrated that they were well informed and helped me get a settlement with which I was very pleased. I highly recommend Johnson Fistel and I would not hesitate to use them again.”

Jean Marie Cinotto
Private Investor

EXHIBIT 24

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF KENNETH C.
JOHNSTON IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Kenneth C. Johnston, declare as follows:

2 1. I am a partner at the law firm of JOHNSTON CLEM GIFFORD PLLC f/k/a
3 JOHNSTON PRATT PLLC.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed to the Plaintiffs' Executive Committee. In that role, I served as International Liaison
7 Counsel that monitored material developments and ongoing litigation at the international level. I
8 also analyzed international issues and made recommendations to Interim Co-Lead Counsel
9 regarding the basis of claims advocated on laws outside the United States or on behalf of Class
10 members residing outside of the United States.

11 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
12 with years in practice, hourly rates during the pendency of litigation, hours spent, and total lodestar.
13 I hereby attest that the billing rates used on the attached Exhibit A either conform to or are lower
14 than the professional rates set at my firm. Further detail regarding the litigation and trial experience
15 of each professional can be found, to the extent available, in the firm resume attached hereto as
16 Exhibit C.

17 4. The detailed descriptions of the time spent by the attorneys and other professionals
18 of my firm in this litigation were prepared from contemporaneous, daily time records prepared and
19 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
20 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
21 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
22 time records are available for the Court's review should the Court desire such records.

23 5. The total number of hours expended on this litigation by my firm, as submitted to
24 and approved by the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from
25 appointment and consolidation through July 31, 2020 is 435.80 hours. The total lodestar for my
26 firm is \$186,934.00.

27 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
28 ("expenses") totaling \$25,323.49, which were necessary in relation to this litigation and submitted,

1 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
2 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
3 litigation are reflected in the books and records of my firm. These books and records are prepared
4 from expense vouchers, check records, and other documents and are an accurate record of the
5 expenses.

6 7. Attached hereto as Exhibit C is the firm resume for my firm.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
8 day of August, 2020, at Dallas, Texas.

9 *s/Kenneth C. Johnston*

10 _____
KENNETH C. JOHNSTON

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EXHIBIT A

Johnston Clem Gifford PLLC aka Johnston Pratt PLLC

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Johnston, Kenneth C.	Attorney (27 years)	\$ 575.00	132.9	\$ 76,417.50
Gifford, Robert W.	Attorney (17 years)	\$ 525.00	69.8	\$ 36,645.00
Affleck, Sean M.	Attorney (10 years)	\$ 350.00	173.5	\$ 60,725.00
Clem, David M.	Attorney (13 years)	\$ 500.00	11.8	\$ 5,900.00
Deonarine, Kiri	Clerk/First Year	\$ 125.00	5.9	\$ 737.50
Hiland, Klayton	Clerk/First Year	\$ 125.00	22.0	\$ 2,750.00
Lemon, Kenna	Paralegal (24 years)	\$ -	1.5	\$ -
Lemon, Kenna	Paralegal (24 years)	\$ 245.00	7.7	\$ 1,886.50
Lemon, Kenna	Paralegal (24 years)	\$ 175.00	10.7	\$ 1,872.50
TOTAL			435.80	\$ 186,934.00

EXHIBIT B

EXHIBIT B

Johnston Clem Gifford PLLC aka Johnston Pratt PLLC

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ -
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ 323.49
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,323.49

EXHIBIT C

What keeps you up at night?

OUR EXPERIENCE LETS YOU REST EASY >



The group is fast, effective and straightforward,
and the client's agenda is its agenda.



CHAMBERS AND PARTNERS

OUR APPROACH

COLLABORATIVE PROCESS

When you hire a law firm, you should harness the abilities of the entire firm, not just one lawyer.

Johnston Clem Gifford's collaborative process leverages our diverse skills and perspectives, putting our best talent at your service. Whether structuring a complex transaction or waging bet-the-business litigation, our lawyers work across practice lines in pursuit of superior results.

STRAIGHTFORWARD COMMUNICATION

Your lawyers should speak the same language you speak—not legalese or ancient jargon. Whether writing for clients, courts, or opposing counsel, we prize clarity above all else. That means our emails and briefs will get to the point quickly and clearly. Our contracts will avoid ambiguity. And our legal advice will be in plain English.

SENSE OF URGENCY

Business moves fast and the rate of change increases constantly. Speed isn't just a competitive advantage—it's critical to your success. Our firm nurtures an intensity that keeps us sharp and helps clients turn crisis into opportunity.

PERSISTENT CURIOSITY

A relentless urge for knowledge drives us every day. We work to understand, deeply, our world, our clients' worlds, the obstacles we face, and the tools we deploy. By asking why—by interrogating the facts and questioning our assumptions—we see more clearly and describe more precisely.



OUR FIRM

We aim to create superior work through constant evolution. –Kenneth C. Johnston

The work matters because the result matters. It matters to our clients, to our adversaries, to our judges, and to our contractual counterparties. We produce superior work by effort and intelligence, but also by challenging standards. We seek continuous improvement, for ourselves and for our clients.

Our firm logo reflects this desire for evolution: a deceptively simple origami figure. Origami figures are flexible—they can be plain or ornate, brutal or graceful. They can change from one form to another. The practice rewards patience and demands effort and creativity. law.

OUR VALUES

Talent, integrity, motivation, professional judgment. Every lawyer should prize these qualities and should apply them in the pursuit of their client's interests. We consider them "table stakes"—the minimum requirements for participation in the profession. Our lawyers, paralegals, and support and executive staff members share these qualities, but also several less-common traits. We measure ourselves against the qualities below—five values that form the foundation of our law firm.

OUR MISSION

We strive to attract the most interesting legal work from the most dynamic clients by living our values, applying a timeless work ethic, and developing deep core strengths. In everything we do, we seek to balance the practice of law with the business of law.

- 1 SENSE OF URGENCY.** Clients hire Johnston Clem Gifford to manage crisis or capture opportunity. We consider it imperative to act promptly and decisively.
- 2 OBSESSIVE CURIOSITY.** Curiosity drives broader knowledge and better counsel. We examine deeply the events, people, and legal frameworks that affect our clients. Our obsession for detail gives our clients commanding influences and positions.
- 3 COLLABORATIVE PHILOSOPHY.** We expect each of our professionals to become a leader in her chosen field. We also require them to check egos at the door because we know that collaboration improves client outcomes.
- 4 CLEAR COMMUNICATION.** As client advocates, we must speak and write effectively. Clarity is a difficult but teachable skill that we refine every day.
- 5 ADVANCED TECHNOLOGY.** We invest in cutting-edge technology and security tools, meeting or exceeding the demands of our most regulated clients.

CLIENT SERVICES

LITIGATION

Johnston Clem Gifford attorneys protect businesses in high-stakes legal disputes across the country. We regularly represent clients in complex class actions, multi-district litigations, and mission-critical cases, as well as more discrete disputes. In every case, our litigation teams focus on trial preparation and creating leverage to put our clients in the driver's seat. While most cases settle—or resolve by dispositive motion—our experience shows that clients who are prepared to go to trial almost always earn better results.

TRANSACTIONS

Johnston Clem Gifford lawyers get the deal done. We represent lenders, commercial real estate developers, and other corporate players in a broad array of transactions, including loan originations, mergers and acquisitions, sale and distribution arrangements, debt financing, entity formation and corporate divorces, private equity and asset-based financing, secured lending, commercial leasing, land use planning, and other matters. In every case, we work to understand the business goals—and let those goals set the agenda.

DISTRESSED DEBT & BANKRUPTCY

Distressed debt situations often require a creative and multi-disciplinary approach and one that advances the creditor's interests across multiple forums. From workouts and debt restructures; bankruptcies, adversary proceedings, and related litigation; to foreclosures, asset dispositions, and other secured creditor remedies, our lawyers work to understand the legal and practical landscapes that affect recovery. We aggressively pursue our clients' rights while focusing on the likely financial return and we provide realistic cost-benefit analyses to help guide decisions.

COMPLIANCE

Johnston Clem Gifford counsels in-house legal departments in situations where our experience and perspective give context for the complex decisions faced by companies operating in highly regulated markets. We also serve as special or general counsel to clients without legal departments, giving practical compliance advice to companies about the laws and regulations that impact their business. Typical assignments include guidance on regulatory examinations and disclosure obligations, review of contracts governed by specific regulations, and analysis and management of discrete regulatory issues.

INVESTIGATIONS

Companies responding to potential wrongdoing by employees or agents often must make delicate and time-sensitive decisions with imperfect information. Conducting an internal investigation is a critical step that should deliver a complete and credible investigative report with minimal business disruption. Our lawyers understand the internal and external sensitivities involved in investigations, and we work with corporate boards and internal security departments to design and execute investigative programs within appropriate boundaries.



Kenneth C. Johnston

Clients describe Kenneth Johnston as “*very confident, personable, connected and cost-effective. The complete package.*” Chambers and Partners

Kenneth focuses his practice on financial services, corporate governance, dispute resolution, and insolvency. He routinely advises financial services companies in disputes and regulatory compliance matters, as well as insolvency. Kenneth has also developed a successful track record resolving corporate governance disputes, with an emphasis on the energy industry. Among other things, he has led clients for decades on successful endeavours to gain control of companies and key energy assets in Asia, Europe, North America, Central America, South America—including related offshore jurisdictions.



PARTNER

P: 972-474-1718

F: 972-474-1750

E: kjohnston@johnstonclem.com

SPECIFIC PRACTICE AREAS INCLUDE:

- Professional negligence claims arising from failed financial transactions, including claims against law firms, accounting firms and investment banks.
- Claims in multi-lender transactions such as loan syndications and participations, including claims by or against arrangers, administrative agents, and loan participants.
- General bank operations, with emphasis on claims under Articles 3 (negotiable instruments), 4 (deposits and collections), and 4A (funds transfers) of the Uniform Commercial Code.
- Lender liability claims, including claims arising from non-disbursement of loan funds, termination of credit facilities, usury, refusing to extend loans, purported oral loan commitments, and rejecting loan payments after default.
- Material litigation, including securities fraud, the False Claims Act, fiduciary duty, mortgage lending practices, and class actions.
- Statutory and regulatory compliance litigation in the United States, including the anti-tying provisions of the Bank Holding Company Act, the Equal Credit Opportunity Act, the Truth in Lending Act and Regulation Z, usury under the National Bank Act and state laws, the Real Estate Settlement Procedures Act, CERCLA, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and the Telephone Consumer Protection Act.
- Insolvency and creditors' rights, encompassing every aspect of insolvency—ranging from debt restructuring, collection, foreclosures, workouts, involuntary bankruptcies, and distressed asset sales to pre-packaged bankruptcy, plan negotiations, confirmation litigation, and avoidance actions.
- Corporate governance disputes under Delaware, Texas, and Nevada laws, among other states and

1717 Main Street
Dallas, Texas, 75201
United States of America

foreign countries.

CORE FOCUS

- Financial Services
- Financial Services: Investigations
- Financial Services: Compliance
- Financial Services: Litigation
- Corporate Plaintiffs
- Corporate Plaintiffs: Litigation

EDUCATION

- University of Mississippi, J.D., 1991
 - Judicial Externship (1991)
 - United States Department of Justice Honors Program (1991)
 - Journal of Space Law (1989—1991)
 - Mississippi Model Jury Instruction Committee, Internship (1990)
- University of Mississippi, B.B.A., 1988
 - Major in Banking and Finance

ADMISSIONS

- State Bar of Texas, 1995
- United States District Courts for the Northern, Southern, Eastern and Western Districts of Texas
- State Bar of Mississippi, 1991
- United States District Courts for the Northern and Southern Districts of Mississippi
- United States District Courts for the Northern District of Florida
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit
- U.S. Supreme Court

HONORS & AWARDS

- AV Preeminent® Rating by Martindale Hubbell
- Super Lawyers by Thomson Reuters (2006—2020)
- Texas Rising Stars by Thomson Reuters (2004, 2006)
- Best Lawyers in Dallas published by D Magazine, Banking and Finance (2013—2020)
- Ranked in Chambers USA Guide, Texas, Litigation: General Commercial (2009—2010, 2013—2016)
- Recognized by Lawyer Monthly in the Leading Lawyer Global 250 Guide, an annual guide of lawyers whose knowledge and experience continue to influence the wider profession, and who have achieved recognition through other notable honors (2014)
- Received Law Awards 2011 for Commercial Litigation Firm of the Year, USA by Finance Monthly
- Named as one of the Best Lawyers Under 40 in 2006, an exclusive list of attorneys published by D Magazine
- Earned spot among The Defenders, an annual listing of the top 15 business defense attorneys recognized by Dallas Business Journal (2008)
- Litigation Counsel of America, Member
- American Law Institute, Elected Member since 2010

- Principles of the Law, Data Privacy—Members Consultative Group
- Rest. Third, Torts: Economic Torts and Related Wrongs—Members Consultative Group

EXPERIENCE

- Represented appellee bank in appeal to Eleventh Circuit Court of Appeals, defending trial victory for lead bank on a \$35 million participated loan facility. Following oral argument, the Eleventh Circuit affirmed the judgment, writing that the trial court applied the correct standards and rightly found that the plaintiff loan participant failed to prove any damages. Opinion available [here](#).
- Currently representing agent bank in claims against an investment bank in failed loan syndication.
- Currently representing bank syndicate in accounting malpractice claims against regional accounting firm in failed loan syndication.
- Currently representing bank in claims against a law firm for professional negligence arising from the bank's role as documentation agent.
- Represented lenders and funds in securities fraud matters related to various junk bond offerings.
- Currently representing primary secured lender in Stanford Financial receivership.
- Routinely represents lenders on a variety of preemption matters under the National Bank Act, the Home Owners Loan Act, and the Depository Institutions Deregulation and Monetary Control Act.
- Successfully defended super-regional bank in federal court against claims brought by a loan participant. Plaintiff sought approximately \$10 million in damages resulting from the alleged breach of a participation agreement involving a failed mixed-use development in Northwest Florida. Although the court issued summary judgment against the bank on breach of contract, after a five-day trial, the court entered a "take nothing" judgment, resulting in a complete victory for the bank (2016).
- Won significant discovery ruling from federal court that analyzed privileges arising from Suspicious Activity Report regulations and applied the privileges to protect thousands of pages of sensitive bank documents from production in Ponzi scheme litigation seeking to hold bank liable for aiding and abetting securities fraud (2014).
- Achieved dismissal with prejudice of federal qui tam complaint that alleged the fraudulent management of a \$16 billion commercial loan portfolio (2014).
- Successfully defended a lender in a bank tying case (2012).
- Routinely represents companies in disputes under the Equal Credit Opportunity Act, the Truth in Lending Act and Regulation Z, usury under the National Bank Act and state laws, the Real Estate Settlement Procedures Act, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and the Telephone Consumer Protection Act.
- Successfully defended class certification in financial services case (*Finley v. Washington Mut. Bank, F.A.*, 2008 WL 2008850) (E.D.Tex. May 08, 2008) ("... the Court agrees with Defendant that Plaintiff has failed to show how individual issues will not overwhelm this case... Moreover, Defendant has submitted a detailed and comprehensive predominance analysis to show the many individualized issues implicated by Plaintiff's claims.").
- Established criteria for examining and disgorging excessive executive compensation paid on the eve of bankruptcy: *Grigsby v. Carmell*, 238 B.R. 758 (Bankr. N.D. Ill. 1999) (\$4,032,845 judgment in a multi-week trial).
- Successfully defended an \$8 million breach of fiduciary duty claim in multi-district litigation in Federal courts in Minnesota, Missouri and Texas.
- Successfully defended a Dallas Independent School District Trustee in a multi-million dollar defamation claim by the former DISD Superintendent, Waldemar Rojas (\$135,000 mediated settlement on the eve of trial).
- After obtaining judgments for fraud in an oil and gas Ponzi scheme, successfully "busted" a Texas resident's unlimited homestead exemption.
- Obtained securities fraud and racketeering judgments in excess of \$100 million, which ultimately led to the imprisonment of two defendants.

- Imposed a constructive trust on 400+ oil and gas wells located throughout the United States and in the Gulf of Mexico.
- Successfully defended a casino in a declaratory judgment action where a patron claimed that a multi-million dollar gaming debt violated Texas' public policy against gambling (Phillips v. Grand Casinos of Mississippi, Inc.-Biloxi, 2004 WL 2533589 (N.D. Tex.) (appeal dismissed)).
- Directed an international fraud investigation, tracing several million dollars throughout the United States, the Caribbean, Europe, Asia, Central America and South America.
- Successfully defended a multi-million dollar lender liability claim (failure to lend) by establishing fraud in connection with the claimant's loan application.
- Successfully defended a financial institution in a forged endorsement check case involving hundreds of checks (\$9,000 settlement on the eve of trial.)
- Successfully defended a corporate executive on a multi-million dollar Title VII sexual harassment claim – prior to the suit, the EEOC made findings of historical and present sexual harassment by the executive (\$30,000 mediated settlement on the eve of trial.)
- Successfully defended a financial institution in a race discrimination case under the Equal Credit Opportunity Act (dismissed for failure to state a claim.)
- Successfully prosecuted numerous actions on behalf of bankruptcy trustees and creditors to prevent bankruptcy discharges.
- Successfully represented an energy company in the defense of an involuntary bankruptcy petition, which resulted in an out-of-court creditor composition that provided the company with a 40% reduction of its short and long-term unsecured debt.

REPRESENTATIVE CLIENTS

- Comerica Bank
- Hancock Whitney Bank
- Hancock Holding Company
- JP Morgan
- McGriff, Siebels & Williams, Inc.
- Regional Acceptance Corporation
- Regions Financial Corporation
- Regions Bank
- Sheffield Financial
- Truist Bank
- Trustmark National Bank
- Wells Fargo

COMMUNITY

- United Way of Metropolitan Dallas (Priority Needs Grant Panel)
- *Pro bono* appeal to the United States Court of Appeals for the Fifth Circuit
- The Children's Trust
- Board of Directors, SMU Athletic Forum
- Ducks Unlimited, Sponsor
- Board of Advisors for the University of North Carolina School of Law, Center for Banking and Finance.

ASSOCIATIONS

- Dallas Bar Association
- Pro Bono College of the State Bar of Texas
- American Bankruptcy Institute

- Texas Association of Bank Counsel
- Texas Young Lawyers Association
- Dallas Association of Young Lawyers

RELATED NEWS

- OCC Issues New Final Rule On Community Reinvestment Act
- The Billion Dollar Fight About "Agent"? Origination Fees for Paycheck Protection Program Loans



David M. Clem

David is a talented litigator, focusing his practice on complex commercial litigation. He has extensive experience guiding businesses through the litigation process, from pre-suit evaluation through jury and bench trials and post-judgment enforcement. He has helped produce favorable outcomes in courtrooms and arbitrations involving extreme time pressure, complex issues, class actions, multi-district litigation, obscure or technical material, and large numbers of parties and witnesses.

David's clients include commercial and retail banks, credit unions, broker-dealers, consumer lenders, investment funds, NBFIs, and other financial services players. He has litigated disputes in state and federal courts involving syndicated and participated loans, bank operations, securities fraud, lender liability, statutory and regulatory compliance, negotiable instruments, and various creditors' rights issues. In addition to his financial services experience, he has represented life and health insurers, oil and gas operators and investors, real estate developers, franchisees, and middle-market businesses across a variety of industries across the United States.

When he takes a case, David prioritizes clear, plain-English communication. Clients rely on his straight-forward speaking and writing style to help them quickly understand issues, risks, and options. David's style makes him an effective courtroom advocate—he explains complex issues in simple, precise language, without jargon or legalese.

Martindale-Hubbell gave David an AV© Preeminent Rating in Litigation, Commercial Law and Civil Practice, based upon a survey of his peers.

CORE FOCUS

- Financial Services
- Financial Services: Litigation
- Financial Services: Investigations
- Real Estate
- Real Estate: Litigation
- Corporate Plaintiffs
- Corporate Plaintiffs: Litigation



PARTNER

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1717 Main Street
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United States of America

- Corporate Plaintiffs: Investigations

EDUCATION

- Texas Wesleyan University School of Law, 2005
 - Dean's List
 - Law Review Editorial Board
 - Mock Trial
- University of Texas at Arlington, 2000

ADMISSIONS

- State Bar of Texas, 2005
- U.S. Supreme Court
- United States District Courts for the Northern, Eastern, Southern, and Western Districts of Texas
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Eleventh Circuit

EXPERIENCE

- Secured Rule 12(b)(6) dismissal with prejudice for bank holding company defending statutory claims brought by deposit customer following a multimillion-dollar levy imposed by the Internal Revenue Service. (July 2020)
- Defended top-ten US commercial bank in federal RICO, civil conspiracy, and conversion suit brought by a large, privately held medical services company against several domestic and international defendants. The bank claims centered on a lending relationship with alleged co-conspirators. Won successive Rule 12(b) motions to dismiss, ultimately securing dismissal with prejudice, by convincing the court that the bank acted as a routine lender, with no knowledge of the alleged conspiracy. (October 2019)
- Wrote briefs and presented oral argument to the Eleventh Circuit Court of Appeals in defense of trial victory for lead bank on a \$35 million participated loan facility. Following oral argument, the Eleventh Circuit affirmed the judgment, writing that the trial court applied the correct standards and rightly found that the plaintiff loan participant failed to prove any damages. Opinion available here. (Argument November 2017; Opinion January 2018)
- Enforced arbitration agreement in complex commercial litigation involving intense opposition from numerous multinational parties, staying claims of both signatories and non-signatories. (November 2017)
- Obtained injunction and large summary judgment against chemicals exporter for claims arising from international working capital credit agreement supported by the Export-Import Bank of the United States. (June 2016)
- Successfully defended super regional bank in federal court against claims brought by a loan participant. Plaintiff sought approximately \$10 million in damages resulting from the alleged breach of a participation agreement involving a failed mixed-use development in Northwest Florida. Although the court issued summary judgment opinion adverse to the bank on breach of contract, after a five-day trial, the court entered a "take nothing" judgment, resulting in a complete victory for the bank. (First Chair, January 2016)
- Won significant discovery order from federal court that analyzed privileges arising from Suspicious Activity Report regulations and applied the privileges to protect thousands of pages of sensitive bank documents. (July 2014)
- Achieved dismissal with prejudice of federal qui tam complaint that alleged the fraudulent management of a \$16 billion commercial loan portfolio. (April 2014)
- Represented national bank on claims related to large promissory note and guaranty through trial, resulting in substantial monetary judgment in favor of the bank. (First Chair, January 2012)

- Achieved favorable results on behalf of a commercial creditor in an adversarial proceeding before a bankruptcy court. (November 2011)
- Developed and managed pre-litigation strategy for a large Houston-area marina; retained and directed experts in damage-mitigation efforts; and drafted pleadings ultimately resulting in a \$1.6 million summary judgment against manufacturer and installer of docks. (2011)
- Representation of an oil and gas developer and operator in various matters as both plaintiff and defendant. (2009 through present) Successful results include injunctive relief against landowner, receiverships appointed for mineral interest owners, and other settlements on favorable terms.
- Regular representation of banks and credit unions on deposit and operational issues. (2009 through present)
- Briefing in support of appellate opinion that affirmed trial court's summary judgment in favor of school district in whistleblower action. (February 2008)
- Briefing in support of Texas Supreme Court reversal of appellate court's opinion that a school district's immunity from suit had been waived in a commercial breach of contract case. (August 2007)
- Regular representation of commercial banks, credit unions, and other creditors on commercial collection matters involving debts ranging from \$50,000 through \$35,000,000. Strategies involve pre-suit review of credit instruments, title and UCC searches, solvency reviews and other collection analyses; pursuing non-judicial relief such as lis pendens filings, capturing rents and other accounts payable streams, and foreclosing on collateral; seeking pre-suit mediation or informal negotiation, supported by appropriate pre-negotiation agreements; filing suit in state or federal court or filing arbitration; and pursuing matters diligently from inception to payment. (2005 through present)

LANGUAGES

English, French

COMMUNITY

- Eagle Scout, Boy Scouts of America
- Dallas Running Club
- Friends of the Katy Trail

ASSOCIATIONS

- Member, Southwest Association of Bank Counsel
- Member, Texas Bankers Association
- Dallas Bar Association (Business Litigation Section)
- State Bar of Texas (Litigation Section)

RELATED NEWS

- New Regulation Alert: OCC Proposed New "True Lender" Rule May Reduce Claims Against Banks and Facilitate Partnered Lending
- OCC Issues New Final Rule On Community Reinvestment Act
- Stimulus Funds & Existing Debt



Robert W. Gifford

Robert Gifford focuses his practice on complex business litigation and handles some of the most complicated cases for large financial institutions. Robert originally trained in the trial and appellate bureaus of the New York County (Manhattan) District Attorney's Office under Robert Moregnthau. Since then, he has represented a wide variety of business litigants—often as plaintiffs themselves—and obtained numerous significant favorable verdicts and settlements. Robert's clients have included everything from Fortune 50 companies to small partnerships.



CORE FOCUS

- Financial Services
- Financial Services: Litigation
- Financial Services: Investigations
- Real Estate
- Real Estate: Litigation
- Corporate Plaintiffs
- Corporate Plaintiffs: Litigation
- Corporate Plaintiffs: Investigations

EDUCATION

- Harvard Law School, J.D., 1999
- Carleton College, *magna cum laude*, 1996

ADMISSIONS

PARTNER

P: 972-474-1721

F: 972-474-1750

E: rgifford@johnstonclem.com

1717 Main Street
Dallas, Texas, 75201
United States of America

- State Bar of Texas, 2014
- U.S. District Court for the Northern District of Texas
- State Bar of New York, 2001
- State of New York Supreme Court, New York Court of Appeal
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Eastern District of New York
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Columbia

EXPERIENCE

- *Deepwater Horizon Multi-District Litigation*: obtained favorable ruling for plaintiff from Delaware federal district court in a matter involving first-impression issues of admiralty law and federal civil practice; also obtained en banc writ of mandamus from Fifth Circuit with respect to decisions made by the MDL court.
- *Environmental Litigation*: defended major chemical manufacturer against nine-figure claims by state attorney general for natural resource damages allegedly caused by the release of perfluorinated compounds (PFCs) into the environment; obtained landmark ethics opinion disqualifying a major national law firm from representing the state, and won appeal from same.
- *Professional Fiduciary Duty Litigation*: represented corporate plaintiff in multi-million-dollar action against former law firm for disclosure of confidences and conflict of interest; represented plaintiff insurance company against national law firm and national accounting firm in nine-figure fraud and breach of fiduciary duty claim arising from Ponzi scheme to offer asset-backed securities
- *Defamation And Blackmail Litigation*: represented corporate plaintiff against a competitor and a Washington D.C. lobbyist for defamation and improper attempt to extort litigation settlement.
- *White Collar Defense*: represented housing developer in Dallas' largest public corruption case, resulting in no prison time
- *Partnership Disputes*: obtained trial victory for half of former partnership in an action concerning disposition nine-figure residential real estate property in New York City.

ASSOCIATIONS

- American Bar Association
- Bar Association of the 5th Federal Circuit
- Harvard Law School Association
- Manhattan District Attorneys Association



Sean Affleck

Sean Affleck has spent more than a decade representing financial services companies in a variety of commercial and residential matters. Formerly a managing attorney of a large law firm that provided residential foreclosure, title, REO and evictions services, he is accustomed to practicing within banking's unique and strict regulatory environment. Since 2014 Sean has focused on commercial litigation, developing an aptitude for complex cases involving multiple parties and multiple claims. He is comfortable in complicated environments, using his skill and diligence to help courts and clients see issues clearly. His work has produced positive results for real estate and commercial finance companies, among others.

A Florida native, Sean graduated from Florida State University before attending Florida Coastal School of Law. After law school, Sean continued his legal education, receiving his Master of Laws in Taxation from the University of Florida Fredric G. Levin College of Law in 2009.

CORE FOCUS

- Financial Services
- Financial Services: Litigation
- Real Estate

EDUCATION

- The University of Florida Fredric G. Levin College of Law (LL.M. 2010)
- Florida Coastal School of Law (J.D. 2008), cum laude
 - Top 5% of Class
 - Dean's Honors; Dean's List
 - Florida Coastal Law Review
- Florida State University, 2004

ADMISSIONS

- State Bar of Florida (2008)
- State Bar of Texas (2017)



ASSOCIATE

P: 972-474-1725

F: 972-474-1750

E: saffleck@johnstonclem.com

1717 Main Street
Dallas, Texas, 75201
United States of America

- United States District Court for the Northern District of Texas
- United States District Courts for the Northern, Middle, and Southern Districts of Florida

EXPERIENCE

- Represented agent bank in a defaulted \$55 million loan syndication, including pursuing claims against a borrower and investment bank.
- Represented bank syndicate against a top regional accounting and auditing firm for their role in a failed \$65 million loan syndication.
- Represented bank in claims against an international law firm for professional negligence arising from the firm's role as document agent for bank syndication.
- Obtained summary judgment on behalf of super-regional bank against borrower and guarantors for breach of multiple commercial loans and guaranties by successfully arguing the applicability of cross-default provisions and defeating numerous defenses, such as ambiguity and "failure to mitigate."
- Advised clients on recovery of Small Business Administration loans, including repossession and sale of collateral pursuant to Article 9 of the Uniform Commercial Code.
- Represented auto financing lender in the recovery of losses sustained as a result of dealership employees' fraudulent activity.
- Regularly represents regional lenders in recovery of defaulted commercial loans, including early stage negotiations, forbearance, enforcement of debt instruments through litigation, and post-litigation judgment collection.
- Regularly conducts commercial foreclosures on behalf of lenders, including pursuing post-foreclosure deficiency lawsuits against commercial borrowers and guarantors.
- Currently representing domestic and international clients in several oil and gas disputes in Texas and Louisiana.
- Currently representing international class of plaintiffs in multi-district litigation against a global technology leader.

EXHIBIT 25

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF GARY S. GRAIFMAN
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Gary S. Graifman, declare as follows:

2 1. I am a Partner at the law firm of KANTROWITZ GOLDHAMER & GRAIFMAN,
3 P.C.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
7 pre-approved reserve group that was available to provide assistance and additional support to
8 leadership.

9 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
10 with years in practice, most recent hourly rates reported to the Court during the pendency of this
11 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
12 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
13 and trial experience of each professional can be found, to the extent available, in the firm resume
14 attached hereto as Exhibit C.

15 4. The detailed descriptions of the time spent by the attorneys and other professionals
16 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
17 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
18 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
19 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
20 time records are available for the Court's review should the Court desire such records.

21 5. The total number of hours expended on this litigation by my firm, as approved by
22 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
23 consolidation through July 31, 2020 is 38.30 hours. The total lodestar for my firm is \$31,070.00.

24 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
25 ("expenses") totaling \$349.76, which were necessary in relation to this litigation and submitted,
26 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
27 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
28 litigation are reflected in the books and records of my firm. These books and records are prepared

1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

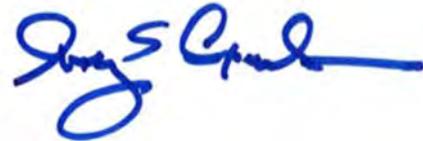
4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th
5 day of August, 2020, at Chestnut Ridge, New York.

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GARY S. GRAIFMAN

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EXHIBIT A

Kantrowitz Goldhamer & Graifman, P.C.				
Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Graifman, Gary S.	Partner (37 years)	\$ 850.00	34.90	\$ 29,665.00
Brody, Jay I.	Associate (6 years)	\$ 625.00	1.60	\$ 1,000.00
Provost, Michelle	Paralegal	\$ 225.00	1.80	\$ 405.00
TOTAL			38.30	\$ 31,070.00

EXHIBIT B

EXHIBIT B	
Kantrowitz Goldhamer & Graifman, P.C.	
CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ 45.00
05. Postage	\$ 7.62
06. Court Fees	\$ 136.00
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 161.14
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ -
TOTAL	\$ 349.76

EXHIBIT C

New York Office:

747 Chestnut Ridge Road
Chestnut Ridge, New York 10977
Tel: 845-356-2570
Fax: 845-356-4335



New Jersey Office:

210 Summit Avenue
Montvale, New Jersey 07645
Tel: 201-391-7000
Fax: 201-307-1086

KANTROWITZ, GOLDHAMER & GRAIFMAN, P.C. (“KGG”) has a nationwide class action practice and has litigated numerous cases involving complex business litigation, consumer class actions and securities class actions. The firm has litigated a number of cases resulting in reported decisions, including cases of first impression. The firm also has an active personal injury and medical malpractice practice, chaired by Barry S. Kantrowitz, and represents clients in mass tort actions.

GARY S. GRAIFMAN is a partner in the Firm and co-chair of the Consumer Class Action Litigation Group at KGG with Melissa R. Emert. Mr. Graifman specializes in the area of consumer and securities class action litigation. He is admitted to practice before the courts of the State of New York, the State of New Jersey, the United States Federal Courts for the Southern District of New York, the Eastern District of New York, the Northern District of New York, the District of New Jersey, the United States Court of Appeals for the Second Circuit, the Third Circuit and the Eighth Circuit. He is also a member of the Class Action Committee of the New Jersey State Bar Association. Mr. Graifman is rated “AV-Preeminent” by Martindale Hubbell and has been nominated by Super Lawyers Magazine as a New Jersey Super Lawyer for 2010-2013, 2016-2018. He has been a panelist and speaker on class action issues before various bar organizations including those sponsored by the Class Action Committee of the New Jersey State Bar Association and by the National Employment Lawyers Association, New York Chapter.

A sampling of some of the cases Mr. Graifman has recently been involved in include:

- *In re Volkswagen Timing Chain Products Liability Class Action*, 16-cv-2765 (JLL) (D.N.J.). Mr. Graifman and the Firm served as Co-Lead Counsel in this product liability class action which was settled on a nationwide basis on behalf of the owners and lessees of approximately 477,000 class vehicles. Final approval was granted to the Settlement on December 14, 2018. The Settlement provided one hundred percent reimbursement for timing chain repairs to class members and was valued at approximately \$50 million (inclusive of warranty extension repairs).
- *Oliver, et al. v. Bayerische Motoren Werke Aktiengesellschaft, et al.*, 2:17-cv-12979-CCC-MF (D.N.J.). Mr. Graifman and the Firm serve as Co-Lead Counsel on this case which involves defective electric coolant pumps on various BMW model vehicles. The matter has settled and the preliminary approval motion in support of the settlement was filed August 19, 2020. The class includes approximately 563,227 vehicles. The Settlement is valued at approximately \$30 Million.
- *Coffeng, et al. v. Volkswagen Group of America, et al.*, 3:17-cv-01825-JD (N.D. Cal.). Mr. Graifman and the Firm serve as Co-Lead Counsel on this consumer class action involving defective water pumps in a multitude of Volkswagen and Audi model vehicles.

Final Approval was granted to the settlement on May 14, 2020. The case encompassed a nationwide class of owners and lessees of approximately 873,779 class vehicles and was valued at approximately \$32 million.

- *Chiarelli, et al. v. Nissan, N.A. and Duncan, et al. v. Nissan N.A.*, 14-CV-4327(NGG) (E.D.N.Y.) and 1:16-CV-12120-DJC (D. Mass.), these two companion cases involve multi-state claims concerning defective timing chains on various Nissan model vehicles and involve claims in the states of Massachusetts, New York, Texas, Florida, North Carolina, Maryland, Colorado and Oregon. Settlement in the case has been reached and Final Approval is scheduled for August 25, 2020 before Judge Denise Casper in the U.S. District Court for the District of Massachusetts.
- *In re Home Depot Consumer Data Security Breach Litig.*, 1:14-MD-02583-TWT (N.D.Ga.). Mr. Graifman and the Firm served on the five member Plaintiffs' Steering Committee in this massive data breach consumer class action affecting approximately 50 million consumers which was settled on a nationwide basis in 2016. The settlement was valued at approximately \$27 million.
- *In re Premera Blue Cross Customer Data Security Breach Litig.* 3:15-md-2633 (D. Ore). Mr. Graifman and the Firm were one of the counsel in the *Premera Blue Cross Customer Data Breach* Matter, having done substantial and essential work in the case, which was given Final Approval in early March 2020. The firm's client was the sole named plaintiff and representative for the putative California state subclass. The California subclass has asserted a claim under the California Confidential Medical Information Act, Cal. Civ. Code §§ 56, *et seq.* which was sustained by Court on a motion to dismiss.
- *Seifi, et al. V. Mercedes-Benz USA, LLC*, 3:12-cv-5495-TEH (N.D. Ca.). Mr. Graifman and the Firm served as co-lead counsel in this litigated consumer class action seeking reimbursement for repairs to various Mercedes model vehicles due to a balance shaft defect. The action settled on a nationwide basis in 2015, valued at approximately \$25 million.

MELISSA R. EMERT, ESQ., has been representing aggrieved stockholders and consumers for more than 30 years. Ms. Emert recently joined KGG after spending most of her career at a national class action firm where she founded and was Co-Chair of its Consumer and Antitrust Class Action Litigation Groups. Ms. Emert's practice focuses on consumer, antitrust and securities class actions. She has litigated cases throughout the United States and held prominent leadership positions in many large multidistrict litigations ("MDLs"). Melissa is a member of the New York State Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Melissa graduated from Brooklyn Law School with a Juris Doctor in 1988 and received a Bachelor of Arts from the State University of New York at Stony Brook in 1985.

Examples of Ms. Emert's nationwide class action experience include:

- Court appointed Co-Lead Counsel in *In re: Daily Fantasy Sports Litig.*, 1:16-md-02677-GAO (D. Mass 2016) (alleging violations of state consumer protection statutes and

common law claims on behalf of consumers participating in defendants' online fantasy sports websites).

- Court appointed member of plaintiffs' executive committee in *In re: Hill's Pet Nutrition, Inc. Dog Food Products Liability Litig.*, 19-md-2887 (D. Kan.) (alleging violations of state consumer protection statutes and common law on behalf of consumers who purchased dog food that contained toxic levels of Vitamin D).
- Discovery Committee in a court approved leadership structure in *In re: Rock 'N Play Sleeper Marketing, Sales Practices, and Products Liability Litigation*, 1:19-md-2903 (W.D.N.Y. 2019) (alleging violations of state consumer protection statutes and common law claims on behalf of consumers who purchased the defective and inherently unsafe Fisher-Price Rock 'n Play Sleeper for their infant children).
- Court appointed member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing and Products Liability Litig.*, 3:18-md-02828 (D. Or. 2018) (claims on behalf of Intel processor users that have been affected by Intel's alleged defective processors).
- Court appointed member of Plaintiffs' Executive Committee in *In re: Apple Inc. Device Performance Litig.*, 5:18-md-02827 (N.D. Cal. 2018) (claims on behalf of iPhone and iPad users that have been affected by the alleged intentional slowdown of the processors).
- Court appointed member of Plaintiffs' Steering Committee in *In re: German Automotive Mfr. Antitrust Litig.*, 3:17-md-02796 (N.D. Cal. 2017) (alleging anticompetitive conduct in the market for German-made automobiles).
- Court appointed member of Plaintiffs' Steering Committee in *In Re: Sonic Corp. Customer Data Sec. Breach Litig.*, 1:17-md-02807 (N.D. Ohio 2017) (claims on behalf of persons allegedly affected by Sonic's data breach resulted in a class wide settlement).
- Class Representative Communications and Client Vetting Committee in a court approved leadership structure in *Echavarria, et al. v. Facebook, Inc.*, C 18- 05982 (N.D. Cal. 2018) (claims on behalf of persons that have been allegedly affected by Facebook's "View As" data breach).
- Co-Chair of Plaintiffs' Vetting Committee in a court approved leadership structure in *In re Wawa, Inc. Data Breach Litigation*, No. 19-6019 (E.D. Pa. 2019) (claims on behalf of persons affected by Wawa's data breach and had their personal information compromised).
- Court appointed Interim Class Counsel in *In re: Google Location History Litig.*, 5:18-cv-05062-EJD (N.D. Cal. 2019) (a privacy breach action alleging Google tracked millions of mobile device users' geolocation after falsely representing that activating certain settings will prevent the tracking).
- One of three lead co-counsel in *Hughley, et al. v. Univ. of Central Florida Bd. of Tr.*, 2016-CA-001654-O (9th Judicial Circuit, Florida) (February 2016 data breach; settled November 2017, with UCF spending an additional \$1,000,000 annually to protect students' and employees' personal information).

Melissa also has developed and oversees the following litigation, among others:

- *County of Osceola v. Purdue Pharma Inc.*, 6:18-cv-00164 (M.D. Fl.); *County of Alachua v. Purdue Pharma Inc.*, 1:18-cv-00086-MW-GRJ (N.D. Fl.); *County of Palm Beach v. Purdue Pharma Inc.*, 50-2018-CA-004109 (N.D. Fl.) (each alleging opioid manufacturers and distributors defrauded the counties, among others, to generate improper revenue at the county's expense).
- *In Re: Uber Tech., Inc., Data Sec. Breach Litig.*, 2:18-ml-02826-PSG-GJS (C.D. Cal.) (alleging a failure to secure and safeguard riders' and drivers' personally identifiable information ("PII") caused 57 million driver and rider accounts to be compromised).
- *In Re: 21st Century Oncology Customer Data Sec. Breach Litig.*, 8:16-md-02737 (M.D. Fla.) (October 2015 data breach in which the PII of more than two million 21 Century patients was compromise).
- *Suvino v. Time Warner Cable, Inc.*, 1:16-cv-07046 (S.D.N.Y.) (settled action which alleged violations of the Americans with Disabilities Act by Time Warner).
- *Guariglia et al v. The Procter & Gamble Company*, 2:15-cv-04307 (E.D.N.Y.) (settled action which alleged violations of law in connection with P&G's design, manufacture, marketing, advertising, and selling of Tide Pods).

JAY I BRODY, ESQ. is a commercial litigator with an emphasis in class action litigation, including consumer fraud, automotive defect, and securities and shareholder actions, as well as commercial litigation. Prior to joining the firm, Mr. Brody served as a law clerk for Justice Miriam Naor, President of the Supreme Court of Israel and the Superior Courts of the State of Connecticut. While in law school, Mr. Brody served as a Student Assistant District Attorney in the Office of the New York County District Attorney, and interned at the New York State Department of Financial Services and United States Department of Justice. He is currently in charge of the Firm's SAM-E Supplement consumer class action litigation.

Mr. Brody received his B.S. in accounting from Yeshiva University, and his J.D. from The Benjamin N. Cardozo School of Law in 2013, where he served on the Public Law, Policy and Ethics Journal. He is admitted to practice before the State Courts of New York and New Jersey, and the United States Federal Court in the Southern District of New York, Eastern District of New York, and District of New Jersey.

SARAH HAQUE, ESQ. is currently of counsel to Kantrowitz, Goldhamer & Graifman, P.C. with an emphasis in class action litigation. Ms. Haque received a Bachelor's of Commerce from McGill University in Montreal, Quebec, with a minor in Economics. Following her undergraduate experience, she attended State University of New York Buffalo Law School, and graduated in 2014. While in law school, Ms. Haque was an editor for the Buffalo Human Rights Law Review. She was also President of the Labor and Employment Relations Society and Treasurer of the Latin American Law Students Association. Ms. Haque has worked on various class actions with the firm, including the *In re Anthem Data Breach* litigation and the *In re Premera Data Breach* litigation.

WILLIAM T. SCHIFFMAN, ESQ., is a senior associate in the firm of Kantrowitz, Goldhamer & Graifman, P.C. Mr. Schiffman received his J.D. degree from Brooklyn Law School in 1974 and is admitted to practice in New York (1975), Texas (1976), and New Jersey (1981). Mr. Schiffman was Law Clerk to the Honorable Woodrow Seals, United States District Judge, Southern District of Texas from 1974-1977. In that position Mr. Schiffman was responsible for preparing decisions and orders on motions as well as observing trials and assisting Judge Seals in preparing finds of fact and conclusions of law.

From 1977-1979, Mr. Schiffman was associated with the law firm of Urban & Coolidge in Houston Texas. Mr. Schiffman's principal practice area was commercial litigation. From 1979 to 1985, Mr. Schiffman was an attorney for AT&T, first in the Long Lines Department in Atlanta, Georgia, and then in company headquarters in New Jersey. Mr. Schiffman's responsibilities were principally in the area of general litigation and the AT&T antitrust litigation prior to divestiture. From 1985 to 1993, Mr. Schiffman was with the law firm of Jacobi & Meyers, first as the managing attorney of several offices, then as New Jersey resident partner in charge of the northern New Jersey offices. The practice was principally in the area of litigation. From 1993 to date, Mr. Schiffman has been associated with Kantrowitz & Goldhamer, P.C., in New York, and its affiliate, Kantrowitz & Goldhamer in New Jersey. Mr. Schiffman's responsibilities are principally in the area of litigation including securities and employment class action, as well as complex contested matrimonial and general commercial litigation.

EXHIBIT 26

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF KARIN B. SWOPE IN
SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Karin B. Swope, declare as follows:

2 1. I am a partner at the law firm of KELLER ROHRBACK LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee as Offensive Discovery and ESI Co-Coordinator.
6 In that role, my duties included propounding discovery requests, including electronic discovery,
7 negotiating discovery with opposing counsel, and handling discovery disputes, including drafting
8 and arguing discovery motions to the Special Master, Hon. Rebecca Westerfield. As ESI Co-
9 Coordinator, my firm also handled the collection of ESI discovery from over 100 named plaintiffs
10 in response to defendant's discovery requests.

11 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
12 with years in practice, most recent hourly rates reported to the Court during the pendency of this
13 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
14 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
15 and trial experience of each professional can be found, to the extent available, in the firm resume
16 attached hereto as Exhibit C.

17 4. The detailed descriptions of the time spent by the attorneys and other professionals
18 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
19 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
20 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
21 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
22 time records are available for the Court's review should the Court desire such records.

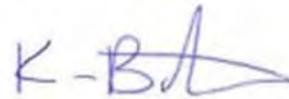
23 5. The total number of hours expended on this litigation by my firm, as approved by
24 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
25 consolidation through July 31, 2020 is 1,914.45 hours. The total lodestar for my firm is
26 \$1,202,840.25.

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1 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
2 (“expenses”) totaling \$30,618.18, which were necessary in relation to this litigation and submitted,
3 vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel
4 pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this
5 litigation are reflected in the books and records of my firm. These books and records are prepared
6 from expense vouchers, check records, and other documents and are an accurate record of the
7 expenses.

8 7. Attached hereto as Exhibit C is the firm resume for my firm.

9 I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th
10 day of August, 2020, at Seattle, WA.

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14 _____
Karin B. Swope

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EXHIBIT A

Keller Rohrback L.L.P.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Fierro, Eric J.	Partner (10 years)	\$ 625.00	254.70	\$ 159,187.50
Griffin, Mark A.	Partner (33 years)	\$ 975.00	49.80	\$ 48,555.00
Samson, Mark D.	Partner (31 years)	\$ 885.00	3.90	\$ 3,451.50
Swope, Karin B.	Partner (25 years)	\$ 755.00	1106.25	\$ 835,218.75
Sarko, Lynn L.	Partner (38 years)	\$ 995.00	1.90	\$ 1,890.50
Wright, Emma M.	Project Attorney (1 year)	\$ 300.00	5.20	\$ 1,560.00
Marshall, Darla	Paralegal (24 years)	\$ 260.00	4.90	\$ 1,274.00
Spangler, Brian E.	Paralegal (22 years)	\$ 285.00	5.50	\$ 1,567.50
Caldwell, Katherine E.	Paralegal (8 years)	\$ 260.00	90.20	\$ 23,452.00
Gotto, Alex	Paralegal (9 years)	\$ 250.00	84.30	\$ 21,075.00
Mittenthal, Robert O.	Paralegal (34 years)	\$ 350.00	258.00	\$ 90,300.00
Dillman, Jason	Paralegal (19 years)	\$ 350.00	17.00	\$ 5,950.00
Hill, Jennifer	Paralegal (21 years)	\$ 350.00	1.80	\$ 630.00
Ward, RoxAnn	Paralegal (20 years)	\$ 255.00	2.40	\$ 612.00
de Vries, A.J.	Paralegal (12 years)	\$ 325.00	7.20	\$ 2,340.00
Garrido, Joel M.	Paralegal (18 years)	\$ 275.00	7.40	\$ 2,035.00
Parrilla, Cavin L.	Paralegal (14 years)	\$ 250.00	5.40	\$ 1,350.00
LaPorte, Kait	Paralegal	\$ 270.00	1.00	\$ 270.00
Evans, John M.	Paralegal (12 years)	\$ 230.00	2.30	\$ 529.00
Montgomery, Mary K.	Paralegal	\$ 325.00	3.30	\$ 1,072.50
Pry, Jonathan	Paralegal	\$ 260.00	2.00	\$ 520.00
TOTAL			1914.45	\$ 1,202,840.25

EXHIBIT B

EXHIBIT B**Keller Rohrback L.L.P.**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ 605.76
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ -
06. Court Fees	\$ 310.00
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 414.57
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ 49.75
18. Taxi/Car Service/Other Ground Transport	\$ 162.01
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ 626.60
21. Travel-Hotel	\$ 601.39
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ 2,848.10
25. Assessments	\$ 25,000.00
TOTAL	\$ 30,618.18

EXHIBIT C



COMPLEX LITIGATION

ABOUT KELLER ROHRBACK



Devoted to Justice

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity...[Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions..."
In re WorldCom, Inc. ERISA Litigation (Judge Cote)

Keller Rohrback's lawyers excel by being prepared and persuasive. It's a simple formula that combines our strengths: outstanding writing and courtroom skill, together with unparalleled passion and integrity. We have recovered billions of dollars for our clients and have served as lead counsel in many prominent cases, including numerous financial crisis cases against Wall Street banks and mortgage originators. Our lawyers are recognized as leaders in their fields who have dedicated their careers to combating corporate fraud and misconduct. We have the talent as well as the financial resources to litigate against Fortune 500 companies—and do so every day.



Who We Are

Keller Rohrback's Complex Litigation Group has a national reputation as the go-to plaintiffs' firm for large-scale, complex individual and class action cases. We represent public and private investors, businesses, governments and individuals in a wide range of actions, including securities fraud, fiduciary breach, antitrust, whistleblower, environmental and product liability cases. Our approach is straightforward—we represent clients who have been harmed by conduct that is wrong, and we litigate with passion and integrity to obtain the best results possible. Every case is different, but we win for the same reason: we are persuasive. When you hire us, you hire smart, creative lawyers who are skilled in court and in negotiations.



Founded in 1919, Keller Rohrback's over 70 attorneys and about 100 staff members are based in six offices across the country in Seattle, Oakland, Santa Barbara, Phoenix, New York, and Missoula. Over the past century, our firm has built a distinguished reputation by providing top-notch representation. We offer exceptional service and a comprehensive understanding of federal and state law nationwide. We also are well known for our abilities to collaborate with co-counsel and to work together to achieve outstanding results—essential skills in large-scale cases in which several firms represent the plaintiffs. We pride ourselves on our reputation for working smartly with opposing counsel, and we are comfortable and experienced in coordinating high-stakes cases with simultaneous state and federal government investigations. Keller Rohrback attorneys earn the respect of our colleagues and our opponents through our deft handling of the array of complex issues and obstacles our clients face.

ABOUT KELLER ROHRBACK



What We Do

Keller Rohrback's Complex Litigation Group represents plaintiffs in large-scale cases involving corporate wrongdoing. We litigate against companies that pollute, commit fraud, fix prices and take advantage of consumers, employees, and investors. We are passionate advocates for justice. In addition, the Complex Litigation Group regularly calls on attorneys in the firm's other practice areas for expertise in areas such as bankruptcy, constitutional law, corporate transactions, financial institutions, insurance coverage and intellectual property. Our group's access to these in-house resources distinguishes Keller Rohrback from other plaintiffs' class action firms and contributes to the firm's success. We also have a history of working with legal counsel from other countries to vigorously pursue legal remedies on behalf of clients around the globe.

We have won verdicts in state and federal courts throughout the nation and have obtained judgments and settlements on behalf of clients in excess of \$23.25 billion. Courts around the country have praised our work, and we are regularly appointed lead counsel in nationally prominent class action cases. Our work has had far-reaching impacts for our clients in a variety of settings and industries, creating a better, more accountable society.

Who We Serve

We represent individuals, institutions, and government agencies. The common denominators of our clients is a desire to see justice done—and to be represented by attorneys who practice law with integrity, honesty, and devotion to serving our clients' interests.



"Despite substantial obstacles to recovery, Keller Rohrback was willing to undertake the significant risks presented by this case...Class Counsel achieved real and substantial benefits for members of the Class. [Their] extensive prior experience in complex class action securities litigation... enabled the Class to analyze and achieve this excellent result." Getty v. Harmon (SunAmerica Securities Litigation) (Judge Dwyer).

ANTITRUST AND TRADE REGULATION



ATTORNEYS

Lynn Lincoln Sarko
Raymond Farrow
Mark Griffin
Cari Campen Laufenberg
Elizabeth A. Leland
Tana Lin
Ryan McDevitt
Karin Swope

Keller Rohrback's antitrust and trade regulation practice represents Plaintiffs in state and federal courts to ensure that consumers get the benefits of free and fair competition in the marketplace. Keller Rohrback has successfully litigated cases on behalf of both consumers and businesses who have been harmed by illegal anti-competitive conduct, such as price fixing, price discrimination, misleading and deceptive marketing practices, and the monopolization and attempted monopolization of markets.

For decades, Keller Rohrback has served as lead counsel, on MDL executive committees, and in other prominent roles in large price-fixing and price discrimination cases.

REPRESENTATIVE CASES

Nurse Wage Litigation: Fleischman v. Albany Medical Center; Cason-Merenda v. Detroit Medical Center (N.D.N.Y.); (E.D. Mich.)

Keller Rohrback was Co-Lead Counsel in these long-running antitrust actions which recovered \$105 million in underpaid wages resulting from an alleged conspiracy among hospitals to set the compensation of their nurse employees in Albany, New York, and Detroit, Michigan.

Ferko v. National Ass'n For Stock Car Auto Racing, Inc., No. 02-50 (E.D. Tex.)

Keller Rohrback was Counsel for Plaintiff, a shareholder in Texas Motor Speedway (TMS), in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and conspiring with International Speedway Corporation (ISC) to restrain trade in violation of the antitrust laws. The settlement agreement allowed TMS to purchase North Carolina Speedway from ISC and required NASCAR to sanction a Nextel Cup Series race at TMS in the future, relief that was valued at \$100.4 million.

In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.)

Keller Rohrback played a significant role in litigating this MDL case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten-year global price-fixing and market-allocation conspiracy. Recoveries for the class through settlement and verdict totaled over \$1 billion.

In re Online DVD Rental Antitrust Litigation, MDL No. 2029 (N.D. Cal.)

Keller Rohrback represented purchasers of online DVD rental services accusing Walmart and Netflix of engaging in a market allocation scheme. The class achieved settlements of over \$30 million.

"The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does again." *In re Linerboard Antitrust Litigation*, MDL No. 1261, 2004 WL 1221350 *6 (E.D. Pa. June, 2 2004) (Judge DuBois).

ANTITRUST AND TRADE REGULATION



REPRESENTATIVE CASES continued

Johnson v. Arizona Hospital and Healthcare Association, No. 07-1292 (D. Ariz.)

Keller Rohrback represented agency nurses who worked at various Arizona hospitals seeking to recover the underpayment of wages resulting from a conspiracy to suppress the cost of agency nurses. The class achieved settlements of more than \$26 million.

Molecular Diagnostics v. Hoffman-La Roche, Inc., No. 04-1649 (D.D.C.)

Keller Rohrback served on the Executive Committee of this class action lawsuit on behalf of direct purchasers of thermus aquaticus DNA polymerase (Taq), an essential input to technologies used to study DNA. The lawsuit alleged that various Hoffman-La Roche entities, in concert with the Perkins Elmer Corp., fraudulently procured a patent for Taq with the intent and effect of illegally monopolizing the Taq market. The court approved a \$33 million settlement in 2008.

Daisy Mountain Fire District v. Microsoft Corp., MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in excess of \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

Transamerican Refining Corporation v. Dravo Corp., No. 88-789 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action filed on behalf of all cost-plus purchasers of specialty steel pipe. Fabricators and suppliers of that pipe were sued on allegations of a nationwide price fixing conspiracy. The class, comprised mainly of owners of electric generating plants and oil refineries, achieved a settlement of more than \$49 million.

In approving a settlement, Judge Alan McDonald stated, "[T]he Court is impressed by the manner in which the issues have been addressed, the action has been initiated and resolved; and that is, of course, an accolade to the attorneys on both sides of the issue. And, of course, that is the underlying basis for the Court's approval. No one has more respect for the art of settlement than the incumbent of this bench. It is the most difficult of all undertakings by trial lawyers, and settlement always recognizes their composite judgment, oftentimes of nuances which are impossible to articulate. So given the caliber of the attorneys involved on both sides of this matter, the Court is satisfied that if it is good enough for them, it should be good enough for the Court." *In re Soft Drink Bottling Antitrust Litigation* (E.D. Wash. 1990).

APPELLATE PRACTICE



ATTORNEYS

Lynn Lincoln Sarko
 T. David Copley
 Ben Gould
 Ron Kilgard
 Cari Campen Laufenberg
 Jeffrey Lewis
 Derek Loeser
 Gretchen Obrist
 Erin Riley
 Matthew Preusch
 Karin Swope

Appeals require specialized skills and experience, and Keller Rohrback has a seasoned appellate team that includes award-winning brief writers and outstanding oral advocates. Our appellate experience is particularly important in large cases, including complex class actions. Keller Rohrback has the experience and talent to handle any issue that arises involving interlocutory appeals and will work to ensure that any judgment or settlement is affirmed on appeal.

REPRESENTATIVE CASES

Clarke v. Baptist Memorial Healthcare Corp., --F. App'x-- (6th Cir. 2016)

Keller Rohrback overturned the district court's denial of intervention, thus allowing our clients to challenge an earlier denial of class certification.

Baker v. Microsoft Corp., 797 F.3d 607 (9th Cir. 2015)

In this proposed class action arising from a defect in Microsoft's Xbox 360, Keller Rohrback persuaded the Ninth Circuit that the trial court had erred by striking the class allegations from the complaint.

Alcantara v. Bakery & Confectionary Union, 751 F.3d 71 (2d Cir. 2014)

Keller Rohrback successfully defended the trial court's decision and judgment that the Defendants had unlawfully reduced pension benefits.

Gates v. UnitedHealth Group Inc., 561 F. App'x 73 (2d Cir. 2014)

Keller Rohrback persuaded the Second Circuit to reverse the district court's dismissal of our client's claims for medical coverage.

Wurtz v. Rawlings Co., 761 F.3d 232 (2d Cir. 2014)

Keller Rohrback submitted an amicus brief on behalf of the New York State Trial Lawyers Association in support of the appellants. The Second Circuit cited the amicus brief and adopted much of its reasoning in reversing the trial court.

Heckman v. Williamson County, 369 S.W.3d 137 (Tex. 2012)

Keller Rohrback represented a proposed class of indigent criminal Defendants who challenged the constitutionality of a number of pretrial procedures. Keller Rohrback persuaded the Texas Supreme Court to reverse the Texas Court of Appeals and allow the Plaintiffs to proceed with their claims.

Braden v. Walmart Stores, Inc., 588 F.3d 585 (8th Cir. 2009)

Keller Rohrback represented a class of Walmart employees who alleged that Walmart's 401(k) plan charged them excessive fees. Keller Rohrback convinced the Eighth Circuit to reverse the trial court and reinstate the employees' claims.

In re Syncor ERISA Litigation, 516 F.3d 1095 (9th Cir. 2008)

Keller Rohrback represented a group of workers who alleged that their employer had violated the law by investing their retirement savings in the employer's stock. Keller Rohrback convinced the Ninth Circuit to reverse the dismissal of the trial court and reinstate the workers' claims.

AUTOMOTIVE LITIGATION



ATTORNEYS

Lynn Lincoln Sarko
Gretchen Freeman Cappio
Derek Loeser
Alison Chase
Felicia Craick
Adele Daniel
Max Goins
Ryan McDevitt
Rachel Morowitz

Keller Rohrback is renowned for its success in representing consumers in high-stakes, complex litigation involving automotive defects and misrepresentations. Courts regularly appoint our nationally recognized attorneys to plaintiffs' leadership teams for automotive class actions, including numerous actions consolidated in multidistrict litigation. These cases reflect our firm's ongoing commitment to ensuring the safety of drivers, passengers, their vehicles, and the environment.

REPRESENTATIVE CASES

Francis et al. v. General Motors, LLC, et al., No. 19-cv-11044-DML-DRG (E.D. Mich.)

Gretchen Freeman Cappio was recently appointed to the Plaintiffs' Steering Committee in the GM transmission litigation and expects to play a major role in the case. In this putative class action, Plaintiffs allege that transmission defects in GM, Chevrolet, and Cadillac vehicles sold as early as 2014 can cause unsafe

conditions that GM failed to disclose or repair despite longstanding knowledge and numerous attempts.

In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2777 (N.D. Cal.)

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, No. 3:15-md-02672 (N.D. Cal.)

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen's fraudulent use of an emissions "defeat device" in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs' Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

Short et al. v. Hyundai Motor America, Inc., et al., No. 19-cv-00318-JLR (W.D. Wash.)

Keller Rohrback leads litigation against Hyundai Motor Company, Kia Motors Corporation, and their American subsidiaries. The litigation, filed in the United States District Court for the Western District of Washington, arises out of Hyundai's and Kia's failure to disclose or timely remedy several serious defects of design and manufacturing that can cause the engines of certain vehicles to suddenly stall while at speed or to burst into flames. The litigation is ongoing and the parties are in discovery.

BANKRUPTCY-RELATED LITIGATION



ATTORNEYS

Laurie Ashton
Gary A. Gotto
Christopher Graver

Keller Rohrback attorneys have deep and broad experience litigating in the bankruptcy courts on behalf of debtors, creditors, and creditor committees, as well as on behalf of Plaintiffs whose claims were interrupted by bankruptcy petitions. Our experience includes representing class claimants in numerous large-scale bankruptcies. These representations have involved virtually all areas of sophisticated bankruptcy practice, including: (i) pursuing relief from an automatic stay to litigate claims in district court; (ii) filing and opposing orders to withdraw the reference to the bankruptcy court; (iii) certifying a claimant class in bankruptcy; (iv)

asserting rights to officer, director, or fiduciary insurance policies between conflicting bankruptcy claimants; (v) evaluating and negotiating proposals for debtor financing, cash collateral orders, estate sale orders and other bankruptcy administrative matters; (vi) defending against subordination claims, and; (vii) negotiating acceptable terms of a plan of reorganization with the debtors' committee, creditors' committees, and other constituencies.

Keller Rohrback's bankruptcy attorneys also have extensive experience in a wide variety of matters involving corporate restructuring and commercial bankruptcies. Our bankruptcy clients range from tort claimants to operating entities to institutional lenders. Examples include representation of the official committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, the debtors in a reorganization of fifty commercial real properties across the nation; and a national services company in the acquisition of a competitor's assets in a bankruptcy court-approved sale in the Northern District of California.

In addition to the representative cases listed below, Keller Rohrback has achieved similar results in numerous other bankruptcy proceedings involving corporations such as Global Crossing Ltd., Mirant Corp., Delphi Corp., and Fremont General Corp.

REPRESENTATIVE CASES

In re Enron Corp., No. 01-16034 (Bankr. S.D.N.Y.)

Keller Rohrback obtained stay relief to pursue litigation in the Southern District of Texas and defended against a motion to subordinate claims. Keller Rohrback achieved a settlement for the class that included the allowance of a \$265 million claim in the Enron bankruptcy.

In re WorldCom, Inc., Nos. 02 Civ. 3288(DLC), 02 Civ. 8981(DLC) (Bankr. S.D.N.Y.)

Keller Rohrback defended against a motion to subordinate claims and successfully negotiated a simultaneous resolution of claims in the bankruptcy and district courts against third parties in the total amount of \$48 million.

In re Nortel Networks, Inc., No. 09-10138(KG) (Bankr. D. Del.)

Keller Rohrback represented class claimants in simultaneous insolvency proceedings in Canada under the Companies' Creditors Arrangement Act and bankruptcy court in the District of Delaware. Keller Rohrback obtained stay relief to pursue litigation in the Middle District of Tennessee and ultimately settled class claims in Tennessee for over \$21 million.

In re Washington Mutual, Inc., No. 08-12229(MFW) (Bankr. D. Del.)

Keller Rohrback sought stay relief to pursue litigation in the Western District of Washington and pursued claims in bankruptcy court in Delaware, resulting in a simultaneous resolution of claims in the bankruptcy and district courts for \$20 million.

CONSUMER PROTECTION CLASS ACTIONS

ATTORNEYS

Lynn Lincoln Sarko
Derek Loeser
Gretchen Freeman Cappio
T. David Copley
Juli Farris
Raymond Farrow
Eric Fierro
Alison Gaffney
Laura Gerber
Mark Griffin
Erika Keech
David Ko
Cari Campen Laufenberg
Elizabeth A. Leland
Tana Lin
Ryan McDevitt
Daniel Mensher
Gretchen Obrist
Matthew Preusch
Mark D. Samson
Chris Springer
Karin B. Swope
Havila C. Unrein
Gabe Verdugo
Amy Williams-Derry
Michael Woerner

For decades, consumers have trusted the attorneys of Keller Rohrback to protect them from harmful and unfair trade practices. Our firm is a leader in representing consumers in class action lawsuits in diverse areas, including vehicles, children's products, food contamination, drugs, mortgage modifications, identity theft, and data breaches. Keller Rohrback currently represents a wide range of consumers, such as vehicle owners and lessees, parents, environmentalists, fishermen, employees, professors, doctors, and nurses.



Through decades of hard work, ingenuity, and creativity, Keller Rohrback has achieved meaningful results. These results impact not just our clients, but future consumers too; for example, homeowners now benefit from improved loan-modification practices at one of the country's biggest banks as a result of our advocacy.

Keller Rohrback attorneys are frequently featured speakers and presenters at prestigious legal education seminars on class actions, consumer protection, and data privacy.

REPRESENTATIVE CASES

Jabbari v. Wells Fargo & Company, No. 15-2159 (N.D. Cal.)

Keller Rohrback filed a class action lawsuit against Wells Fargo alleging the bank victimized its customers by opening checking, savings and credit card accounts, and lines of credit without customers' authorization. Keller Rohrback negotiated a \$142 million settlement on behalf of consumers, which requires Wells Fargo to refund

fees charged to unauthorized accounts, compensate consumers for increased borrowing costs due to credit damage, and provide other substantial compensation. Final Approval of the settlement was granted on June 14, 2018.

In re JPMorgan Chase Mortgage Modification Litigation, MDL No. 2290 (D. Mass.)

Keller Rohrback served as Co-Lead Counsel in this MDL, representing homeowners who attempted to obtain mortgage loan modifications from JPMorgan Chase and related entities. Plaintiffs alleged breach of contract and violations of consumer protection laws when Defendants failed to timely evaluate or approve mortgage modification applications of homeowners who had completed identified prerequisites. Keller Rohrback achieved a settlement for the class valued at over \$500 million.

CONSUMER PROTECTION CLASS ACTIONS

REPRESENTATIVE CASES continued

In re Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation, MDL No. 08-1967 (W.D. Mo.)

Keller Rohrback served on the Plaintiffs' Steering Committee in this MDL on behalf of purchasers of plastic baby bottles and "sippy" cups which contained the chemical bisphenol-A (BPA). The action was favorably settled.

In re Mattel, Inc., Toy Lead Paint Products Liability Litigation, MDL No. 1897 (C.D. Cal.)

Keller Rohrback served as Chair of the Executive Committee in this nationwide MDL against Mattel and Fisher-Price on behalf of purchasers of toys recalled because they were manufactured using lead paint and/or dangerous magnets. On behalf of Plaintiffs, Keller Rohrback achieved a settlement valued at approximately \$50 million.

Brotherson v. Professional Basketball Club, L.L.C., No. 07-1787 (W.D. Wash.)

Keller Rohrback represented Seattle Sonics season ticket holders who renewed their 2007–2008 season ticket packages before the team was relocated to Oklahoma City. After Plaintiffs prevailed on summary judgment, the parties negotiated a significant settlement that returned substantial sums to the class.

Telephone Consumer Protection Act Cases, (King Cnty. Super. Ct., Wash.)

Keller Rohrback prosecuted numerous class actions concerning the sending of unsolicited facsimiles in violation of the Washington Telephone Consumer Protection Act, resulting in the issuance of eleven permanent injunctions and the recovery of over \$56 million on behalf of injured Plaintiffs.

Ormond v. Anthem, Inc., No. 05-1908 (S.D. Ind.)

Anthem Insurance converted from a mutual company to a stock company on November 2, 2001. More than 700,000 former members of the mutual company sued Anthem, alleging that the cash compensation they received as a

result of the demutualization was inadequate. After class certification and shortly before the start of trial, Keller Rohrback and co-counsel settled the action for \$90 million.

Corona v. Sony Pictures Entertainment, Inc., No. 14-9600 (C.D. Cal.)

Keller Rohrback served as interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company's highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members' personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.

Iacovelli v. SBTickets.com, LLC, No. 15-1459 (Maricopa Cnty. Super. Ct., Ariz.)

Keller Rohrback filed a class action in Arizona state court on behalf of individuals who paid for, but did not receive, tickets to the 2014 Super Bowl (Super Bowl XLIX) from the ticket broker SBTickets. Despite purchasing tickets and receiving numerous representations that their tickets were guaranteed, SBTickets customers were told just days before the game, and in some instances, only hours before kickoff, that their ticket orders would not be fulfilled. The case was settled on favorable terms for the class notwithstanding the Defendant's insolvency and bankruptcy proceedings.

CONSUMER PROTECTION CLASS ACTIONS

REPRESENTATIVE CASES continued

In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation, MDL No. 2785 (D. Kan)

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs allege that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain their dominant market positions and increase the prices of EpiPen products by at least 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. Among other things, our complaint, which has survived a motion to dismiss, alleges that the defendants violated the Sherman and Clayton act, state antitrust laws, RICO, and consumer protection laws.

Fox v. Iowa Health System, No. 18-00327 (W.D. Wis.)

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties are engaged in ongoing discovery and trial is scheduled for July 12, 2021.

In re: Arizona Theranos, Inc. Litigation, No. 16-2138 (D. Ariz.)

Keller Rohrback filed class action complaints in California and Arizona federal courts against Walgreens Boots Alliance, Inc., Walgreen Arizona Drug Company, and the leaders of now-defunct Theranos, Inc.: Elizabeth Holmes and Ramesh (Sunny) Balwani. Theranos claimed to have developed a "tiny blood test," and it formed a joint venture with Walgreens to market its product and offer it in select Walgreens retail stores. The vaunted technology did not work. Thousands of Theranos test results were either invalidated or called into question. Holmes and Balwani also face related criminal charges. On March 6, 2020, the U.S. District Court in Phoenix, Arizona granted class certification in favor of an estimated 175,000 residents of Arizona and California against Defendants. The litigation is ongoing.

EMPLOYEE BENEFITS



ATTORNEYS

Lynn Lincoln Sarko
 Derek Loeser
 Laurie Ashton
 Gretchen Freeman Cappio
 T. David Copley
 Alison Gaffney
 Laura Gerber
 Matthew Gerend
 Gary Gotto
 Benjamin Gould
 Dean N. Kawamoto
 Ron Kilgard
 David Ko
 Tanya Korkhov
 Cari Campen Laufenberg
 Elizabeth A. Leland
 Jeffrey Lewis
 Rachel Morowitz
 Gretchen Obrist
 David Preminger
 Erin Riley
 Karin B. Swope
 Havila C. Unrein
 Amy Williams-Derry
 Michael Woerner

Keller Rohrback is the preeminent firm for Employee Retirement Income Security Act of 1974 (ERISA) and other benefit class action litigation. Our firm is a pioneer of ERISA class action litigation, with over a billion dollars of pension and health benefits recovered for our clients. Keller Rohrback has played a major role in developing the law and establishing that ERISA's strict fiduciary duties apply to all investments in company-sponsored retirement plans, as well as to benefits in health and welfare plans.

Keller Rohrback is routinely appointed lead or co-lead counsel in major employee benefit class actions. Our work in this complex and rapidly developing area has been praised by our clients, our co-counsel, and federal courts. Managing a complex, large-scale employee benefit case requires knowledge of employee benefit, securities, accounting, corporate, bankruptcy, and class action law. Keller Rohrback has excelled in these cases by developing a deep understanding of ERISA and by drawing on our expertise in numerous related practice areas.

Keller Rohrback attorneys are frequently featured speakers and presenters at prestigious legal education seminars on employee benefit class actions and ERISA.

REPRESENTATIVE CASES

Whetman v. IKON Office Solutions, Inc., MDL No. 1318 (E.D. Pa.)

The wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for IKON's 401(k) plan, that the fiduciaries of the plan failed to provide complete and accurate information about company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements providing a total recovery to the Plans of \$111 million. Judge Katz granted final approval of the settlement in 2002.

In re Enron Corp. ERISA Litigation, MDL No. 1446 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of Texas. After groundbreaking motions to dismiss decisions and several years of discovery, Keller Rohrback negotiated four separate settlements with different groups of Defendants, resulting in recoveries of over \$264 million for the class. Judge Melinda Harmon approved the fifth and final settlement on February 23, 2007.

In re Lucent Technologies, ERISA Litigation, No. 01-3491 (D.N.J.)

Keller Rohrback served as Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans who invested in Lucent stock. A settlement providing injunctive relief and the payment of \$69 million to the plan was approved by Judge Joel Pisano on December 12, 2003.



EMPLOYEE BENEFITS

REPRESENTATIVE CASES continued

In re WorldCom, Inc. ERISA Litigation, No. 02-4816 (S.D.N.Y.)

Keller Rohrback served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan who invested in WorldCom stock. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved by Judge Denise Cote on October 26, 2004 and November 21, 2005.

In re AIG ERISA Litigation, No. 04-9387 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the AIG 401(k) retirement plans who invested in AIG stock. A settlement providing for injunctive relief and the payment of \$25 million to the plans was approved by Judge Kevin T. Duffy on October 8, 2008.

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity...[Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions... [Keller Rohrback] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions." *In re WorldCom, Inc. ERISA Litigation*, No. 02-4816, 2004 WL 2338151, *10 (S.D.N.Y. Oct. 18, 2004) (Judge Cote).

In re AIG ERISA Litigation II, No. 08-5722 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the AIG 401(k) retirement plans who invested in AIG stock. A settlement providing for injunctive relief and the payment of \$40 million to the plans was approved by Judge Laura Swain on September 18, 2015.

Alvidres v. Countrywide Financial Corp., No. 07-5810 (C.D. Cal.)

Keller Rohrback served as Lead Counsel in this class action filed on behalf of participants and beneficiaries of the Countrywide 401(k) plan who invested in Countrywide stock. A settlement providing for injunctive relief and the payment of \$55 million to the plan was approved by Judge John F. Walter on November 16, 2009.

In re CMS Energy ERISA Litigation, No. 02-72834 (E.D. Mich.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Eastern District of Michigan on behalf of participants and beneficiaries of the CMS defined contribution plans who invested in CMS stock. A settlement providing injunctive relief and a payment of \$28 million to the plan was approved by Judge George Caram Steeh on December 27, 2004.

In re Dynegy, Inc. ERISA Litigation, No. 02-3076 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of Texas on behalf of participants and beneficiaries of the Dynegy defined contribution plans who invested in Dynegy stock. A settlement providing injunctive relief and a payment of \$30.75 million to the plan was approved by Judge Sim Lake on March 5, 2004.



EMPLOYEE BENEFITS

REPRESENTATIVE CASES continued

In re Fremont General Corporation Litigation, No. 07-2693 (C.D. Cal.)

Keller Rohrback served as Lead Counsel in this class action filed in the Central District of California on behalf of participants and beneficiaries of the Fremont 401(k) plan who invested in Fremont stock. A settlement providing injunctive relief and a payment of \$21 million to the plan was approved by Judge Jacqueline Nguyen on August 10, 2011.

In re Global Crossing, Ltd. ERISA Litigation, No. 02-7453 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the GX defined contribution plans who invested in GX stock. A settlement providing injunctive relief and a payment of \$79 million to the plan was approved by Judge Gerard Lynch on November 10, 2004.

In re HealthSouth Corp. ERISA Litigation, No. 03-1700 (N.D. Ala.)

Keller Rohrback served as Lead Counsel in this class action filed in the Northern District of Alabama on behalf of participants and beneficiaries of HealthSouth's retirement plans who invested in HealthSouth stock. A settlement providing injunctive relief and a payment of \$28.875 million to the plan was approved by Judge Karon Bowdre on June 28, 2006.

In re Household International, Inc. ERISA Litigation, No. 02-7921 (N.D. Ill.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Northern District of Illinois on behalf of participants and beneficiaries of Household's retirement plans who invested in Household stock. A settlement providing injunctive relief and a payment of \$46.5 million to the plan was approved by Judge Samuel Der-Yeghiayan on November 22, 2004.

In re Merck & Co., Inc. "ERISA" Litigation, MDL No. 1658 (D.N.J.)

Keller Rohrback served on the Co-Lead Counsel Committee in this class action filed in the District of New Jersey on behalf of participants and beneficiaries of Merck's retirement plans who invested in Merck stock. A settlement providing injunctive relief and a payment of \$49.5 million to the plan was approved by Judge Stanley R. Chesler on November 29, 2011.

In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation, No. 07-10268 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of Merrill Lynch's defined contribution plans who invested in Merrill Lynch stock. A settlement providing injunctive relief and a payment of \$75 million to the plans was approved by Judge Jed S. Rakoff on August 21, 2009.

In re State Street Bank and Trust Co. ERISA Litigation, No. 07-8488 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed in the Southern District of New York brought on behalf of participants and beneficiaries in the company's retirement plans. A settlement providing a payment of \$89.75 million was approved by Judge Richard J. Holwell on February 19, 2010.

Overall v. Ascension Health, No. 13-11396 (E.D. Mich.)

Keller Rohrback served as Co-Lead Counsel in this lawsuit that alleged Defendants' claim that the Ascension pension plans are exempt from ERISA's protections because it is a "church plan" is improper because, among other things, Ascension Health is not a church, or a convention or association of churches, and the Ascension Pension Plans were not established by a church or a convention or association of churches. A settlement providing for equitable relief, plus payment of \$8 million to the plans



EMPLOYEE BENEFITS

REPRESENTATIVE CASES continued

was approved by Judge Avern Cohn on April 14, 2015. Keller Rohrback continues to litigate a number of similar cases throughout the country, challenging Defendants' claims that their pension plans are exempt from ERISA.

In re Washington Mutual, Inc. ERISA Litigation, No. 07-1874 (W.D. Wash.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed in the Western District of Washington on behalf of participants and beneficiaries in the company's retirement plans who invested in Washington Mutual stock. On January 7, 2011, Judge Marsha J. Pechman granted final approval of the \$49 million settlement in the ERISA action.

In re Xerox Corporation ERISA Litigation, No. 02-1138 (D. Conn.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action in the District of Connecticut on behalf of participants and beneficiaries in the company's retirement plans who invested in Xerox stock. A settlement providing for equitable relief plus a payment of \$51 million to the plans was approved by Judge Alvin Thompson on April 14, 2009.

Potter v. ConvergEx, No. 13-9150 (S.D.N.Y.)

Keller Rohrback serves as Co-Counsel in this lawsuit filed in the Southern District of New York that alleges Defendants violated ERISA by "double-charging" for transition management and brokerage services. Defendants funneled trade orders to an offshore subsidiary broker located in Bermuda, which created a "spread" between the actual investment price and the reported price by adding markups/markdowns. While the reported price was confirmed with customers, the actual price was undisclosed and constituted unauthorized additional compensation.

Rader v. Bruister, No. 13-1081 (S.D. Miss.)

This case alleges breach of fiduciary duty and prohibited transactions in connection with the purchase by the Bruister Company ESOP of shares from its founder. In 2014, Keller Rohrback obtained a judgment for approximately \$6.5 million after a lengthy bench trial. Collection actions

are proceeding on the existing judgment. Defendants appealed the judgment. The appeal was fully briefed and argued in 2015.

In re Williams Companies ERISA Litigation, No. 02-153 (N.D. Okla.)

Keller Rohrback served as Lead Counsel in this ERISA breach of fiduciary duty class action filed in the Northern District of Oklahoma on behalf of participants and beneficiaries in the company's retirement plans who invested in Williams stock. A settlement providing a payment \$55 million in cash, plus equitable relief, was approved by Judge Terence C. Kern on November 16, 2005.

"The Court finds that [Keller Rohrback] is experienced and qualified counsel who is generally able to conduct the litigation as lead counsel on behalf of the putative class. Keller Rohrback has significant experience in ERISA litigation, serving as co-lead counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Providian ERISA litigation, and experience in complex class action litigation in other areas of law" *In re Williams Cos. ERISA Litigation, No. 02-153, 2002 U.S. Dist. LEXIS 27691, *8 (N.D. Okla. Oct. 28, 2002) (Judge Holmes).*

EMPLOYEE BENEFITS



REPRESENTATIVE CASES continued

In Re EpiPen ERISA Litigation, Case No. 17-1884 (D. Minn.)

This class action was filed against the top four Pharmacy Benefit Managers (“PBMs”) on behalf of ERISA plan participants and beneficiaries who paid any portion of the purchase price for EpiPen products through their ERISA health plans. Plaintiffs allege that the PBM Defendants breached their fiduciaries duties in the course of administering and managing health plan benefits and formularies when they engaged in conduct riddled by conflicts of interest, with the purpose of extracting payments from Mylan. This conduct drove up the price of EpiPens. Plaintiffs filed their Consolidated Complaint on April 2, 2018, and on October 26, 2018, the Court largely denied Defendants’ Motion to Dismiss. KR partner Gretchen Obrist was appointed as Interim Lead Class Counsel in November 2018. The case is currently in discovery.

Fish v. Greatbanc Trust Company, No. 09-1668 (N.D. Ill.)

Keller Rohrback represents participants in the Antioch ESOP in this lawsuit filed in the Northern District of Illinois. Plaintiffs allege that Defendants breached their ERISA fiduciary duties by allowing the Antioch Company to redeem the Antioch shares of non-ESOP shareholders for more than they were worth, leaving the Antioch ESOP as the sole shareholder of a company with a greatly reduced value.

ENVIRONMENTAL LITIGATION



ATTORNEYS

Lynn Lincoln Sarko
 Derek Loeser
 Gretchen Freeman Cappio
 Alison Chase
 Dean Kawamoto
 Daniel Mensher
 Matthew Preusch
 Chris Springer
 Amy Williams-Derry
 Michael Woerner
 Alison Gaffney

Attorneys in Keller Rohrback's Complex Litigation Group have successfully represented individuals, class members, municipalities, and nonprofit organizations in complex and critical environmental litigation. In cases involving oil spills, mishandled hazardous waste, contaminated consumer products, and industrial pollution, Keller Rohrback works to protect human health and the environment. The firm combines its unparalleled experience in consumer protection and its deep knowledge of environmental law, making Keller Rohrback a worldwide leader in litigation to safeguard our environment and the people and animals that rely on it.

REPRESENTATIVE CASES

State of Oregon v. Monsanto Company et al., No. 18CV00540 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback, and the State of Oregon filed suit against Monsanto seeking to hold the chemical giant responsible for the toxic contamination it created across the state. Monsanto, the sole manufacturer of Polychlorinated Biphenyls (commonly known as PCBs), hid the dangers of this widely used suite of chemicals. PCBs are found in river sediments and measured in the tissues of fish and wildlife throughout the state. Oregon's Attorney General, Ellen Rosenblum, appointed Keller Rohrback attorneys Amy Williams-Derry, Derek Loeser and Daniel Mensher, along with attorneys from law firm Stoll Berne, as Special Assistant Attorneys General to represent the state.

In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2777 (N.D. Cal.)

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, No. 3:15-md-02672 (N.D. Cal.)

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen's fraudulent use of an emissions "defeat device" in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs' Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S. history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

In re Exxon Valdez, No. 89-95 (D. Alaska)

Keller Rohrback was trial counsel representing fishermen, landowners, and businesses located in Prince William Sound in their action against Exxon to recover damages caused by the Exxon Valdez oil spill. A federal jury awarded a \$5 billion

ENVIRONMENTAL LITIGATION



REPRESENTATIVE CASES continued

judgment in favor of Keller Rohrback clients. At the time, it was the largest punitive damages verdict in U.S. history. Additional claims against the Alyeska Pipeline Service Company were settled for \$98 million. More than 25 years after the tragic spill, the Exxon Valdez spill is still considered one of the most devastating human-caused environmental disasters. In addition, Keller Rohrback Managing Partner Lynn Sarko was appointed to serve as the Administrator of the Exxon and Alyeska Qualified Settlement Funds.

Andrews v. Plains All American Pipeline, No. 2:15-04113 (C.D. Cal.)

Keller Rohrback serves as Co-Lead Counsel representing fisherman, fish processors, and others affected by the May 2015 spill from Plains All American's Line 901 pipeline in Santa Barbara County. The oil spill contaminated pristine beaches, closed critical fishing grounds, and damaged natural resources throughout the region. Keller Rohrback seeks compensation for victims of the spill for their present and future damages and to hold Plains accountable for the harm it caused to the local economy and environment.

Meeker v. Bullseye Glass Co., No. 16CV07002 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback successfully negotiated a settlement with Bullseye Glass Company for contaminating a residential neighborhood in Portland, Oregon, by emitting hazardous levels of arsenic, cadmium, chromium, and other toxic materials from its glass-making facility for years. Despite using thousands of pounds a year of dangerous heavy metals, Bullseye Glass had used no pollution control technology for more than four decades. Using innovative air and soil monitoring, Keller Rohrback helped this neighborhood to protect itself and hold Bullseye accountable for the harm it caused. The settlement includes a two-year air monitoring program, the company agreeing to only operate furnaces with pollution control devices as long as they remain in operation, and monetary payments to class members, including reimbursement for air emissions-related expenses.

Wishtoyo Foundation v. Magic Mountain, No. 2:12-05600 (C.D. Cal.)

Keller Rohrback worked with a team of environmental lawyers on behalf of Los Angeles-based clients who successfully negotiated a groundbreaking settlement with Six Flags Magic Mountain to address its stormwater pollution discharged to the Santa Clara River. The settlement significantly reduced the amount of heavy metals and other pollutants entering the Santa Clara from the amusement park by requiring the facility to install state-of-the-art technology, develop and implement a comprehensive site management plan, and fully comply with the Clean Water Act. Additional monetary payments made by Six Flags as a result of the case are being used to perform critical habitat restoration and mitigation projects along the Santa Clara River.

Mapleton Groundwater Litigation (Ruff v. Ensign-Bickford Industries, Inc.), No. 2:99-120B (D. Utah)

Keller Rohrback attorneys successfully litigated a series of groundwater contamination suits against multiple international Defendants accused of releasing hazardous chemicals into the watershed over six decades. The suits were brought on behalf of individuals and their families against Defendants who owned a former explosives plant in Mapleton, Utah. The Plaintiffs alleged that improper waste disposal caused contaminants to seep into the groundwater and that the chemicals caused property damage and non-Hodgkin's lymphoma cancers affecting numerous residents. The matter involved complex scientific issues related to hydrogeology, chemical migration pathways, aquifer dynamics, clean-up methods, and contaminant degradation. The litigation resolved prior to trial after lengthy evidentiary hearings at which Plaintiffs received favorable Daubert rulings.

ENVIRONMENTAL LITIGATION



REPRESENTATIVE CASES continued

Clean Water Act Enforcement - General Magnaplate

In partnership with the non-profit Environmental Defense Center, one of the oldest environmental organizations in the United States, Keller Rohrback L.L.P. helped reach a final settlement with General Magnaplate California to control the significant pollutants the company discharged via stormwater into the fragile Santa Clara River. Under the settlement, General Magnaplate agreed to implement enhanced storm water management measures at its electroplating facility to ensure that storm water runoff does not contain high levels of pollutants that pose a threat to human health and the environment. These measures include installing effective treatment technology and repairing paved surfaces. In addition, General Magnaplate will contribute \$15,000 to the Rose Foundation for Communities and the Environment to be used to improve the water quality in the Santa Clara River watershed.

Resendez, et al. v. Precision Castparts Corp., et al., No. 16CV16164 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback represents a proposed class of homeowners and residents in Multnomah and Clackamas County who seek relief from Precision Castparts Corp. for the company's heavy metal particulate air pollution that has clouded their neighborhood and unreasonably interfered with their real property rights. The action is proceeding in discovery.

Southern California Gas Leak Cases, No. JCCP4861 (Los Angeles Cnty. Sup. Ct., Calif.)

This action concerns one of the worst human-caused environmental disasters in this nation's history. These consolidated cases stem from the massive blowout at a natural gas storage well at the Alison Canyon Natural Gas Storage Facility beginning in 2015. The blowout raged out of control for over 100 days, spewing huge volumes of natural gas, its constituents, and other toxic chemicals into the surrounding community. When the blowout was finally contained, the blowout had released a volume of methane gas that caused a 25% increase in all of California's greenhouse gas emissions in 2015. Residents were forced from their homes, and their homes and schools were contaminated with a soup of toxic chemicals and known carcinogens. Keller Rohrback attorneys Derek Loeser and Amy Williams-Derry represent injured homeowners in the action and serve on the Plaintiffs' Steering Committee for the Class Action Track for these consolidated cases.

GOVERNMENTS AND MUNICIPALITIES



ATTORNEYS

Lynn Lincoln Sarko
 Derek Loeser
 Laurie B. Ashton
 Gretchen Freeman Cappio
 Alison Chase
 Juli Farris
 Alison Gaffney
 Matthew Gerend
 Mark Griffin
 Dean N. Kawamoto
 Erika Keech
 David Ko
 Jeffrey Lewis
 Daniel Mensher
 Rachel Morowitz
 Matthew Preusch
 Erin Riley
 Karin Swope
 Amy Williams-Derry

Keller Rohrback has successfully represented government entities in a wide range of complex litigation. Whether fighting environmental contamination, combating antitrust activities, or recovering hundreds of millions of dollars from misleading investments, Keller Rohrback knows how to work effectively and collaboratively with and for government clients. Our unparalleled experience in consumer protection, antitrust and other areas of law—plus our hands-on, cooperative approach to litigation—have made our firm an effective partner for governments, sovereign nations and government-sponsored entities (GSEs).

REPRESENTATIVE CASES

JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2913 (N.D. Cal.)

Keller Rohrback has filed complaints on behalf of school districts and various counties in the United States alleging that Defendants have engaged in conduct which endangers or injures the health and safety of those communities by Defendants' production, promotion, distribution, and marketing of vapor products for use by minors in those communities. These cases have been centralized before Judge Orrick in the Northern District of California along with consumer class actions and individual injury actions alleging similar conduct. The Court has named Keller Rohrback partner Dean Kawamoto as co-lead counsel in the MDL.

In re National Prescription Opiate Litigation, MDL No. 2804 (N.D. Ohio)

Keller Rohrback Managing Partner Lynn Sarko serves on the Plaintiffs' Executive Committee in this multidistrict litigation, which includes governments throughout the nation that have been damaged by the current opioid crisis. Opioid manufacturers' and distributors' dubious marketing and aggressive sales of prescription opioids significantly contributed to the epidemic. Keller Rohrback represents over 70 governmental entities, including counties, cities, tribes, school districts, and third-party payors across the country. Some larger clients include King County in Washington, Maricopa County in Arizona, and City and County of Denver in Colorado.



GOVERNMENTS AND MUNICIPALITIES



REPRESENTATIVE CASES continued

State of Oregon v. Monsanto Company et al., No. 18CV00540 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback, and the State of Oregon filed suit against Monsanto seeking to hold the chemical giant responsible for the toxic contamination it created across the state. Monsanto, the sole manufacturer of Polychlorinated Biphenyls (commonly known as PCBs), hid the dangers of this widely used suite of chemicals. PCBs are found in river sediments and measured in the tissues of fish and wildlife throughout the state. Oregon's Attorney General, Ellen Rosenblum, appointed Keller Rohrback attorneys Amy Williams-Derry, Derek Loeser and Daniel Mensher, along with attorneys from law firm Stoll Berne, as Special Assistant Attorneys General to represent the state in this critical litigation.

The Republic of the Marshall Islands v. United States of America et al., No. 14-1885 (N.D. Cal.)

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons. We also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this ground-breaking work, Keller Rohrback and the RMI's former Foreign Minister, Tony deBrum, were nominated by the International Peace Bureau for the 2016 Nobel Peace Prize.

Federal Home Loan Bank Litigation

Keller Rohrback has represented several Federal Home Loan Banks ("FHLBs") in mortgage-backed securities litigation across the country against dozens of issuers, underwriters, and sponsors of these complex instruments. Representing these GSEs simultaneously in multiple state and federal courts has required us to approach coordinated, complex litigation by mastering the law of various jurisdictions and pressing similar claims, albeit under different governing law, in multiple fora at the same time. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of over \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

The Navajo Nation v. Urban Outfitters, Inc., et al., No. 12-00197 (D. N.M.)

Keller Rohrback represented the Navajo Nation against Urban Outfitters and its Anthropologie and Free People subsidiaries, alleging that these retailers infringed the Nation's trademarks by marketing inauthentic jewelry, handbags, flasks, and clothing using the NAVAJO mark. A settlement resolved the Nation's claims, and the parties agreed to enter a supply agreement that requires Urban Outfitters to purchase authentic goods from tribal artisans.



GOVERNMENTS AND MUNICIPALITIES



REPRESENTATIVE CASES continued

Daisy Mountain Fire District v. Microsoft Corp., MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in excess of \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

In re Liquid Aluminum Sulfate Antitrust Litigation, MDL No. 2687 (D. N.J.)

In early 2016, Keller Rohrback filed numerous class action complaints in the federal courts on behalf of several municipalities in the states of Washington, California and Arizona, including the cities of Tacoma, Everett, Spokane, Phoenix, Scottsdale, Mesa and Sacramento. These complaints assert claims against the major manufacturers of liquid aluminum sulfate ("LAS") who are alleged to have engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. The complaints allege a conspiracy going as far back as 1997 and through at least 2010. As a result of these antitrust violations, municipalities—and their taxpayers—have allegedly overpaid millions of dollars to the co-conspirators for the aluminum sulfate they purchased during the long life of this conspiracy. The complaints seek to recover the money the municipalities paid in excess of the competitive price for LAS, and to ensure that such companies do not abuse the public bidding process again for their own gains.

King County v. Lexington Insurance Co., Allied World Assurance Co., Inc., and CH2M Hill, No. 15-2-03541 (Wash. Super. Court)

Keller Rohrback represented King County, Washington, in a multi-million-dollar insurance coverage and bad faith lawsuit arising from a disaster at the County's Brightwater Wastewater Treatment Facility. Our litigation returned millions of dollars to the taxpayers and allowed the County to upgrade its treatment facility to prevent future malfunctions.

Village of Rockton, Illinois vs. Sonoco Products Company, Case No. 14-50228 (N.D. Ill.)

Keller Rohrback represented the Village of Rockton in its efforts to make Sonoco Products Company, a paper and plastics manufacturing company, clean up the toxic mess it left when it abandoned its facility in the heart of the Village. Although the Illinois Environmental Protection Agency concluded that the levels of contamination at the site far exceeded state and federal laws and were threatening to spread to other sites in town and pollute the river, Sonoco refused to take any action. That changed, however, when Keller Rohrback began working on the case.

Using the experience and skills of the attorneys at KR, the Village took matters into its own hands and commenced legal action against Sonoco to protect the health and well-being of its dynamic community. As a result of Keller Rohrback's intervention, Sonoco has cleaned up the site and left the Village of Rockton a now safer and better place. Our firm is committed to making communities like Rockton clean and healthy places to live and visit.



INTERNATIONAL LAW

ATTORNEYS

Lynn Lincoln Sarko
Laurie Ashton
Alison Chase
Juli Farris
Gary A. Gotto

Keller Rohrback has experience in international forums. Keller Rohrback clients included sovereign nations, state and local governments, sovereign Native American tribes, and quasi-governmental agencies where international agreements or other tort or statutory claims are at issue.

Keller Rohrback has been honored to represent sovereigns in litigation and arbitration matters involving governmental and business entities. The firm's attorneys have argued cases in the International Court of Justice and pursued a breach of treaty claim on behalf of a sovereign nation. Keller Rohrback is also investigating environmental contamination claims on behalf of a sovereign nation.

Keller Rohrback attorneys have also represented clients in international arbitration proceedings, including International Centre for Dispute Resolution and International Chamber of Commerce arbitrations, as well as ad hoc arbitrations conducted under the United Nations Commission on International Trade Law Arbitration Rules. Domestically, these international arbitrations have given rise to related litigation in U.S. courts, including confirmation and enforcement proceedings under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

In addition, Keller Rohrback attorneys have represented private clients with international interests in civil litigation in U.S.



courts, including state and federal courts in California, New York, Illinois, and Texas. Keller Rohrback attorneys have litigated trademark claims on foreign-registered trademarks in several western European countries and have also succeeded in obtaining rulings to conduct depositions and other discovery in Russia for litigation matters pending in the U.S. federal courts. The firm has also represented claimants in insolvency proceedings in Canada, proceeding under the Companies' Creditors Arrangement Act.

Keller Rohrback is a member firm of several international organizations: the Global Justice Network, a consortium of international counsel working together and across borders for the benefit of victims; the International Financial Litigation Network of attorneys, who handle cross-border litigation in the finance arena; and the Sovereign Wealth Fund Institute, a global organization of asset managers and service providers.

REPRESENTATIVE CASES

The Republic of the Marshall Islands v. United States of America et al., No. 14-1885 (N.D. Cal.)

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons and also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this groundbreaking work, Keller Rohrback was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize as part of the international legal team, together with the RMI's former Foreign Minister, Tony deBrum.

SECURITIES AND FINANCIAL FRAUD



ATTORNEYS

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 Jerald Bien-Willner
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 Eric Fierro
 Matthew Gerend
 Gary A. Gotto
 Benjamin Gould
 Mark Griffin
 Dean N. Kawamoto
 Ron Kilgard
 David Ko
 Elizabeth A. Leland
 Ryan McDevitt
 Gretchen Obrist
 David S. Preminger
 Erin Riley
 Karin B. Swope
 Havila C. Unrein
 Amy Williams-Derry
 Michael Woerner

Keller Rohrback enjoys a national reputation for excellence in prosecuting securities and financial fraud matters. We represent a variety of investors ranging from classes of individuals to large institutions. Many of our cases reflect recent financial scandals: we are pursuing claims against a group of international banks for rigging LIBOR; we represent investors in connection with their purchases of billions of dollars of mortgage-backed securities; and we pursued claims on behalf of employee benefit plans in connection with the Madoff Ponzi scheme. While our experience is diverse, our approach is simple and straightforward: we master the factual and legal bases for our claims with a focus on providing clear and concise explanations of the financial fraud and why our clients are entitled to recover.

REPRESENTATIVE CASES

Federal Home Loan Bank Litigation

Keller Rohrback has played a prominent role in large securities fraud and other investment cases litigated across the country involving mortgage-backed securities. Keller Rohrback has been retained by several Federal Home Loan Banks (FHLBs) to pursue securities and common law claims against dozens of issuers, underwriters, and sponsors of mortgage-backed securities. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

In re the Bank of New York Mellon (as Trustee), No. 651786/2011 (N.Y. Sup. Ct.)

Keller Rohrback was a member of the three-firm steering committee addressing significant mortgage repurchase issues that impacted institutional investors. Keller Rohrback represented certificate holders who intervened in a proposed \$8.5 billion settlement initiated by Bank of New York Mellon, as Trustee of 530 Countrywide mortgage-backed securities trusts. Our firm played a lead role in discovery and the eight-week bench trial in New York contesting the fairness of the settlement. The objection we pursued and tried was the only objection the trial court sustained.

In re LIBOR-Based Financial Instruments Antitrust Litig., No. 11-2262 (S.D.N.Y.)

Keller Rohrback represents institutional funds pursuing antitrust claims based on the manipulation of the London Interbank Offered Rate (LIBOR) by the international panel of banks entrusted to set that rate. Multiple government investigations have revealed that certain panel banks manipulated LIBOR to mislead the markets and investors about the state of their financial health. The case is in discovery.

Diebold v. Northern Trust Investments, N.A., No. 09-1934 (N.D. Ill.)

Keller Rohrback was Class Counsel in this class action litigation against Northern Trust alleging that Northern Trust imprudently structured and managed its securities lending program by improperly investing cash collateral in long term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets. On August 7, 2015, Judge Susan E. Cox approved the allocation plan for a \$36 million settlement.

SECURITIES AND FINANCIAL FRAUD



REPRESENTATIVE CASES continued

Louisiana Firefighters' Retirement System v. Northern Trust Investments, N.A., No. 09-7203 (N.D. Ill.)

Keller Rohrback is Co-Lead Counsel in this securities lending litigation, a class action brought on behalf of four public retirement systems alleging that Northern Trust breached its fiduciary and contractual duties to investors when it imprudently structured and managed its securities lending program by improperly investing cash collateral in long-term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets, rather than conservative, liquid investments. Plaintiffs allege that Northern Trust's imprudent management of the collateral pools caused Plaintiffs and other investors to suffer hundreds of millions of dollars in losses. On May 6, 2011, the Honorable Robert W. Gettleman denied in significant part Defendants' motion to dismiss. Plaintiffs also successfully defeated Defendants' third party complaint. The Court thereafter approved a partial settlement of \$24 million in cash, plus interest earned thereon, which represents settlement of the indirect lending claims of settlement class members.

In re Bank of New York Mellon Corp. Forex Transactions Litigation, No. 12-2335 (S.D.N.Y.)

Keller Rohrback served as Lead ERISA Counsel in this class action against the Bank of New York Mellon arising from its undisclosed charges for Standing Instruction Foreign Currency ("SI FX") transactions. Plaintiffs allege that from January 12, 1999 to the present, Bank of New York Mellon breached its fiduciary duties by failing to prudently and loyally manage the Plan's foreign currency transactions in the best interests of the participants, failing to disclose fully the details of the relevant SI FX transactions it was undertaking on behalf of the Plans, and engaging in prohibited transactions. In March 2015, a global resolution of the private and governmental enforcement actions was announced in which \$504 million will be paid back to BNY Mellon customers—\$335 million of which is directly attributable to funds received in the class litigation.

Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Management LLC, No. 09-8278 (S.D.N.Y.)

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

In re IKON Office Solutions, Inc. Securities Litigation, MDL No. 1318 (E.D. Pa.)

Keller Rohrback served as Co-Lead Counsel representing the City of Philadelphia and eight other lead Plaintiffs in this certified class action alleging securities fraud. Class counsel achieved the highest securities fraud settlement at that time in the Eastern District of Pennsylvania by settling with Defendant IKON Office Solutions, Inc. for \$111 million. The settlement was listed as one of the "largest settlements in class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995" by *USA Today*.

In re Apple Computer, Inc. Derivative Litigation, No. 06-4128 (N.D. Cal.)

Keller Rohrback served on the Management Committee in this federal derivative shareholder action against nominal Defendant Apple Computer, Inc. and current and former directors and officers of Apple. Plaintiffs pursued breach of fiduciary duty, unjust enrichment, and gross mismanagement claims arising from backdated stock options granted between 1993 and 2001, which diverted millions of dollars of corporate assets to Apple executives. We achieved a settlement that awarded \$14 million—one of the largest cash recoveries in a stock backdating case—and that required Apple to adopt a series of unique and industry-leading corporate enhancements.

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



LYNN LINCOLN SARKO

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
lsarko@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Constitutional Law
- Commodities & Futures Contracts
- Consumer Protection
- Data Breach
- Employment Law
- Environmental Litigation
- Employee Benefits & Retirement Security
- Financial Products & Services
- Government & Municipalities
- Institutional Investors
- Intellectual Property
- International Law
- Mass Personal Injury
- Securities & Financial Fraud
- Whistleblower

Managing Partner Lynn Sarko uses thoughtful innovation to solve complex issues. Having led Keller Rohrback L.L.P.'s Complex Litigation Group since its inception over 30 years ago, Lynn's work has led to new developments in case law and significant, impactful settlements for his clients.

A dynamic leader with a tenacious dedication to justice, Lynn has been selected by courts across the nation to serve in key leadership roles in a wide variety of cutting-edge cases. Namely, he was appointed Co-Lead counsel for *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litigation*, MDL No. 2785 (D. Kan.), the nationwide class action against pharmaceutical company Mylan and others for anticompetitive and unfair business practices in its sale and marketing of the EpiPen Auto-Injector device. He was also selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the vast litigation regarding the nationwide prescription opioid epidemic, *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The National Law Journal referred to this leadership team as a "Who's Who' in mass torts."

Some of Lynn's other remarkable successes include consumer protection cases aimed at holding automotive companies accountable for wrongdoing. One such case was *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (N.D. Cal.), for which Lynn was appointed to the Plaintiffs' Steering Committee—a group referred to as a "class action dream team." The case settled for over \$17 billion. Lynn was also appointed to the Plaintiffs' Steering Committee for *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777 (N.D. Cal.), which settled for \$307.5 million, including required emissions modifications for 100,000 eligible vehicles. In addition to consumer protection cases, Lynn has also served in leadership positions for cases involving financial fraud and breaches of fiduciary duty. He was selected to lead teams of attorneys representing plaintiffs in the litigations against Enron, Worldcom, and Madoff—three of the biggest financial frauds of our time.

Lynn is widely renowned within the legal community and beyond for his diplomacy and fearless devotion to justice. He was a member of the legal team nominated for the 2016 Nobel Peace Prize for seeking enforcement of the Nuclear Non-Proliferation Treaty on behalf of the Republic of the Marshall Islands. He was also honored to receive the Trial Lawyers for Public Justice Trial Lawyer of the Year Award for his work on the Exxon Valdez Oil Spill trial team, and he was one of four Washington lawyers recognized as one of the 500 "Leading Lawyers in America" by Lawdragon. He is also AV-rated by Martindale-Hubbell and has been consecutively named to the Washington Super Lawyers list for 17 years.

Lynn holds a BBA and an MBA in accounting and finance from the University of Wisconsin, where he also served as an accounting instructor. He graduated with his J.D. from the University of Wisconsin Law school, where he was Editor-

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

in-Chief of the Wisconsin Law Review and received the faculty award given to the most outstanding member of the graduating class.

Prior to joining Keller Rohrback, Lynn was an Assistant United States Attorney for the District of Columbia, Criminal Division, an associate at the Washington D.C office of Arnold & Porter, and law clerk to the Honorable Jerome Farris, United States Court of Appeals for the Ninth Circuit, in Seattle.

EDUCATION

University of Wisconsin

B.B.A., 1977

University of Wisconsin

M.B.A., 1978, *Beta Alpha Psi*

University of Wisconsin

J.D., 1981, *Order of the Coif*; Editor-in-Chief, *Wisconsin Law Review*; Salmon Dalberg Award (outstanding graduate)

BAR & COURT ADMISSIONS

1981, Wisconsin

1981, U.S. Court of Appeals for the Ninth Circuit

1983, District of Columbia Court of Appeals

1984, District of Columbia

1984, United States Supreme Court

1984, U.S. Court of Appeals for the Seventh Circuit

1984, U.S. Court of Appeals for the Fourth Circuit

1984, U.S. Court of Appeals for the Tenth Circuit

1984, U.S. Tax Court

1986, Washington

1986, U.S. District Court for the Western District of Washington

1988, U.S. District Court for the Eastern District of Wisconsin

1989, U.S. District Court for the Eastern District of Washington

1996, U.S. District Court for the Western District of Wisconsin

1997, U.S. District Court for the District of Colorado

2001, U.S. Court of Appeals for the Third Circuit

2002, U.S. District Court for the Eastern District of Michigan

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

2004, U.S. District Court for the Northern District of Illinois

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Sixth Circuit

2010, U.S. District Court for North Dakota

2013, U.S. Court of Appeals for the Second Circuit

2016, U.S. District Court for the Central District of Illinois

2016, U.S. District Court for the Southern District of Illinois

2018, U.S. Court of Appeals for the First Circuit

2019, Arizona

HONORS & AWARDS

Selected to Super Lawyers list in *Washington Super Lawyers*, 2003-2019

National Trial Lawyers: Top 100 Civil Plaintiff Trial Lawyers in Washington

Lawdragon, 500 Leading Lawyers in America, 2018

Fellow of the American Bar Foundation

Avvo Top Tax Lawyer, Washington CEO Magazine

Trial Lawyer of the Year, Trial Lawyers for Public Justice

Salmon Dalberg Award

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PROFESSIONAL & CIVIC INVOLVEMENT

American Bar Association, *Member*

Bar Association of The District of Columbia, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

State Bar of Wisconsin, *Member*

Trial Lawyers for Public Justice, *Member*

Washington State Bar Association, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

The Association of Trial Lawyers of America, *Member*

American Academy of Trial Counsel, *Fellow*

Editorial Board, *Washington State Securities Law Deskbook*

Fellow, American Bar Foundation

Human Rights Watch Committee

Washington Athletic Club, *Member*

SELECTED PUBLICATIONS

Thomson/West Webinar, "Stock Drop and Roll: Key Supreme Court Rulings and New Standards in ERISA 'Stock Drop' Cases," July 24, 2014

14th Annual Pension Law, Governance and Solvency Conference, 2013

Canadian Institute's 14th Annual Advanced Forum on Pension Law, Governance and Solvency, 2013

ERISA Litigation & Regulatory Compliance Congress, 2013

American Conference Institute's 6th National Forum on ERISA Litigation, 2013

25th Annual ERISA Litigation Conference, 2012

American Conference Institute's 5th National Forum on ERISA Litigation, 2012

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LAURIE ASHTON

CONTACT INFO

3101 N Central Avenue, Ste. 1400

Phoenix, AZ 85012

(602) 248-0088

lashton@kellerrohrback.com

PRACTICE EMPHASIS

- Business Reorganizations
- Class Action & Consumer Litigation
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- International Law

EDUCATION

University of California, San Diego

B.A., 1987, Economics

Arizona State University College of Law

J.D., 1990, Order of the Coif; Member, *Arizona State Law Journal*, 1988-1990; Note and Comment Editor, *Arizona State Law Journal*, 1989-1990; Student Instructor, Legal Research and Writing, 1989-1990.

Laurie Ashton is Of Counsel to Keller Rohrback. Prior to becoming Of Counsel, she was a partner in the Arizona affiliate of Keller Rohrback. Early in her career, as an Adjunct Professor, she taught semester courses in Lawyering Theory and Practice and Advanced Business Reorganizations. She also served as a law clerk for the Honorable Charles G. Case, U.S. Bankruptcy Court, for the District of Arizona for two years.

An important part of Laurie's international work involves the domestic and international legal implications of treaty obligations and breaches. She is a member of the international legal team that represented the Marshall Islands at the International Court of Justice in The Hague. For its work, the team was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize, along with the former Foreign Minister, Tony deBrum. Laurie is also part of the team representing parties severely impacted by the Trump administration's Muslim travel ban and policies related to it, in litigation against President Trump, various members of his Cabinet, and various Departments of the United States Government. The case currently concerns the United States' failure to reunite refugee families as legally required.

In complex litigation, Laurie was the lead attorney for Keller Rohrback in a series of successful groundwater contamination suits brought in 1996 against multiple international defendants concerning chemical releases spanning over 60 years. She was also the lead attorney for Keller Rohrback in an ERISA class action suit on behalf of over 21,000 employees who lost a material percentage of their retirement assets at the hands of corporate fiduciaries—a case that was, at its time, amongst the largest of its kind. Laurie has led or been a member of the team leading numerous high-profile business reorganizations, including a case in which the Court confirmed a reorganization plan over the objection of the international life insurance company's feasibility expert, based on Laurie's cross examination.

Laurie served on the Ethics Committee of the State Bar of Arizona for six years. She was the coauthor of a textbook on limited liability companies and partnerships, published by West, and she is AV Preeminent rated by Martindale.

Laurie is frequently interviewed and has been cited by Reuters, Newsweek, Fox News, Huffington Post, Slate Magazine, Radio New Zealand, Radio Australia, and others. She currently serves as a Director of the Santa Barbara City College Foundation, a member of the Human Rights Watch Council in Santa Barbara, and as an Advisor of the Global Justice Center in New York, which advances human rights pursuant to various international laws, including the Geneva and Genocide Conventions, as well as customary international law.

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BAR & COURT ADMISSIONS

1990, Arizona
1999, Colorado
2007, Washington, D.C.
2013, Eastern District of Michigan
2014, U.S. Court of Appeals for the Sixth Circuit
2015, U.S. Court of Appeals for the Ninth Circuit
2016, U.S. Court of Appeals for the Tenth Circuit
2016, U.S. Supreme Court
International Court of Justice

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member*
Colorado Bar Association, *Member*
Washington, D.C. Bar Association, *Member*
Adjunct Professor of Law, *Advanced Chapter 11*, Arizona State University, 1996
Adjunct Professor of Law, *Lawyering Theory & Practice*, Arizona State University, 1997
Committee on the Rules of Professional Conduct ("Ethics Committee"), State Bar of Arizona, *Member*, 1997-2003
Court Appointed Special Advocate, King County, 2007-2009
Global Justice Center, New York, *Advisor*
Human Rights Watch Committee, Santa Barbara, *Member*
Santa Barbara City College Foundation, *Director*

PUBLICATIONS & PRESENTATIONS

Author, Case Note, *Arizona Mortgage and Deed of Trust Anti-Deficiency Statutes: The Underlying Obligation on a Note Secured By Residential Real Property After Baker v. Gardner*, 21 Ariz. St. L.J. 465, 470 (1989).
Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2004).
Guest Lecturer, Harvard Law School, 1997, 1999, 2001-2002.
Guest Lecturer, Stanford Law School, 2003.
Speaker, United Nations 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; Panel, *Marshall Islands Nuclear Zero Lawsuits*
Speaker, Humanity House, The Hague, "*Legal Obligations for Nuclear Disarmament*," March 2016.
Speaker, Bertha Von-Suttner Master Class, The Peace Palace, The Hague, "*Forward Into Light, The Barbarization of the Sky*."

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LAW OFFICES ♦ L. L. P.



IAN BIRK

CONTACT INFO

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Seattle, WA 98101
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PRACTICE EMPHASIS

- Appeals
- Class Action & Consumer Litigation
- Employment Law
- Employment Litigation
- ERISA
- Insurance Bad Faith & Policyholder Rights
- Insurance Litigation
- Medical Malpractice Litigation
- Personal Injury Litigation
- Personal Injury & Wrongful Death

EDUCATION

University of Washington

B.A., *summa cum laude*, 1997

University of Washington School of Law

J.D., 2001

Ian Stephen Birk practices in Keller Rohrback L.L.P.'s section for plaintiff tort litigation. Mr. Birk's practice emphasizes representation of policyholders and other insureds in a broad range of disputes with insurance carriers. He has experience in both first- and third-party coverages as well as insurance claim handling practices and regularly consults with other lawyers on insurance issues. Mr. Birk has represented people who have lost their home; lost their business; been diagnosed with debilitating diseases; or been the victim of physical injury.

In addition, Mr. Birk has represented individual and organizational clients in litigation and at trial in cases ranging from commercial disputes to automobile accidents to securities fraud. He has represented clients with severe brain injuries and clients who were defrauded of millions.

Mr. Birk serves as a volunteer attorney with the King County Bar Association Neighborhood Legal Clinic. He has served as Newsletter Editor of the American Association for Justice Insurance Section, Associate Editor for insurance law for the Trial News, the monthly publication of the Washington Association for Justice. He has been recognized by The National Trial Lawyers as one of the Top 40 Under 40 in Washington and has received a 10.0/superb rating from Avvo.com. Before entering private practice, Mr. Birk clerked at the Washington Supreme Court.

HONORS & AWARDS

Selected to the Top 40 Under 40 in Washington by The National Trial Lawyers, 2012

Selected to Rising Stars list in *Washington Super Lawyers*, 2005–2006, 2008–2019

Selected to Super Lawyers list in *Washington Super Lawyers*, 2016–2019

Selected to Top 100 in *Washington Super Lawyers*, 2019

BAR & COURT ADMISSIONS

2001, Washington

2005, U.S. Supreme Court

2005, U.S. Court of Appeals for the Ninth Circuit

2005, U.S. District Court for the Western District of Washington

2005, U.S. District Court for the Eastern District of Washington

2011, U.S. District Court for the Southern District of New York

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PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Tacoma-Pierce County Bar Association, *Past Member*

American Constitution Society, Puget Sound Chapter, *Past Co-Chair*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Associate Editor for insurance law, *Trial News*

Volunteer Attorney, King County Bar Association
Neighborhood Legal Clinics

PUBLICATIONS & PRESENTATIONS

Ian Birk, "‘Made-Whole’ Rule Comes to Health Insurance," *Trial News*, vol. 55, n.3, Washington State Association for Justice (November 2019).

WSAJ's 37th Annual Insurance Seminar, Class Actions in Insurance Cases and anti-SLAPP Update, Sea-Tac & Spokane, Washington, January 23 & 30, 2015.

The *Cedell* Presumption: Discovery of the Insurer's Claim File in Insurance Bad Faith Litigation in Washington, 49 *Gonz. L. Rev.* 503 (2014).

Washington Civil Procedure Deskbook, Chapter 19 (3d. ed. 2014).

Tacoma-Pierce County Bar Association, Tort Law Update, UIM Bad Faith Claims, Fircrest, Washington, October 17, 2014.

The Right of an Additional Insured to a Copy of the Insurance Policy, *Trial News*, vol. 48, n. 9, Washington State Association for Justice (May 2013), page 1.

WSAJ's 35th Annual Insurance Seminar, Co-Chair, Spokane & Tacoma, Washington, January 24 & 25, 2013.

WSAJ's 34th Annual Insurance Seminar, Reasonableness Hearings under RCW 4.22.060 and the Right to Jury Trial, Spokane & Tacoma, Washington, 2012.

Ian S. Birk, "Supreme Court accepts review in stipulated judgment case," *Trial News*, vol. 47, n. 3, Washington State Association for Justice (November 2011).

WSAJ's 1st Annual Winter Conference, Using Consumer

Laws to Better Represent Your Injured Clients, Seattle, Washington, 2010.

Ian S. Birk and Lorraine Lewis Phillips, "Should Juries Be Informed of the Consequences of Their Apportionment Decisions?" *Litigation News*, Litigation Section of the Washington State Bar Association, vol. 21, n. 2 (Fall 2009).

Ian S. Birk, Review: "The Trial of the Templars looks at the use of torture in legal proceedings." *Trial News*, Washington State Trial Lawyers Association, vol. 43, n. 1 (September 2007).

Ian S. Birk, Review: "All Deliberate Speed: Carrying the Mandate of *Brown v. Board of Education* into the Future." *Trial News*, Washington State Trial Lawyers Association, vol. 40, n. 11 (July/August 2005).

Paul Chemnick and Ian S. Birk, "Defeating Allegations of Contributory Fault in Medical Negligence Cases," *Trial News*, vol. 39, n. 11, Washington State Trial Lawyers Association (July/August 2004).

KELLER ROHRBACK

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GRETCHEN FREEMAN CAPPIO

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PRACTICE EMPHASIS

- Consumer Protection
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Governments & Municipalities
- Financial Products & Services
- Mass Personal Injury
- Whistleblower

EDUCATION

Dartmouth College

B.A., *magna cum laude*, 1995,
Religion, Environmental Studies
Certificate, Phi Beta Kappa

University of Washington School of Law

J.D., 1999, Executive Comments
Editor, Pacific Rim Law & Policy
Journal, 1998-1999

Gretchen Freeman Cappio has a track record of success in multidistrict litigation. Gretchen's passion for striving for meaningful change through the class action device is rooted in her experience representing the plaintiff class in *Erickson v. Bartell Drug Co.*, 141 F. Supp. 2d 1266 (W.D. Wash. 2001). Remarkable for its time, *Erickson* established that an employer violated Title VII of the Civil Rights Act when its otherwise comprehensive insurance coverage plan failed to cover certain prescriptions vital to women.

Gretchen has gone on to play a key role on the leadership team representing consumers in the multi-billion dollar litigation *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, & Prod. Liab. Litig.*, MDL 2672 (N.D. Cal.). She has been involved in negotiations, drafted key settlement documents, and supervised notice in the 2.0-liter, 3.0-liter, and Bosch settlements. Gretchen presented the 3.0-liter notice plan at the preliminary approval hearing.

Gretchen is also a member of the Plaintiffs' settlement team in another impactful diesel emissions MDL, *In re Chrysler-Dodge-Jeep EcoDiesel Mktg., Sales Practices, & Prod. Liab. Litig.*, MDL 2777 (N.D. Cal.). Lead counsel asked her to coordinate key briefing assignments, expert work, and arguments. She was also recently appointed to the plaintiffs' steering committees for a transmission-related case against General Motors and a defective airbag sensor case against ZF-TRW, FCA US, Kia, and Hyundai.

Keller Rohrback is honored to be the sole firm appointed to represent the class in *Jabbari v. Wells Fargo & Company*, No. 15-2159 (N.D. Cal.). Gretchen helps lead the Keller Rohrback team that filed the first class action lawsuit against Wells Fargo alleging the bank signed its consumers up for products without their authorization. From filing the complaint to settling it for \$142 million, Gretchen has played an integral role at every stage of litigation. Through innovative work with renowned economists, the settlement achieves first-of-its kind credit injury damages, which are tailored to each eligible class member's injury. Final approval of the settlement was granted on June 14, 2018.

From its inception, Gretchen played a key role in guiding the litigation regarding EpiPen pricing, *In re: EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices, & Antitrust Litig.*, MDL 2785 (D. Kan.). Keller Rohrback's managing partner, Lynn Sarko, is co-lead of the litigation. He and his co-lead counsel have tasked Gretchen with drafting dispositive briefing and coordinating offensive and defensive discovery.

When a paper products company vacated a Midwestern town and left an environmental disaster in its wake, Gretchen represented the community. The mayor praised Gretchen and her team's work, stating, "You were knowledgeable, responsive and genuinely cared about the Village's case." Gretchen applies these same attributes as a leading member of the Keller

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Rohrback team that has subsequently been hired by numerous counties to represent them in the national Opioid litigation, *In re: National Prescription Opiate Litig.*, MDL 2804 (N.D. Ohio). Keller Rohrback's team is designing a damages model that seeks to address one of the most urgent human-made epidemics in our country's history.

When parents discovered their children's toys were contaminated by lead paint, they hired Gretchen to bring the case that became *In re Mattel, Inc.*, MDL 1897 (C.D. Cal.). In addition to briefing core legal issues, Gretchen worked with lead poisoning experts for litigation and settlement purposes.

Gretchen's work on dispositive briefing and arguments in the co-lead counsel team against a major national bank led to the settlement of *In re JPMorgan Chase Mortg. Modification Litig.*, MDL 2290 (D. Mass.), resulting in improved home mortgage modification processes. A former Treasury Department official estimated the value of the settlement to exceed \$500 million.

Sony Pictures employees turned to Gretchen and her colleagues when their sensitive data was stolen as part of a massive cyberattack. Gretchen worked with data security experts to help fashion important injunctive and monetary relief. *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.).

With a reputation for effective collaboration and leadership, Gretchen takes on impactful litigation and delivers meaningful results.

BAR & COURT ADMISSIONS

1999, Washington

2000, U.S. District Court for the Western District of Washington

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Ninth Circuit

2009, U.S. Supreme Court

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Sixth Circuit

2015, U.S. District Court for the Eastern District of Michigan

PROFESSIONAL & CIVIC INVOLVEMENT

Institute for Complex Litigation and Mass Claims at Emory University School of Law

Emerging Leaders Board of Advisors, *Inaugural Member*

Class Action Roundtable, *Reporter*

Global Justice Center, *Board Member*

The Global Justice Center works worldwide and domestically with women's rights advocates, grassroots groups, and policymakers to prevent and respond to gender-based violence.

The William L. Dwyer American Inn of Court, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Washington Women Lawyers, *Member*

Washington State Trial Lawyer's Association, *Member*

American Association for Justice, *Member*

The National Trial Lawyers, *Member*

Mother Attorney Mentoring Association (MAMAS), *Member*;
Founding Board Member, 2006-2008

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2002, 2009-2012

PUBLICATIONS & PRESENTATIONS

Guest Lecturer, Stanford Law School, "From Takeoff to Landing: Litigating the MDL," February 14, 2020.

Guest Lecturer, Stanford Law School, Multidistrict Litigation, February 22, 2019.

Presenter, ABA Section of Litigation, Discovery and Ethical "Rules of the Road" for Working with Expert Witnesses, July 19, 2018.

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PUBLICATIONS & PRESENTATIONS (CONT.)

Presenter, Bristol Myers Squibb Panel, UC-Irvine, UC-Berkeley, & Emory University Schools of Law First Joint Coordination Conference at Berkeley, June 5, 2018.

Law Seminars International Presents: The 14th Annual Conference On Litigating Class Actions, May 10-11, 2018.

Presenter, Consumer Protection and the Opioid Crisis.

Presenter, Corporate Fraud Against Consumers.

Presenter, Settlement Strategies for Class Actions and Multidistrict Litigation.

Presenter, HarrisMartin's Plaintiff Opioid MDL Conference, "Causation and Science," January 8, 2018.

Presenter, HarrisMartin MDL Conference, "Opioid, Equifax & Talcum Powder, Equifax Data Breach: What Happened? Who Was Impacted? What Are the Damages?," November 29, 2017.

Presenter, National Consumer Law Center, "Effectively Persuading Your Judge," NCLC Consumer Class Action Symposium, November 18, 2017.

Presenter, Practising Law Institute 22nd Annual Consumer Financial Services Institute, 2017.

Panelist, Law Seminars International – 13th Annual Conference on Litigating, "Settlement Strategies for Class Actions and Multidistrict Litigation," April 28, 2017.

Panelist, EmoryLaw NextGen Conference and EmoryLaw Fed. Judicial Ctr. and JPML Program, December 14-16, 2016.

Panelist, HarrisMartin's MDL Conference, "Settlements in Mass Tort and Class Action Litigation," July 27, 2016.

Panelist, American Association for Justice webinar, "Dissecting the U.S. Supreme Court Decision in Spokeo," Inc. v. Robins, May 26, 2016.

Panelist, Law Seminars International, "VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions," May 6, 2016.

Presenter, PLI Consumer Financial Services Institute 2016, "Data Security & Privacy Issues," May 12, 2016.

Panelist, HarrisMartin Pharmaceutical and Environmental Mass Tort Litigation, Class Action and Data Breach Litigation, March 30, 2016.

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 8, 2016.

Panelist, HarrisMartin MDL Conference Volkswagen and Pharmaceutical Update: RICO and Additional Defendants, December 2, 2015.

Panelist, Bridgeport Volkswagen Class Action & MDL Seminar – Diesel Emissions Scandal, November 23, 2015.

Panelist, HarrisMartin Volkswagen Diesel Emissions Litigation Conference: RICO and Additional Defendants, October 27, 2015.

Panelist, Law Seminars International, The Eleventh Annual Comprehensive Conference on Class Actions, "Data Breaches: Cases at the Intersection of Class Actions and Internet Technology," June 4, 2015.

Panelist, ABA Section of Dispute Resolution Meeting 17th Annual Spring Conference, "Solutions in Seattle: A View From the Trenches: What's Working and What's Not Working with Mediators," April 16, 2015.

Presenter, HarrisMartin Data Breach Litigation Conference, "Coming of Age: The Differences between Employee and Consumer Cases," March 25, 2015.

Presenter, Practising Law Institute, Managing Complex Litigation 2014: Class Actions; Mass Torts & MDL, October 21, 2014.

Presenter, Class Action Conference, "Recent Settlement Trends in Class Actions and Multidistrict Litigation: A Detailed Look at the Process for Settling and Administering Settlements," June 13, 2014.

Presenter, Harris Martin's MDL Conference, "Target Data Security Breach Litigation: Recent Development, Issues in Data Breach Litigation," March 26, 2014.

Presenter, Law Seminars International, Class Actions and Other Aggregate Litigation Seminar: Post-Certification Motion Issues in Class Actions, May 14, 2013.

Panelist, Chartis Security & Privacy Seminar, October 20, 2011.

Presenter, 20th Annual American Bar Association Tort Trial and Insurance Practice Section Spring CLE Meeting, "Toxic Torts: Toxins In Everyday Products," April 1, 2011.

Gretchen Freeman Cappio, Erosion of Indigenous Right to Negotiate in Australia, 7 Pac. Rim L. & Pol'y J. 405 (1998).

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



ALISON CHASE

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Santa Barbara, CA 93101
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achase@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Environmental Litigation
- International Law
- Securities

EDUCATION

Emory University

B.A., *magna cum laude*, 2000,
Political Science and Philosophy,
Phi Beta Kappa

Yale Law School

J.D., 2003; Editor, *Yale Law Journal*,
Articles Editor, *Yale Journal of
International Law*

Alison Chase is a committed legal advocate. Alison practices in Keller Rohrback's nationally recognized Complex Litigation Group. Her broad litigation experience encompasses complex commercial litigation, consumer protection, and international commercial arbitration and litigation. Alison's diverse experience and interests enable her to advise and guide clients through a wide variety of complex litigation.

Alison is currently part of the litigation teams representing consumers affected by EpiPen price gouging and residents of the Porter Ranch community affected by the largest gas leak in U.S. history. She has a deep background in financial litigation and white-collar work, having represented several of the Federal Home Loan Banks in mortgage-backed securities litigation. Alison also maintains an active practice in the fields of appellate and international law, representing a class of sitting judges as well as the Republic of the Marshall Islands.

Prior to joining the firm, Alison practiced with Irell & Manella in Los Angeles and O'Melveny & Myers in San Francisco. She also served as a clerk to the Honorable J. Clifford Wallace of the U.S. Court of Appeals, Ninth Circuit and the Honorable Valerie Baker Fairbank, U.S. District Judge for the Central District of California.

At home, Alison stays busy keeping up with her toddler and her rescue dog.

BAR & COURT ADMISSIONS

2003, California
2004, United States District Court for the Eastern District of California
2007, United States District Court for the Central District of California
2010, Ninth Circuit Court of Appeals
2011, Arizona
2014, United States District Court for the Northern District of California
2016, United States District Court for the Southern District of California

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of California, *Member*
State Bar of Arizona, *Member*
Santa Barbara Lawyers Association, *Member*
Santa Barbara Women's Lawyers Association, *Member*
California Women's Lawyers Association, *Member*

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AWARDS & HONORS

Finalist, Morris Tyler Moot Court

Recipient, Gherini Prize for Outstanding Paper in
International Law

PUBLICATIONS & PRESENTATIONS

Alison Chase, *The Politics of Lending and Reform: The
International Monetary Fund and the Nation of Egypt*, Stanford
Journal of International Law, Vol. 93 (2006).

Alison Chase, *Legal Mechanisms of the International
Community and the United States Concerning the State
Sponsorship of Terrorism*, Virginia Journal of International
Law, Vol. 41 (2004).

Alison Chase, *Book Review: The Invention of Peace*, Yale
Journal of International Law, Vol. 27 (2002).

KELLER ROHRBACK

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T. DAVID COPLEY

CONTACT INFO

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dcopley@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions & Collective Actions
- Consumer Protection
- Employee Benefits & Retirement Security
- Employment Law
- Breach of Trust

EDUCATION

University of Iowa

B.A., with Honors and Distinction,
1981, Political Science and English,
Phi Beta Kappa, Pi Sigma Alpha

Northwestern University School of Law

J.D., 1984, Coordinating Executive
Editor, *Northwestern University Law
Review*

David Copley brings creative solutions to complicated problems. He is a member of Keller Rohrback's nationally recognized Complex Litigation Group, where his practice is focused on class action and other complex litigation. David is a skilled advocate, with extensive experience in pretrial proceedings, jury trials, bench trials, arbitrations, and appeals. David's experience and passion bring value to collaborations with his talented Keller Rohrback co-workers and with co-counsel across the Country.

Recent significant representations include: cases against major financial institutions regarding improper fees for foreign currency exchange; ERISA violations arising from conversion of privately-held corporation to ESOP ownership; ERISA violations arising from violation of plan prohibition on reduction of certain benefits; wage and hour class action involving misclassification of financial services workers; wage and hour collective action involving misclassification of certain store managers; and representing a large institutional investor that suffered losses from misrepresentations involving mortgage-backed securities.

David is also committed to community service. He is active in local charities fighting hunger and homelessness.

BAR & COURT ADMISSIONS

1985, Arizona
1985, U.S. District Court for the District of Arizona
1986, U.S. District Court for the Northern District of California
1986, U.S. Court of Appeals for the Ninth Circuit
1990, Washington
1990, U.S. District Court for the Western District of Washington
1990, U.S. District Court for the Eastern District of Washington
2000, U.S. Supreme Court
2003, U.S. District Court for the District of Nebraska
2005, U.S. Court of Appeals for the Seventh Circuit
2007, U.S. Court of Appeals for the Eighth Circuit
2009, U.S. Court for Appeals for the Sixth Circuit
2015, U.S. Court of Appeals for the Eleventh Circuit
2015, U.S. Court of Appeals for the Fifth Circuit
2015, New York
2016, U.S. District Court for the Southern District of New York
2017, U.S. District Court for the Northern District of Illinois

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PROFESSIONAL & CIVIC INVOLVEMENT

National Employment Lawyers Association, *Member*

Public Justice, *Member*

Washington State Association for Justice, *Member*

American Bar Association, *Member*

ABA Section of Civil Rights and Social Justice, Sexual
Orientation and Gender Identity Committee, *Co-Chair*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

Northwest Harvest, Board of Directors, 2000-2009; *Chair*,
Board of Directors 2005-2007

Community Lunch on Capitol Hill, *Chair*, Board of Directors
2008-2013; Board of Directors 2016-present

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LAW OFFICES ♦ L. L. P.



FELICIA CRAICK

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PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Governments and Municipalities

EDUCATION

Northeastern University

B.S., *summa cum laude*, 2014,
Criminal Justice

Harvard Law School

J.D., *cum laude*, 2018

BAR & COURT ADMISSIONS

2019, Washington

2019, Western District of
Washington

Felicia delves deep into the issues at hand to get concrete results for her clients. As an attorney in Keller Rohrback's nationally recognized Complex Litigation Group, Felicia is able to combine her interest in people with her drive to hold bad actors responsible for wrongdoing.

In 2018, Felicia received her J.D., cum laude, from Harvard Law School, where she served as an Executive Article Editor of the Harvard Law & Policy Review. Felicia gained practical legal experience as a clinical student attorney, representing low-income survivors of domestic violence in family court and prosecuting criminal cases in state court. Following law school, Felicia moved back to Washington and clerked for Washington State Supreme Court Chief Justice Mary Fairhurst.

Prior to joining Keller Rohrback as an attorney, Felicia worked with the firm in 2017 as a summer associate. Drawn to the work of complex litigation and the firm's justice-oriented community, Felicia returned to Keller Rohrback as an associate attorney in 2019 at the conclusion of her clerkship. Her current work involves representing government entities in the fight against the youth vaping epidemic and representing consumers in cases where the business practices of drug manufacturers, pharmacy benefit managers, and other entities have driven up the costs of pharmaceuticals to the detriment of consumers.

Outside of work, Felicia enjoys hiking, watching soccer and gymnastics, and reading fantasy novels.

PROFESSIONAL & CIVIC INVOLVEMENT

Washington Women Lawyers, *Member*

Washington State Bar Litigation Section, *Member*

Washington State Bar Criminal Law Section, *Member*

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ADELE DANIEL

CONTACT INFO

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adaniel@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action and Consumer Litigation

EDUCATION

Carleton College

B.A, *magna cum laude*, 2014,
History

University of Michigan Law School

J.D., Order of the Coif, *magna cum laude*, 2017

BAR & COURT ADMISSIONS

2018, Washington

Adele Daniel always has the big picture in mind. As an attorney in our nationally recognized Complex Litigation Group, she takes the time to deeply understand the opposing side in order to forcefully rebut the opposition's arguments.

Adele graduated magna cum laude from University of Michigan Law School, where she served as an Articles Editor for the Michigan Law Review. Following her graduation, Adele clerked for Chief Judge Michael Mosman at the U.S. District Court for the District of Oregon. She then moved to Seattle to clerk for Judge Ronald Gould at the U.S. Court of Appeals for the Ninth Circuit.

Interested in using litigation to make a lasting impact for consumers, Adele joined Keller Rohrback in 2019. As a member of the firm's automotive litigation team, Adele embraces the opportunity to represent deserving clients, and in so doing, deter corporations from future misconduct.

In her spare time, Adele heads to Washington's mountains and rivers for cycling, backpacking, and whitewater kayaking.

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

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JULI FARRIS

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PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Class Actions
- Consumer Protection
- Employee Benefits & Retirement Security
- Environmental Litigation
- Fiduciary Breach
- Financial Products & Services
- Governments and Municipalities
- International Law
- Securities
- Whistleblower

Juli Farris' clients count on her commitment to excellence to meet their legal needs.

Juli is a member of Keller Rohrback's nationally-recognized Complex Litigation Group and serves as Supervising Partner of the firm's Santa Barbara office. Her current cases include serving as co-lead counsel representing victims of the 2015 Refugio California Oil Spill and representing patients affected by prescription drug overcharges. She is also part of the team pursuing claims to hold drug manufacturers accountable for the current opioid health crisis.

In addition to her work on environmental torts, consumer protection and whistleblower litigation, Juli has represented both plaintiffs and defendants in class action litigation involving banking and securities regulation, antitrust, ERISA fraud and other areas.

Before joining Keller Rohrback in 1991, Juli served as a judicial law clerk for Judge E. Grady Jolly of the U.S. Court of Appeals, Fifth Circuit, and she practiced law at the Washington, D.C. office of Sidley Austin, where her practice involved trial and appellate litigation covering a wide array of subject matters.

Juli divides her time between the firm's Seattle and Santa Barbara offices.

EDUCATION

Stanford University

B.A., 1982, English

Stanford Law School

J.D., 1987, Notes Editor, *Stanford Law Review*

BAR & COURT ADMISSIONS

1988, Washington

1989, California

1990, District of Columbia

1995, Western District of Washington

1997, U.S. Court of Appeals for the Ninth Circuit

1999, Central District of California

2000, Northern District of California

2001, Eastern District of California

2003, Southern District of California

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

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PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*
Loren Miller Bar Association, *Member*
American Bar Association, *Member*
California State Bar Association, *Member*
Washington State Bar Association, *Member*
Washington State Association for Justice, *Member*
Santa Barbara County Bar Association, *Member*
Santa Barbara Women Lawyers, *Member*
American Bar Foundation, *Member*
The National Association of Public Pension Attorneys,
Member
Seattle Repertory Theater, *Board Member*
Treehouse, *Board Member Emeritus, Past Board Chair*
Susan G. Komen, Puget Sound Affiliate, *Former Board
Member*

HONORS & AWARDS

Selected to Super Lawyers list, Washington Law & Politics,
2015-2019
Selected to Rising Stars list in *Super Lawyers - Washington*,
1991
Recipient of Promise of One Award from the Puget Sound
Affiliate of Susan G. Komen for the Cure, 2013

PUBLICATIONS & PRESENTATIONS

Andrew D. Freeman & Juli E. Farris, *Grassroots Impact
Litigation: Mass Filing of Small Claims*, 26 U.S.F.L. Rev. 261
(1992).
Editorial Board, *Washington State Securities Law Deskbook*
(2012)

REPRESENTATIVE MATTERS

In re IKON Office Solutions, Inc., 277 F.3d 658 (3rd Cir. 2002)
In re WorldCom, Inc. ERISA Litig., 354 F. Supp. 2d 423
(S.D.N.Y. 2005)
Hansen v. Ticket Track, Inc., 213 F.R.D. 412 (W.D. Wash.
2003)
In re Scientific-Atlanta, Inc. Securities Litigation, 239 F. Supp.
2d 1351 (N.D. Ga. 2002)
In re Domestic Air Transp. Antitrust Litig., 137 F.R.D. 677 (N.D.
Ga. 1991)
In re Potash Antitrust Litig., 954 F. Supp. 1334 (D. Minn.
1997)
Andrews v. Plains All American Pipeline, L.P., No. 2:15-cv-
04113 (C.D. Cal.)
Johnson v. OptumRx, (D.N.J.)

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RAYMOND FARROW

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PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Class Actions
- Consumer Protection
- Financial Products and Services

EDUCATION

University of Manchester

B.A., 1979, Economics

University of Essex

M.A., 1980, Economics

Princeton University

M.A., 1984, Economics

University of Washington School of Law

J.D., 2001

Raymond Farrow understands the economics behind his clients'

cases. Ray, a member of Keller Rohrback's nationally recognized Complex Litigation Group, is a litigation attorney whose practice focuses on antitrust and consumer protection. His background as an academic economist and teacher makes him uniquely qualified to work with economic experts and to communicate statistics and economic analysis to his clients and to the Court.

Working on antitrust matters, Ray must navigate the rules and issues of varied industries, including hi-tech industries involving constantly changing software and hardware. His many years of experience, strong working relationships with other antitrust litigators, and motivation to redress genuine harms to his clients help him tackle complex issues in litigation and across the negotiating table. Most recently, Ray represented 20,000 nurses in a lawsuit that alleged a conspiracy by certain hospitals in Detroit to depress compensation levels that recovered almost \$90 million for the nurses.

Prior to law school, Ray was a member of the Economics Department faculty at Seattle University, University of Washington, and Queen's University in Canada. While in law school, he served as Articles Editor of the Washington Law Review and as an intern for the U.S. Department of Labor.

In his spare time, Ray enjoys playing soccer and skiing.

BAR & COURT ADMISSIONS

2001, Washington

2002, Western District of Washington

2002, Eastern District of Washington

2002, U.S. Court of Appeals for the Ninth Circuit

2007, Eastern District of Michigan

2010, District of Columbia

2013, U.S. Court of Appeals for the Sixth Circuit

2018, U.S. Court of Appeals for the Second Circuit

2019, U.S. Court of Appeals for the Fifth Circuit

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PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member, formerly
Executive Committee and Chair of the Antitrust, Consumer
Protection & Unfair Business Practices Section*

Order of the Coif, *Member*

American Economic Association, *Member*

Washington State Association for Justice, *Member*

American Bar Association, *Member Litigation and Antitrust
Sections*

American Antitrust Institute

Committee to Support the Antitrust Laws

American Constitutional Society

PUBLICATIONS & PRESENTATIONS

Raymond J. Farrow, *Notes & Comments: Qualifying
Immunity: Protecting State Employees' Right to Protect Their
Employment Rights After Alden v. Maine*, 76 Wash. U. L. Rev.
149 (2001).

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ERIC FIERRO

CONTACT INFO

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PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Consumer Protection
- eDiscovery
- Financial Products and Services
- Intellectual Property
- Mass Personal Injury
- Securities
- Whistleblower

EDUCATION

Arizona State University

B.S., 2002, Justice Studies

New England School of Law

J.D., 2006, Senior Editor, *New England Journal of International and Comparative Law*

Eric Fierro bridges the gap between technology and the law. Eric practices in Keller Rohrback's nationally recognized Complex Litigation Group and oversees the firm's legal technology group, providing electronic discovery and litigation support to colleagues and clients on a wide array of cases. Whether he is helping to preserve significant amounts of data for institutional clients or walking an individual through the data collection process to increase accuracy and maximize privacy, Eric works closely with clients to understand their needs and provide solutions.

Eric has over 15 years of experience with legal technology. While attending law school in the evening, Eric worked full-time for the U.S. Attorney's Office for the District of Massachusetts where he provided technical support for all criminal and civil units, including the healthcare fraud, securities fraud, and other white collar crime units. Eric also worked as a summer law clerk for the computer crime and intellectual property unit at the U.S. Attorney's Office. Before joining Keller Rohrback, he was a managing consultant for Huron Consulting Group, providing consultative services for complex electronic discovery and document review matters.

When not at work, Eric enjoys spending time with his family, golfing, and rebuilding off-road vehicles in his garage.

BAR & COURT ADMISSIONS

2009, Arizona

2009, U.S. District Court for the District of Arizona

PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

PUBLICATIONS & PRESENTATIONS

Presenter, 2019 ASU-Arkfeld eDiscovery and Digital Evidence Conference, "Everyday Devices and the Internet of Things: Working with ESI in the Forest of Smart Device."

Presenter, 2018 Complex Litigation E-Discovery Forum, Plaintiff Offensive Review Workflows and Tips, September 2018.

Presenter, 2017 Complex Litigation E-Discovery Forum, Best Practice for Plaintiff Document Collection, September 2017.

Presenter, 2016 Complex Litigation E-Discovery Forum, Negotiating a State of the Art ESI Protocol, September 23, 2016.

Panelist, IPro Innovations for The Sedona Conference, The 2015 Federal Rule Amendments: Has Anything Really Changed? April 2016.

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ALISON GAFFNEY

CONTACT INFO

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PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Opioid Litigation
- Governments & Municipalities
- Mass Personal Injury/Tort
- Environmental Litigation

EDUCATION

Swarthmore College

B.A., 2002, Linguistics and Languages (Spanish & Mandarin Chinese); McCabe Scholar

University of California, San Diego

M.A., 2007, Latin American Studies

University of Washington School of Law

J.D., 2012

Alison Gaffney is a fighter. Once she takes on a client—as a member of Keller Rohrbach’s nationally recognized Complex Litigation Group or as a cooperating attorney with the ACLU—she commits to doing everything she can to fight for justice for her client.

That tenacity was evident in her pursuit to reunite Somali refugee Joseph Doe with his family after their separation was prolonged because of the Muslim Travel Ban. Alison is a member of the team that sued the Trump Administration on behalf of Doe and other individuals and organizations harmed by the travel ban in *Doe, et al. v. Donald Trump, et al.* (W.D. Washington). Three weeks after the court granted Doe’s motion for a preliminary injunction, Alison had the honor of seeing Doe reunited with his wife and three sons in Seattle.

Alison is passionate about using litigation to combat complex world problems. In the National Prescription Opiate Multi-District Litigation, Alison represents over 70 city, county, and tribal governments in their fight to hold prescription opioid manufacturers and distributors accountable for the devastating effects these drugs have had on their communities. She has played a key role within Keller Rohrbach’s Opioid Litigation team, and in the national MDL she has been involved in drafting the master complaints, dispositive briefing, discovery, and preparing and defending medical experts. In addition, Alison represents school districts and counties in litigation against JUUL Labs, Inc. and other e-cigarette manufacturers for targeting youth with their marketing and product design and addicting a new generation to nicotine.

Both before and during law school, Alison’s passion for justice and human rights drew her to immigration law and policy. She completed a master’s degree focused on international migration, and as a law student, she interned with the Seattle Immigration Court and the Northwest Immigrant Rights Project (NWIRP) in Tacoma, where she gave “Know Your Rights” presentations at the Northwest Detention Center. She represented clients in deportation proceedings through NWIRP as well as the law school’s Immigration Law Clinic, and she continues to volunteer as a pro bono attorney for NWIRP.

When she is not fighting for her clients, Alison is busy keeping up with her two sons, scrambling and climbing with The Mountaineers, and generally enjoying the beauty of the Pacific Northwest.

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BAR & COURT ADMISSIONS

2012, Washington

2013, U.S. District Court for the Western District of Washington

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the Ninth Circuit

2015, U.S. District Court for the Eastern District of Washington

2016, U.S. District Court for the Central District of Illinois

2017, U.S. District Court for the Eastern District of Wisconsin

2018, U.S. District Court for the District of Colorado

PROFESSIONAL & CIVIC INVOLVEMENT

ACLU Cooperating Attorney

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Mother Attorneys Mentoring Association of Seattle (MAMAS), *Member*

Northwest Immigrant Rights Project, *Pro Bono Attorney*

LANGUAGES

Spanish

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



LAURA R. GERBER

CONTACT INFO

1201 Third Avenue, Suite 3200
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lgerber@kellerrohrback.com

PRACTICE EMPHASIS

- Consumer Protection
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services
- Institutional Investors
- Whistleblower

EDUCATION

Goshen College

B.A., 1994, History, Economics

University of Washington School of Law

J.D., 2003

Evans School of Public Affairs, University of Washington

M.P.A., 2003

Laura R. Gerber is a strong advocate for her clients. From her early years in a whistleblower protection organization, to her current practice litigating against some of America's largest corporations, Laura has built her career as an advocate on behalf of both employees and customers of large corporations. Laura represents her clients with skill, tact and diplomacy. As a result, Laura's clients trust her to listen carefully, keep them informed, provide excellent legal advice, and to diligently pursue their interests in litigation against powerful defendants.

For over a decade, Laura has practiced in Keller Rohrback's Complex Litigation Group where she has developed a diverse practice with a focus on holding corporations and other institutions accountable to their customers and employees, including qui tam cases, breach of contract and breach of fiduciary duty cases, Employee Retirement Income Security Act ("ERISA") cases, consumer protection class actions, mutual fund excessive fee cases, and Ponzi scheme cases. Laura's strategic persistence in complex cases has led to impressive results with her clients receiving substantial recoveries.

While in law school, Laura concurrently received a Master's degree in Public Administration and was a member of the Moot Court Honor Board.

BAR & COURT ADMISSIONS

2004, Washington

2006, U.S. District Court for the Eastern District of Washington

2006, U.S. District Court for the Western District of Washington

2010, U.S. District Court for the Northern District of Illinois

2013, U.S. District Court for the District of Colorado

2016, U.S. District Court for the Southern District of Illinois

2016, U.S. District Court for the Eastern District of Missouri

2016, U.S. District Court for the Northern District of Ohio

2016, U.S. District Court for the Western District of Oklahoma

2016, U.S. District Court for the Central District of Illinois

2016, U.S. District Court for the Northern District of Indiana

2006, U.S. Court of Appeals for the Ninth Circuit Court

2014, U.S. Court of Appeals for the Sixth Circuit Court

2015, U.S. Court of Appeals for the Tenth Circuit Court

2019, U.S. Court of Appeals for the Seventh Circuit Court

2019, U.S. Court of Appeals for the Eighth Circuit Court

2017, Supreme Court of the United States

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HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2009, 2013.

PROFESSIONAL & CIVIC INVOLVEMENT

Campaign for Equal Justice, *Board Member*, 2018-present

Hanford Challenge, *Board of Directors*, 2018-present

Washington Appleseed, *Board of Directors*, 2012-2019

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Mother Attorney Mentoring Association (MAMA), *Member*

PUBLICATIONS & PRESENTATIONS

Speaker, American Conference Institute's 8th National Forum on ERISA Litigation, October 2014, (*New Trends in Church Plan Litigation*).

L. Gerber and R. Giovarelli, *Land Reform and Land Markets in Eastern Europe*, Food and Agriculture Organization of the United Nations (2005).

David Weissbrodt, Penny Parker, Laura Gerber, Muria Kruger, Joe W. (Chip) Pitts III, *A Review of the Fifty-Fourth Session of the Sub-Commission on the Promotion and Protection of Human Rights*, 21 NETH Q. HUM. RTS. 291 (2003)

KELLER ROHRBACK

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MATTHEW GEREND

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PRACTICE EMPHASIS

- Class Action
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Securities

EDUCATION

University of Wisconsin

B.A., with distinction, 2005,
Political Science, Phi Beta Kappa

Georgetown University Law Center

J.D., *cum laude*, 2010; Executive
Articles Editor, *Georgetown Journal
on Poverty Law and Policy*

Matthew Gerend practices in the firm's nationally recognized Complex Litigation Group, representing employees and other investors in litigation to enforce securities laws and the Employee Income Retirement Security Act ("ERISA"). Matt has represented plaintiffs in federal courts across the country to redress harms stemming from breaches of fiduciary duties, investment fraud, and other misconduct that threatens employees' retirement security.

Matt became interested in the laws protecting retirement and pension benefits as a clerk with AARP Foundation Litigation, where he helped draft a number of amicus curiae briefs filed in the U.S. Supreme Court and U.S. Courts of Appeals regarding the proper interpretation and implementation of ERISA. During law school, Matt also worked as an intern with the Community Development Project at the Lawyers' Committee for Civil Rights Under Law. Matt believes that lawyers have a unique ability to effect social change, an ethic that has guided his work representing individuals and investors against those engaged in divisive and fraudulent practices.

BAR & COURT ADMISSIONS

2010, Washington
2011, U.S. District Court for the Western District of Washington
2012, U.S. Court of Appeals for the Third Circuit
2013, U.S. District Court for the Eastern District of Michigan
2014, U.S. Court of Appeals for the Sixth Circuit
2014, U.S. Court of Appeals for the Ninth Circuit
2015, U.S. Court of Appeals for the Seventh Circuit
2015, U.S. District Court for the District of Colorado
2016, U.S. Court of Appeals for the Fourth Circuit
2016, U.S. Court of Appeals for the Tenth Circuit
2016, Supreme Court of the United States
2018, U.S. Court of Appeals for the Second Circuit
2018, U.S. District Court for the Eastern District of Wisconsin

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2019

PUBLICATIONS & PRESENTATIONS

Contributing Author, *Zanglein et. al., ERISA Litigation* (Bloomberg BNA 2015).

Deborah M. Austin and Matthew M. Gerend, *The Scope and Potential of Section 3 as Currently Implemented*, 19 J. Affordable Housing & Commun. Dev. L. 89 (2009).

KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



MAX GOINS

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
mgoins@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation

EDUCATION

University of Oregon

B.A., 2006, Philosophy

Miami University

M.A., 2009, Philosophy

Lewis & Clark Law School

J.D., 2018, *magna cum laude*

As a member of Keller Rohrback L.L.P.'s nationally recognized Complex Litigation Group, Max Goins gets to use his research and writing skills to help uncover the truth behind corporate malfeasance and misconduct.

A 2017 summer associate at Keller Rohrback, Max was invited back to the firm in September 2018 to work on consumer protection and class action cases. He's currently on the team investigating the high cost of EpiPens.

During law school at Lewis & Clark in Portland, Oregon, Max served as submissions editor for the Law Review. He also collaborated with Professor Robert Klonoff to update Klonoff's complex litigation textbook, *Class Actions and Other Multi-Party Litigation* (4th Ed.). Max worked extensively with Professor Klonoff on the new cutting-edge chapter about multidistrict litigation ("MDL"). In addition, Max externed for Judge Ann Aiken of the District of Oregon, where he performed exhaustive legal research and wrote published opinions on issues like attorney fees, joining local Native American tribes as necessary parties, and the fairness of class action settlements.

When he's not working, you can find Max at the movies, in retro arcades, mentoring law students at Lewis & Clark, or—weather permitting—at a tennis meet-up.

BAR & COURT ADMISSIONS

2018, Washington

2018, US District Court for the Western District of Washington

2019, US District Court for the Eastern District of Michigan

HONORS & AWARDS

Cornelius Honors Society, as selected by the Lewis & Clark Law School faculty for distinguished scholarship, leadership, and contribution to the legal community, 2018

PROFESSIONAL & CIVIC INVOLVEMENT

Voz: Northwest Workers Rights Education Project, 2015-2016, *Volunteer*

PILP: Public Interest Law Project, 2015-2017, *Volunteer and CLE Director*

Housing Justice Project, *Volunteer*

Pound Civil Justice Institute, *Associate Fellow*

American Bar Association, *Member*

King County Bar Association, *Member*

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GARY GOTTO

CONTACT INFO

3101 N Central Avenue, Ste. 1400
Phoenix, AZ 85012-2600
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ggotto@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Debtor-Creditor
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Real Estate Securities

EDUCATION

University of Pennsylvania
B.A., *cum laude*, 1976

**Arizona State University of
College of Law**
J.D., *summa cum laude*, 1982,
Order of the Coif

Gary Gotto's diverse experience helps him meet his clients' diverse needs. Gary is a member of Keller Rohrback's nationally-recognized Complex Litigation Group. He has a broad range of practice experience and interests, including all aspects of corporate and real estate transactional work, securities issuance and compliance, Chapter 11 bankruptcy and workout matters, and general commercial and ERISA litigation. Gary speaks and teaches regularly on a number of topics, including an annual real estate bankruptcy case study presented at the Harvard Law School. He has practiced in Phoenix since 1982.

BAR & COURT ADMISSIONS

1982, Arizona
1982, U.S. District Court for the District of Arizona
2005, U.S. Court of Appeals for the Second Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member; Chair*, Subcommittee on Revising the Limited Partnership Act, Business Law Section, 1991
Adjunct Professor Law, Arizona State University College of Law, 1989

PUBLICATIONS & PRESENTATIONS

Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2002).
Co-Author, *Limited Liability Companies and Partnerships* (1996-1997).
Guest Lecturer, *Chapter 11 Reorganizations*, Harvard Law School, 1996-1997, 1999, 2001, 2002.
Guest Lecturer, *Chapter 11 Reorganizations*, Stanford Law School, 2003.
Speaker, National Business Institutes, *Negotiating and Drafting Acquisition Agreements in Arizona*, 1997.
Speaker, National Business Institutes, *Choice of Business Entity in Arizona*, 1996.
Speaker, National Business Institutes, *Limited Liability Companies*, 1994.
Speaker, Professional Education Systems, Inc., *Non-Corporate Business Forms*, 1994.
Speaker, State Bar of Arizona, *Limited Liability Companies*, 1994.
Speaker, National Business Institutes, *Arizona Limited Liability Company Legislation*, 1993.

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LAW OFFICES ♦ L. L. P.



BENJAMIN GOULD

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
bgould@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Class Actions
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Institutional Investors

EDUCATION

Yale University

B.A., *summa cum laude*, 2002,
English, Phi Beta Kappa

Yale Law School

J.D., 2006, Editor, *Yale Law Journal*,
Editor-in-Chief, *Yale Journal of Law
and the Humanities*

Benjamin Gould makes the law work for his clients. Ben, a Seattle native, practices in Keller Rohrback's nationally recognized Complex Litigation Group. His ability to clearly and efficiently communicate factual and legal issues to his clients and courts allows him to adeptly serve the interest of clients who have been harmed by others' misconduct.

Ben has extensive experience in appellate litigation and has active appeals pending in state and federal courts throughout the nation. He has secured successful results for his clients before the U.S. Courts of Appeals for the Second, Eighth, and Ninth Circuits and numerous state appellate courts. Ben also maintains an active practice outside the appellate arena. He has represented clients in cases involving pensions, securities, and consumer-protection law, among other subjects.

Before joining the firm, Ben worked as a Legal Fellow of the ACLU Drug Law Reform Project, litigating cases related to drug policy and civil rights. He also served as a clerk to two federal appellate judges: the Honorable Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit and the Honorable Diana E. Murphy of the U.S. Court of Appeals for the Eighth Circuit.

BAR & COURT ADMISSIONS

- 2007, California
- 2010, District of Columbia
- 2010, U.S. Court of Appeals for the Ninth Circuit
- 2011, Washington
- 2011, U.S. District Court for the Western District of Washington
- 2012, U.S. District Court for the Eastern District of Washington
- 2012, U.S. Court of Appeals for the Third Circuit
- 2013, U.S. Court of Appeals for the Second Circuit
- 2013, U.S. Court of Appeals for the Sixth Circuit
- 2013, U.S. Court of Appeals for the Eighth Circuit
- 2013, U.S. Court of Appeals for the Eleventh Circuit
- 2014, U.S. Court of Appeals for the First Circuit
- 2015, U.S. Supreme Court

PROFESSIONAL & CIVIC INVOLVEMENT

- King County Bar Association, *Member*; Appellate Law Section
- Washington State Bar Association, *Member*
- Washington State Association for Justice, *Member*

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HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers* - Washington, 2016-2019

PUBLICATIONS & PRESENTATIONS

Benjamin Gould, "Vaccine Law: An Overview of Current Law and a Look at the Future," in *NWLawyer*, November 2019.

Benjamin Gould, *Radical Jurisprudence*, 93 Wash. L. Rev. Online 49 (2018).

Speaker on Rule 23(f) and Class Action Appeals, American Bar Association 19th Annual National Institute on Class Actions, New Orleans, LA, 2015.

A Review of Antonin Scalia and Bryan A. Garner, Reading Law (2012), in *Trial News*, March 2014.

Derek W. Loeser & Benjamin Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser & Benjamin Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, *Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009).*

Derek W. Loeser, Erin M. Riley & Benjamin Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, *Pensions & Benefits Daily*, Bureau of National Affairs, Inc. (Jan. 28, 2011).

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CHRISTOPHER GRAVER

CONTACT INFO

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(602) 248-0088
cgraver@kellerrohrback.com

PRACTICE EMPHASIS

- Business Litigation
- Bankruptcy and Creditors' Rights

EDUCATION

St. John's College

B.A., 1976

University of New Mexico

J.D., *magna cum laude*, 1990
Order of the Coif

Chris is a member of Keller Rohrback's Complex Litigation and

Bankruptcy Groups. He has represented debtors, creditors, Court-appointed committees, and asset purchasers in Chapter 11 reorganization proceedings and workouts. In recent years he has also focused on representing plaintiffs in ERISA class actions. Chris has wide-ranging experience in complex commercial matters, from corporate restructuring to breach of fiduciary duty, commercial real estate, contracts, patent infringement, and environmental insurance coverage.

Together with colleagues, Chris has represented clients as diverse as pension plan participants in class actions challenging their employers' asserted exemption from ERISA, the committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, an American Indian business corporation in a commercial dispute, and a developer restructuring a portfolio of real property interests nationwide.

A graduate of the Great Books liberal arts program at St. John's College in Santa Fe, Chris earned his law degree from the University of New Mexico Law School *magna cum laude* in 1990. While his practice is centered in the Southwest, Chris represents clients in federal courts coast to coast.

BAR & COURT ADMISSIONS

1990, Arizona

1990, United States District Court for the District of Arizona

2004, United States Court of Appeals for the Ninth Circuit

2015, United States Court of Appeals for the Fifth Circuit

2016, United States Court of Appeals for the Tenth Circuit

2017, United States Supreme Court

PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

Maricopa County Bar Association, *Member*

PUBLICATIONS & PRESENTATIONS

"Confirming the Catholics: The Diocese of Tucson Experience, Norton Bankruptcy Law Advisor," 2005.

"Representing the Tort Claimants' Committee in the Chapter 11 Case Filed by the Roman Catholic Diocese of Tucson, prepared for the National Conference of Bankruptcy Judges," 2005.

"Decoding the Code," *AzBusiness Magazine*, 2005.

Speaker, Maricopa County Bar Association presentation, *New Bankruptcy Code: Changing the Way Creditors are Treated*, 2006.

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LAW OFFICES ♦ L. L. P.



MARK GRIFFIN

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
mgriffin@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Actions
- Commercial Litigation
- Consumer Protection
- Governments & Municipalities
- Intellectual Property
- Mass Personal Injury
- Securities

EDUCATION

Marquette University

B.S., *magna cum laude*, 1983,
Economics Faculty Award

Gonzaga University School of Law

J.D., *magna cum laude*, 1986,
Thomas More Scholar

Mark Griffin has over 31 years of experience in antitrust litigation. As a member of Keller Rohrback's nationally recognized Complex Litigation Group, Mark has litigated over 100 class action cases, including over 40 antitrust class action cases, to successful conclusions. Mark joined Keller Rohrback in 1988 after serving as a judicial law clerk for Magistrate Judge Philip K. Sweigert of the U.S. District Court for the Western District of Washington. He helped launch the firm's antitrust practice with achievements including \$49.5 million in settlements in the Specialty Steel Pipe Antitrust Litigation, which paved the way for the firm's success in other class action litigation. He represented hundreds of people injured by the historic Jack in the Box E. coli 0157:H7 outbreak, recovering over \$13 million in settlements and a Medical Monitoring and Treatment Trust for the class. He has led successful efforts to recover millions of dollars for victims of several "Ponzi" schemes, including a case (*Getty v. Harmon*) in which U.S. District Court Judge William L. Dwyer stated: "Class Counsel achieved real and substantial benefits for members of the Class. [Their] extensive prior experience in complex class action securities litigation . . . enabled the Class to analyze and achieve this excellent result." He also led a case on behalf of a class of Seattle Supersonics fans who renewed their season ticket packages for the 2007-2008 season before the team was relocated to Oklahoma City, achieving a settlement that, according to U.S. District Judge Richard A. Jones, "provides meaningful monetary relief to every class member, and does so without the need for any class member to provide a claim form or other submission to establish his or her right to relief." Mark has been a partner at Keller Rohrback since 1995, has served on the firm's Executive Committee since 2001, and has chaired the Antitrust Practice Group since 2007. Most recently, his leadership in an antitrust class action resulted in settlements totaling almost \$90 million for registered nurses employed by hospitals in Detroit (*Cason-Merenda v. VHS Michigan, Inc.*). In approving the final settlement in that case, U.S. District Judge Gerald E. Rosen told the class representatives: "I think the lawyers, your lawyers in this case, have done a truly outstanding job, as good of a job as I've seen lawyers do in a major complex class action in my, what will be very shortly, 26 years on the bench." Mark also represented the Navajo Nation in a lawsuit alleging Urban Outfitter's infringement of the NAVAJO trademark and violation of the Indian Arts and Crafts Act

Since 2004, Mark has volunteered his time as pro bono coordinator at Keller Rohrback. In 2016, Mark was appointed by Governor Jay Inslee to serve as a member of the Board of Trustees of the Legal Foundation of Washington (LFW) and was appointed in 2019 to serve a second three-year term. In 2019 he served as President of that Board. From 2010 to 2015, he served as a board member and officer of the Legal Aid for Washington Fund (LAW Fund) until it merged with LFW. The LFW and the LAW Fund through their Campaign for Equal Justice raise charitable contributions to ensure that justice is a reality, not just for those who can afford it, but for everyone in Washington state. In 2013, the firm received the President's Award from the LFW for its work in *Jerry Cooper, Inc. v. Lifequotes*

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of America, Inc., a case in which Mark helped achieve judgments totaling over \$760 million in favor of the plaintiff class. Mark also volunteers at Public Justice and has served as chair of the Consumer Protection, Antitrust & Unfair Business Practices Section of the Washington State Bar Association.

BAR & COURT ADMISSIONS

1986, Washington
1986, U. S. District Court for the Western District of Washington
1989, U. S. Court of Appeals for the Ninth Circuit
1990, U. S. District Court for the Eastern District of Washington
1993, U. S. Supreme Court
2008, U. S. Court of Appeals for the Fourth Circuit
2009, U. S. District Court for the Eastern District of Michigan
2010, Arizona
2009, U. S. District Court for the District of Columbia
2010, U. S. Court of Appeals for the Eleventh Circuit
2013, U.S. Court of Appeals for the Sixth Circuit
2014, U.S. Court of Appeals for the Tenth Circuit
2019, U.S. Court of Appeals for the Fifth Circuit

HONORS & AWARDS

AV Rating, Martindale-Hubbell, 2000-Present
President's Award, Legal Foundation of Washington, 2013
Named to Washington Super Lawyers list, 2011-2012, 2014-2019
Named a Rising Star, Super Lawyers – Washington, 2000
Thomas More Scholarship, 1983-1986
American Jurisprudence Award in Antitrust, 1986
American Jurisprudence Award in Remedies, 1986
American Jurisprudence Award in Agency and Partnerships, 1985
American Jurisprudence Award in Corporations, 1985

American Jurisprudence Award in Property, 1984
Alpha Sigma Nu (National Jesuit Honors Society) 1983
Beta Gamma Sigma (National Business Honors Society), 1982
Pi Sigma Alpha (National Political Science Honor Society), 1982
Pi Gamma Mu (International Honor Society in Social Science), 1982
Economics Faculty Award (outstanding student majoring in economics) 1983
Delta Sigma Pi Scholarship, 1979-1983

PROFESSIONAL & CIVIC INVOLVEMENT

Fellows of the American Bar Foundation, *Fellow*
Board of Trustees of the Legal Foundation of Washington
King County Bar Association, *Member*
Board of Advisors, Gonzaga University School of Law, 2012-2019
Washington State Bar Association, *Member*; Executive Committee (1997-2005), Chair (2005)
American Bar Association, *Member*; Litigation and Antitrust sections
Washington State Trial Lawyer's Association, *Member*
Federal Bar Association, *Member*
Washington State Association for Justice, *Member*
American Civil Liberties Union of Washington, Cooperating Counsel
American Constitution Society, *Member*

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L A W O F F I C E S ♦ L . L . P .

PUBLICATIONS & PRESENTATIONS

"Opinion: Law Firms Should Step Up to Ensure Access to Justice Is a Reality for All Who Need It," Puget Sound Business Journal, February 21, 2019

Antitrust Law Day at the University of Washington School of Law, February 7, 2018

"The Future of Reverse Payment Settlement Agreements after *FTC v. Actavis*," 30th Annual Antitrust, Consumer Protection and Unfair Business Practices Seminar, November 8, 2013

"Intellectual Property v. Cultural Property: From Colonization to Co-Existence," Intellectual Property Institute of Canada, September 27, 2013

Contributor, "Concurrent Antitrust Criminal and Civil Proceedings: Identifying Problems and Planning for Success," American Bar Association, 2013

"Profile/Lynn Sarko: Leading the Way," Bar Bulletin, December, 2011

"Cy Pres – News on Recent Decisions which may affect cy pres in the future," LAW Fund Executive Committee Meeting, September 15, 2011

"Current Issues in Antitrust, *Twombly* Pleading Standards" (speaking for Mark Samson), State Bar of Arizona, June 20, 2008

The New Rules for Business Litigators: Keeping Ahead of the Curve, "The New Rules in Class Action Litigation," Washington State Bar Association, November 13, 2007

Executive Editor, Washington Antitrust and Consumer Protection Handbook (2007 Supplement)

"Message from the Chair," Antitrust, Consumer Protection Unfair Business Practices Newsletter, Washington State Bar Association, Fall 2005

Program Chair, "The Essentials of Civil Settlement Strategies," Washington State Bar Association, October 8, 2003

Executive Editor, Washington Antitrust and Consumer Protection Handbook (Third Edition 2001)

Program Co-Chair, 2001 Antitrust, Consumer Protection and Unfair Business Practices Conference, Washington State Bar Association, November 9, 2001

Moderator, "How to Avoid Antitrust Actions Against Your Business Clients," Washington State Bar Association, November 6, 1998

Program Committee, "1995 and Counting: A Symposium on Practices, Procedures and Professionalism," Federal Bar Association of Western Washington, December 6, 1995

Program Committee, "Trials Viewed from the Bench: See What We See," Federal Bar Association of Western Washington, December 7, 1994

Questions of Law Column on Antitrust Law, Washington State Bar Association, 1992

Program Co-Chair, "Trial Practice Seminar," King County Bar Association, 1991

"Civil Service Protections for Police Officers," Washington State Council of Police Officers, October 12, 1989

"Contractual Liability of Companies and Individuals," International Television Association, Seattle Chapter, Legal Workshop, April 19, 1989

Note on Meier and Meier, 595 P.2d 474 (1979), 1986 Canadian-American Law Journal

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LAW OFFICES ♦ L. L. P.



IRENE M. HECHT

CONTACT INFO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

(206) 623-1900

ihecht@kellerrohrback.com

PRACTICE EMPHASIS

- Insurance Litigation

EDUCATION

University of Washington

B.A., *magna cum laude*, 1977,
Speech Communication

University of Washington School of Law

J.D., with honors, 1980

Irene Hecht is an experienced trial lawyer whose practice emphasizes insurance law, particularly in coverage and bad faith litigation. She also has an active appellate practice and has represented insurance companies in trial courts, the Court of Appeals, and before the Washington State Supreme Court. Ms. Hecht has over 38 years of experience in coverage analysis and representation, including both commercial and personal lines, umbrella and excess coverage, and first- and third-party coverage. She has dealt with a wide variety of coverage issues including: advertising injury, personal injury, construction defect, automobile, underinsured motorist, personal injury protection, homeowner's, products-completed operations, E&O, and D&O. Ms. Hecht also actively advises and defends insurers in bad faith litigation, with respect to both first- and third-party matters.

BAR & COURT ADMISSIONS

1980, Washington

1980, U.S. District Court for the Western District of Washington

1990, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Tort and Insurance sections*

Washington Defense Trial Lawyers Association, *Member*

Northwest Insurance Coverage Association, *Member*

International Association of Defense Counsel, *Member*

HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - Washington*, 2001, 2003, 2007, 2010-2019.

PUBLICATIONS & PRESENTATIONS

Speaker, Washington Defense Trial Lawyers Annual Insurance Law Update, Hot Topics in UIM Coverage, 2012.

Speaker, Washington Defense Trial Lawyers Annual Insurance Law Update, Duty to Settle, 2011.

Editor, Washington Bar Association, Washington Motor Vehicle Accident Insurance Deskbook, 2009 Supplement, Chapter 3: Exclusions to Liability Coverage, 2009.

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PUBLICATIONS & PRESENTATIONS (CONT)

National Business Institute, Inc., *Challenges In Washington Insurance Coverage Litigation--Analyzing Insurance Contract Provisions & Bad Faith Litigation*, 2003.

Speaker, Northwest Insurance Coverage Association, *Multiple Claims, Inadequate Limits: What is an Insurer to Do?*, 2002.

Washington State Bar Association – Editor, *Washington Motor Vehicle Accident Insurance Deskbook*, 2d ed., Chapter 3: Liability Insurance: Exclusions, 2001.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington--Automobile Insurance & Rules of Professional Conduct and Conflicts of Interest*, 1998.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington - Automobile Coverage*, 1996.

Speaker, King County Bar Association, *The Liability Insurance Policy - The Duties to Defend, Pay and Settle, Reservations of Rights Situations*, 1996.

Speaker, Seattle King County Bar Association, Special Issues in Defending an Insured, 1993.

Seattle King County Bar Association, *Annual Nuts and Bolts of Insurance Coverage, Part II - Special Issues in Defending an Insured*, 1992.

Speaker, Seattle-King County Bar Association, *How to Read an Insurance Policy*, 1990.

National Business Institute, Inc., *Challenges In Washington Insurance Coverage Litigation--Analyzing Insurance Contract Provisions & Bad Faith Litigation*, 2003.

Speaker, Northwest Insurance Coverage Association, *Multiple Claims, Inadequate Limits: What is an Insurer to Do?*, 2002.

Washington State Bar Association – Editor, *Washington Motor Vehicle Accident Insurance Deskbook*, 2d ed., Chapter 3: Liability Insurance: Exclusions, 2001.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington--Automobile Insurance & Rules of Professional Conduct and Conflicts of Interest*, 1998.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington - Automobile Coverage*, 1996.

Speaker, King County Bar Association, *The Liability Insurance Policy - The Duties to Defend, Pay and Settle, Reservations of Rights Situations*, 1996.

Speaker, Seattle King County Bar Association, *Special Issues in Defending an Insured*, 1993.

Seattle King County Bar Association, *Annual Nuts and Bolts of Insurance Coverage, Part II - Special Issues in Defending an Insured*, 1992.

Speaker, Seattle-King County Bar Association, *How to Read an Insurance Policy*, 1990.

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GARRETT HEILMAN

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
gheilman@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Employee Benefits and Retirement Security

EDUCATION

**University of Washington
School of Law**

J.D., 2013

University of Puget Sound

B.A., 2009

Garrett Heilman is a proud member of Keller Rohrback L.L.P.'s nationally recognized Complex Litigation Group, where he focuses on cutting-edge cases that hold corporations and other institutions accountable for wrongdoings.

Garrett's interest in corporate accountability began as a law student at the University of Washington School of Law, where he contributed to publications and reports regarding corporate responsibility and human rights and developed training programs for Fortune 500 companies to educate employees on conducting business ethically.

Prior to joining Keller Rohrback, Garrett practiced at a boutique litigation firm and clerked for the Honorable Mary K. Dimke in the U.S. District Court for the Eastern District of Washington and the Honorable George B. Fearing at the Washington State Court of Appeals.

When time permits, Garrett enjoys providing pro bono counsel at the King County Neighborhood Legal Clinic and working to vindicate and/or protect people's First Amendment rights.

BAR & COURT ADMISSIONS

2014, Washington
2015, Illinois
2016, U.S. Court of Appeals for the Ninth Circuit
2016, U.S. District Court for the Western District of Washington
2017, U.S. Court of Appeals for the Third Circuit
2019, U.S. District Court for the Eastern District of Washington
2019, U.S. District Court for the Eastern District of Wisconsin

PROFESSIONAL & CIVIC INVOLVEMENT

Legal Foundation of Washington – Associates Campaign Committee, *Member*
King County Bar Association, *Member*
Washington State Bar Association, *Member*
American Bar Association, *Member*

ARTICLES & PRESENTATIONS

Chapter Editor, *Employment Benefits Law – 2019 Cumulative Supplement* (Bloomberg BNA), 2019-present

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



DEAN KAWAMOTO

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
dkawamoto@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Environmental Litigation
- Financial Products & Services
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities

EDUCATION

University of California at Berkeley

B.A., History and Biology, *High Distinction*, 1998

Yale Law School

J.D., 2003

University of Cambridge (UK)

LL.M., International Law, *First Class Honors*, 2007

Dean Kawamoto understands complex cases. Many of Dean's cases involve complicated financial transactions, sophisticated institutional and government clients, large-scale discovery, extensive expert analysis, and massive damages. Dean's litigation experience is broad, and includes litigation involving public health, systemic corporate fraud, financial services and securities transactions, consumer protection, product liability, environmental remediation, and professional liability.

As a partner in the firm's Complex Litigation Group, Dean has played an important role in many of Keller Rohrbach's largest cases. In the Opiate MDL, Dean has played a lead role in developing the case against Mallinckrodt and has also worked closely with the experts in the case. Dean was part of the Keller Rohrbach team that successfully sued Volkswagen, Audi, and Porsche for engaging in a massive fraud to cheat emission standards by using "defeat devices." Dean is currently part of the litigation team representing several of the Federal Home Loan Banks in litigation against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion. He was also part of the trial team that successfully objected on behalf of the firm's clients to the \$8.5 billion settlement between Bank of New York Mellon and Bank of America over Countrywide's massive mortgage liabilities, the only objection that was sustained by the trial court. Most recently, Dean was appointed by the Honorable Judge William Orrick as co-lead counsel for *In re JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, the multidistrict litigation against JUUL Labs, Inc. and other defendants for actions relating to the vaping epidemic among minors.

Dean also has an extensive background in environmental law. He has performed climate change research in the Arctic Tundra. He has worked for the United States Senate Committee on Environment and Public Works, where he was in charge of issues relating to water pollution and the Clean Water Act. During law school, he was a research assistant and teaching assistant to Professor Daniel Esty, the former Commissioner of the Connecticut Department of Energy and Environmental Protection. Dean also served as an adjunct instructor in environmental law and policy for the University of Southern California.

Dean served as a clerk for the Honorable Wm. Matthew Byrne, U.S. District Judge for the Central District of California and was previously a Professional Staff Member on the U.S. Senate Committee on Environment and Public Works and a Legislative Aide to Senator Lincoln D. Chafee of Rhode Island.

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BAR & COURT ADMISSIONS

2004, California

2004, U.S. District Court for the Central District of California

2009, District of Columbia

2011, Washington

2015, U.S. District Court for the Northern District of California

2015, U.S. District Court for the Eastern District of California

2015, U.S. District Court for the Western District of Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

State Bar of California, *Member*

District of Columbia Bar, *Member*

American Bar Association, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2015

Recipient of the Clifford Chance C.J. Hamson Prize for thesis on class actions

John Gardner Public Service Fellow

Recipient of the Departmental Citation for Integrative Biology (awarded to the top graduate in the major)

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



ERIKA KEECH

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ekeech@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action and Consumer Litigation

EDUCATION

**Washington State University
Honors College**

B.A., 2006, *cum laude*

**Gonzaga University School
of Law**

J.D., 2012, *cum laude*, Managing
Editor, Gonzaga Law Review

Erika Keech is no stranger to standing up for justice. Her background and passion for public service guide her as a member of Keller Rohrback's nationally-recognized Complex Litigation Group. Erika is committed to advocating for consumers, holding institutions accountable for wrongdoing, and keeping the public safe.

During Law School, Erika was the Managing Editor of the Gonzaga Law Review and was a member of the National Appellate Advocacy Competition moot court team. She was also a summer associate at Keller Rohrback and a rule 9 intern at the Snohomish County Prosecuting Attorney's Office.

After law school, she clerked for the Honorable Linda C. Krese in Snohomish County Superior Court, before joining the Snohomish County Prosecuting Attorney's Office, where she served as a Deputy Prosecuting Attorney (DPA) from 2013 to 2017. As a DPA, Erika prosecuted both misdemeanor and felony crimes, including over thirty jury trials, and gained extensive trial, advocacy, and courtroom experience.

Prior to law school, from 2006 to 2009, Erika worked at the Washington State Legislature. During college she studied abroad in Costa Rica, Chile, and Spain.

BAR & COURT ADMISSIONS

2013, Washington

2018, U.S. District Court for the Eastern District of Washington

2018, U.S. Court of Appeals for the Ninth Circuit

2018, U.S. District Court for the Western District of Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Women in eDiscovery, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2019

KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



RON KILGARD

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Phoenix, AZ 85012
(602) 248-0088
rkilgard@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Antitrust & Trade Regulation
- Class Action
- Constitutional Law
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

EDUCATION

Harvard College B.A., 1973,
History

Harvard Divinity School M.T.S.,
1975, Old Testament

**Arizona State University College
of Law** J.D., 1979, Editor-in
Chief, *Arizona State Law Journal*,
Armstrong Award (outstanding
graduate)

Ron Kilgard is a 40-year civil litigation lawyer. Over a long career, he has handled all manner of civil cases, from routine automobile accidents and two-party contract disputes of no interest to anyone but the parties, to multi-million dollar class actions covered in *The New York Times* and *The Wall Street Journal*. For the last 20 years, Ron has mostly litigated pension plan class actions. Ron helped Keller Rohrback pioneer company stock ERISA litigation in the late 1990s and early 2000s; he was part of the team that obtained settlements of over \$265 million in the Enron 401(k) litigation. In 2017, after six years of litigation, Ron prevailed in an action challenging as unconstitutional the cutbacks to the pensions of Arizona state court judges. That same year, Ron began representing pro bono, and is still representing, a client fleeing gang-related violence in El Salvador.

Ron is a Phoenix native. He clerked for the Hon. Mary M. Schroeder, U. S. Court of Appeals for the Ninth Circuit, in 1979-80 and has practiced in Phoenix ever since. He was one of the lawyers who formed the Phoenix office of Keller Rohrback L.L.P. in November 2002.

HONORS & AWARDS

Best Lawyers in America, ERISA Practice, 2013-2020

Florence Immigrant & Refugee Rights Project, 2018 Pro Bono Attorney of the Year (adult cases)

PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member*

District of Columbia Bar, *Member*

New York State Bar Association, *Member*

National Immigrant Justice Center, *Pro Bono Counsel*

Florence Immigrant & Refugee Rights Project, *Pro Bono Counsel*

KELLER ROHRBACK

L A W O F F I C E S ♦ L. L. P.

BAR & COURT ADMISSIONS

1979, Arizona Supreme Court
1979, U.S. District Court for the District of Arizona
1982, U.S. Court of Appeals for the Ninth Circuit
1995, U.S. Supreme Court
2005, U.S. Court of Appeals for the Second Circuit
2005, U.S. Court of Appeals for the Fifth Circuit
2007, U.S. District Court for the Eastern District of Michigan
2009, District of Columbia Court of Appeals
2010, U.S. Court of Appeals for the Fourth Circuit
2010, U.S. District Court for the District of North Dakota
2011, New York Supreme Court, Appellate Division
2012, U.S. District Court for the Southern District of New York
2013, U.S. District Court for the District of Colorado
2013, U.S. Court of Appeals for the Eighth Circuit
2014, U.S. Court of Appeals for the Sixth Circuit
2014, U.S. Court of Appeals for the Third Circuit
2015, U.S. Court of Appeals for the Seventh Circuit
2015, U.S. Court of Appeals for the Tenth Circuit
2016, U.S. District Court for the Southern District of Illinois
2016, U.S. District Court for the Western District of Oklahoma
2016, U.S. District Court for the Eastern District of Missouri
2016, U.S. District Court of the Central District of Illinois
2016, U.S. District Court of the Northern District of Indiana
2017, Executive Office for Immigration Review
2019, U.S. District Court for the Northern District of New York

PUBLICATIONS & PRESENTATIONS

Speaker, ABA Seminar, After Enron, 2006
Speaker, Chicago Bar Association, Company Stock Litigation, 2006
Speaker, West LegalWorks ERISA Litigation Conference, 2007
Speaker, National Center for Employee Ownership, *Fiduciary Implications of Company Stock Lawsuits*, 2012 and 2013
Speaker, American Conference Institute, *New Developments in Church Plan Litigation*, 2015-2017

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



DAVID KO

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dko@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Financial Products and Services
- Governments & Municipalities
- Institutional Investors
- Securities

David is a partner in the firm's nationally recognized Complex Litigation Group, where he represents plaintiffs in federal and state courts across the country in a wide variety of cases involving corporate wrongdoing.

He has helped his clients—including government entities, retirement plans, individuals, and institutional investors—obtain several multimillion dollar recoveries against some of the largest corporations in the country.

David has significant experience in all phases of litigation, including trial, at both federal and state court. He was a lead trial attorney in a 14-week bench trial in the Northern District of Illinois involving breach of fiduciary duty claims on behalf of an employee stock ownership plan that resulted in a settlement after judgment and prior to resolution of an appeal. He was also part of the trial team representing three Federal Home Loan Banks that successfully objected to a proposed \$8.5 billion settlement submitted by the Bank of America in New York Supreme Court arising out of its purchase of mortgage-backed securities from Countrywide.

David also represented thousands of Super Bowl ticket holders against various ticket brokers engaged in short-selling, including filing the first class action arising out of this widespread and deceptive practice.

Most recently, David has been appointed as a special deputy prosecuting attorney by numerous government entities as outside counsel in litigation against manufacturers, distributors, and dispensers of prescription opioids. David is one of the lead attorneys handling the firm's opioid cases, and represents counties, cities, and Native American Tribes in Washington, Arizona, California, Colorado, Idaho, and New York in the national opioid litigation pending in the Northern District of Ohio.

Prior to joining the firm, David clerked for the Honorable Ricardo S. Martinez, Chief U.S. District Judge in the Western District of Washington. David is also past President of the Korean American Bar Association of Washington, and a Fellow of the Washington Leadership Institute.

EDUCATION

University of Washington

B.A., 2002, History and Political Science

Seattle University School of Law

J.D., *cum laude*, 2006; National Order of Barristers

University of Washington School of Law

LL.M., 2007 Taxation

KELLER ROHRBACK

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BAR & COURT ADMISSIONS

2006, Washington

2010, U.S. District Court for the Western District of Washington

2010, U.S. District Court for North Dakota

2011, U.S. Court of Appeals for the Ninth Circuit

2016, U.S. District Court for the Eastern District of Michigan

2018, U.S. Court of Appeals for the Second Circuit

2018, U.S. District Court for the Eastern District of Washington

2019, U.S. District Court for Colorado

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Korean American Bar Association, *Board Member*

Asian American Bar Association, *Member*

National Center for Employee Ownership, *Member*

PUBLICATIONS & PRESENTATIONS

Speaker, Human Right to Health: Pathways and Responses, Opioid Abuse and Litigation: Legal and Policy Responses (Seattle, WA, November 2019)

Speaker, Washington State Society of Healthcare Attorneys Annual Conference, *Opioid Litigation on Behalf of Local Governments* (Seattle, WA, April 2018)

Speaker, Mass Torts Made Perfect, *National Costs of Opioid Crisis* (Las Vegas, NV, April 2018)

Speaker, National Center for Employee Ownership Annual Conference, *Fundamentals of the Repurchase Obligation* (Denver, CO, March 2017)

Speaker, National Business Institute, *Legal Ethics: Top Attorney-Client Mistakes* (Seattle, WA, December 2016)

Speaker, National Business Institute, *Title Law: Ethics* (Seattle, WA, April 2016)

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2019

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



TANYA KORKHOV

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PRACTICE EMPHASIS

- Employee Benefits & Retirement Security
- Complex Litigation

EDUCATION

New York University

B.A., *magna cum laude*, 2001

Benjamin N. Cardozo School of Law

J.D., 2005

Tanya Korkhov is a passionate advocate for her clients. As a member of Keller Rohrback's nationally recognized Complex Litigation Group, Tanya focuses on actions brought pursuant to the Employee Retirement Income Security Act of 1974 (ERISA), and other complex litigation matters.

Prior to joining Keller Rohrback, Tanya was associated for over ten years with a New York firm specializing in complex litigation, where she gained extensive experience with litigating fiduciary duty breach claims and shareholder derivative claims in both state and federal courts. Tanya has frequently supervised discovery in various complex actions, including multidistrict litigation proceedings, involving numerous depositions being conducted on parallel tracks in related actions, and electronic review of substantial document productions. Throughout her practice, Tanya has played a significant role in a number of high-profile recoveries achieved on behalf of the plaintiff classes. Tanya was a key member of the litigation team that recently obtained a \$40 million settlement for the class of plan participants and beneficiaries in *In re American International Group, Inc. ERISA Litigation II*. Tanya has successfully represented clients in numerous other actions alleging fiduciary duty breaches or claims of corporate malfeasance that resulted in multimillion-dollar recoveries for retirement plan participants or shareholders who suffered investment losses.

As a member of the Securities Arbitration Clinic at the Benjamin N. Cardozo School of Law, where she earned her J.D., Tanya represented clients with limited means in securities-related proceedings. Tanya also represented Cardozo on a four-member team in the 2004 and 2005 annual Willem C. Vis International Commercial Arbitration Moot Competition held in Vienna, Austria. Subsequently, Tanya has frequently served as a volunteer team coach and judge for the Vis Moot.

Tanya is a charter member of the Rotary Club of Wall Street New York, which partners with various international and local organizations to improve the lives of New Yorkers and communities world-wide. Tanya also volunteers with other New York based non-profit groups committed to furthering education and community service.

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BAR & COURT ADMISSIONS

2006, New York

2008, U.S. District Court for the Eastern District of New York

2008, U.S. District Court for the Southern District of New York

2015, U.S. Court of Appeals for the Second Circuit

2017, U.S. District Court for the Northern District of Illinois (General Bar)

2018, U.S. Court of Appeals for the Seventh Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

Rotary Club of Wall Street New York, *Charter Member*

American Bar Association, *Member*, Labor and Employment Law Section

ARTICLES & PRESENTATIONS

Speaker, ERISA 2019 – Current Issues for Plan Fiduciaries, Cardozo Law School, New York, NY (November 7, 2019)

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



CARI CAMPEN LAUFENBERG

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PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Consumer & Data Privacy Protection
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

EDUCATION

University of California, San Diego

B.A., 1993, Art History

University of Washington

M.A., 1998, Public Administration

University of Washington School of Law

J.D., 2003

As a partner in Keller Rohrback's nationally recognized Complex Litigation Group, Cari Laufenberg maintains a national practice representing consumers, employees, and institutions in complex consumer and employee class actions involving corporate fraud, privacy and data breach issues, breach of fiduciary duty, and the Employee Retirement Income Security Act ("ERISA"). Since joining Keller Rohrback, she has played a key role in obtaining multi-million dollar recoveries for consumers, employees, and shareholders in many of the firm's largest and most complex cases, including cases involving Anthem Inc., Sony Pictures Entertainment Inc., Marsh McLennan Companies, Goodyear Tire & Rubber Co., and HealthSouth Corporation.

Cari has been appointed to numerous leadership positions in federal courts across the country and serves as Co-Lead Counsel for over 2 million data breach victims in *In Re: 21st Century Oncology Customer Data Security Breach Litigation* in the Middle District of Florida. She also serves as an appointed member of several leadership committees including: *In Re: Experian Data Breach Litigation* in the Central District of California, *In Re: VTech Data Breach Litigation*, and *In Re: 100% Grated Parmesan Cheese Marketing and Sales Practices Litigation*, both in the Northern District of Illinois, Eastern Division.

Over the past 15 years, Cari's background in nonprofit management and public administration has served her clients well. She is adept at organizing large complex cases, working collaboratively with other counsel, and developing a cogent strategy which achieves short-term goals and long-term successes. Before joining Keller Rohrback in 2003, Cari served as a judicial extern for Judge Barbara Jacobs Rothstein of the U.S. District Court for the Western District of Washington. She is a frequent speaker at national conferences on class actions, identity theft and privacy, and other complex litigation topics.

BAR & COURT ADMISSIONS

2003, Washington

2004, U.S. District Court for the Western District of Washington

2006, U.S. District Court for the Eastern District of Michigan

2006, U.S. Court of Appeals for the Eleventh Circuit

2011, U.S. Court of Appeals for the Seventh Circuit

2011, U.S. Court of Appeals for the Ninth Circuit

2013, U.S. Court of Appeals for the Eighth Circuit

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LAW OFFICES ♦ L. L. P.

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2008-2009, 2011

AV®, Peer Review Top-Rated by Martindale-Hubbell

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

King County Washington Women Lawyers, *Member*;
Member of the Board of Directors (2003-2005)

Washington Women Lawyers, *Member*

The William L. Dwyer American Inn of Court, *Founding Student Member* (2002-2003)

Federal Bar Association, *Member*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Northwest Immigrant Rights Project, *Volunteer Attorney*

National Association for Public Pension Attorneys, *Member*

PUBLICATIONS & PRESENTATIONS

Presenter, Capital One Data Breach Litigation, HarrisMartin's MDL Conference, Beverly Hills, CA, September 2019.

Presenter, Consumer Recovery of Damages for Security Breaches or Misuse of Consumer Information, Law Seminars International Artificial Intelligence & Privacy Conference, Seattle, WA, August 2019.

Presenter, Data Breach & Privacy Class Action Litigation, Law Seminars International Class Action Litigation Conference, Seattle, WA, May 2019.

Presenter, Facebook Breach – Is Anyone's Data Safe, HarrisMartin MDL Conference, Chicago, IL, May 2018.

Class Action Lawsuits and Settlements: Uncovering the Things You Need to Know, The Knowledge Group Online CLE, November 2018.

Presenter, Intel: The OEM Cases, HarrisMartin MDL Conference, Miami, FL, March 2018.

Presenter, *Legal Claims: Equifax and Other Data Breach Cases*, HarrisMartin's Equifax Data Breach Litigation Conference, Atlanta, GA, November 2017.

Tana Lin, Cari Laufenberg and Lisa A. Nowlin, Brief for American College of Obstetricians and Gynecologists as Amicus Curiae in Support of Respondent, *Coffey v. Public Hosp. Dist. No. 1, Skagit Cty. Wash. d/b/a Skagit Regional Health, et al.*, No. 75769-5) (Wash. Ct. App. Apr. 5, 2017).

Panelist, *Recent Settlements & Litigation Trends*, HB Litigation Conferences, Data Breach Litigation and Investigation Forum 2017, San Francisco, CA, January 2017.

Presenter, *Don't Be Spokeo'd: What You Need to Know in Litigating Data Breach Cases*, American Bar Association, Business Law Section Annual Meeting, Boston, MA, September 2016.

Panelist, *The Client's Perspective: ADR Users Share Insights Regarding What Mediators Do To Make the Process Succeed or Fail*, American Bar Association, 18th Annual Section of Dispute Resolution Spring Conference, New York, NY, April 2016.

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



ELIZABETH LELAND

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(206) 623-1900
bleland@kellerrohrback.com

PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services
- Institutional Investors
- Securities

EDUCATION

University of Washington

B.A., 1989, Business Administration with double concentration in Finance and Business Economics

University of Puget Sound School of Law

J.D., *cum laude*, 1993

Beth Leland pays attention to the details. As a longtime member of the firm's Complex Litigation Group, Beth prides herself on crafting creative arguments to plead cases in her clients' best interests. She also strives to be on the forefront of technological innovation, managing electronic discovery in complex cases to increase accuracy and efficiency in order to maximize benefits to her clients, while minimizing client discovery burdens and costs. Beth has nearly twenty years of experience litigating complex cases arising from investment fraud at both the trial and appellate levels and has also gained experience in consumer protection, mass tort, and antitrust litigation. Notable cases include mortgage-backed securities litigation on behalf of the Federal Home Loan Banks of Boston, Chicago, and Indianapolis. She has also played a key role in numerous cases resulting in multi-million dollar settlements, including against Anicom Inc., Apple, Inc., Dynegey Inc., IKON Office Solutions, Merrill Lynch & Co., United Companies Financial Corp., and Xerox Corporation.

Beth has spoken at conferences and as a guest lecturer at the Seattle University School of Law.

Before joining Keller Rohrbach in 1998, Beth spent several years in general civil practice in the Seattle area. Outside of work, Beth can be found skiing, spending time with friends, or cheering on her favorite team at Husky Stadium.

BAR & COURT ADMISSIONS

1993, Washington

1994, U. S. District Court for the Western District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

2003, U.S. Court of Appeals for the Fifth Circuit

2005, U.S. Court of Appeals for the Seventh Circuit

2009, U.S. District Court for the Eastern District of Michigan

2010, U.S. Court of Appeals for the Fourth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*; Antitrust, Consumer Protection & Unfair Business Practices Section; Labor & Employment Section; and Litigation Sections

American Bar Association, *Member*; Antitrust and Litigation Section



PROFESSIONAL & CIVIC INVOLVEMENT (CONT)

American Bar Association, *Member*; Antitrust and Litigation sections

King County Bar Association, *Member*

Washington State Bar Association, *Member*; Antitrust, Consumer Protection & Unfair

Business Practices, Labor & Employment, and Litigation sections American Bar Association, *Member*; Antitrust and Litigation sections

American Bar Association, *Member*; Antitrust and Litigation Section

Cancer Pathways (formerly Gilda's Club), *Volunteer*

King County Bar Association, *Member*

King County Washington Women Lawyers, *Member*

Seattle University School of Law Alumni Association, *Member*

Sedona Conference Working Groups 1 (Electronic Document Retention and Production) and 2 (Protective Orders, Confidentiality and Public Access), *Member*

University of Washington Alumni Association, *Member*

Washington State Association for Justice, *Member*

Washington State Bar Association, *Member*; Antitrust, Consumer Protection & Unfair Business Practices Section; Labor & Employment Section; and Litigation Sections

Washington Women Lawyers, *Member*

Women in eDiscovery, Seattle Chapter, *Member*

King County Bar Association Housing Justice Project, 1999-2003, *Volunteer Attorney*

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



JEFFREY LEWIS

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300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 463-3900
jlewis@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Employee Benefits and Retirement Security
- Complex Litigation
- Employment Litigation
- Private Judge, Mediator, Special Master

EDUCATION

Yale University

B.A., 1970

University of California at Berkeley School of Law

Order of the Coif – J.D., 1975

Jeffrey Lewis has specialized in ERISA and employee benefits law since 1975. He has successfully litigated individual, group, and class action claims on behalf of hundreds of thousands of employees, retirees, and the disabled. He was a founding partner of Lewis, Feinberg, Lee & Jackson, one of the first firms in the nation to specialize in ERISA litigation on behalf of plaintiffs. Among his major successes was serving as one of appointed counsel for employees of WorldCom, Inc. in a class action which resulted in a settlement that paid more than \$47 million to participants in WorldCom's 401(k) plan. He recently recovered over \$40 million for retirees after a lengthy trial in which he served as lead counsel. Mr. Lewis serves as a mediator for the U.S. District Court, the Northern District of California, and in private practice, and has served as an arbitrator and expert witness in ERISA cases. He has also advised employee groups and benefit plan fiduciaries, and has served as an independent fiduciary of employee benefit plans.

In addition to his litigation and advisory activities throughout the U.S., Mr. Lewis has testified before Congressional committees regarding pension issues and served as one of the Co-Chairs of the Senior Board of Editors of the Employee Benefits Law treatise. He has also taught employee benefits law at the University of California at Berkeley School of Law, as well as pension law courses at several other law schools.

BAR & COURT ADMISSIONS

- 1975, California
- 1976, U.S. District Court for the Northern District of California
- 1981, U.S. Court of Appeals for the Ninth Circuit
- 1985, U.S. District Court for the Eastern District of California
- 1991, U.S. District Court for the Southern District of California
- 1993, U.S. District Court for the Central District of California
- 1995, Supreme Court of the United States
- 1999, U.S. Court of Appeals for the Tenth Circuit
- 2001, U.S. Court of Appeals for the 2nd Circuit
- 2001, U.S. Court of Appeals for the Third Circuit
- 2004, U.S. Court of Appeals for the Fourth Circuit
- 2005, U.S. Court of Appeals for the Fifth Circuit
- 2007, U.S. Court of Appeals for the Seventh Circuit
- 2015, U.S. District Court for the District of Colorado
- 2018, U.S. Court of Appeals for the Second Circuit

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

PUBLICATIONS & PRESENTATIONS

Co-Chair of the Board of Senior Editors of Lewis, et al.,
Employee Benefits Law (3d ed. BNA)

Board of Senior Editors, *Employee Benefits Law* (2d ed. BNA)

Former editor of the Discrimination Claims Under ERISA
chapter of *Employee Rights Litigation: Pleading and
Practice* (Matthew Bender, 1991)

Frequent speaker on ERISA topics such as preemption,
fiduciary duty, and benefit claims at seminars sponsored
by the American Bar Association, the Bureau of National
Affairs, the National Employment Lawyers Association
(NELA), and other organizations.

PROFESSIONAL & CIVIC INVOLVEMENT

Elected as a charter fellow of the College of Employee
Benefits Counsel, Board of Governors

American Bar Association, Member, Labor & Employment
Section, Former Plaintiff Co-Chair of the Employee Benefits
Committee

AC Transit Retirement Board, Chair, Board of Trustees

Goodyear Retiree Health Care Trust, Member of the Plan
Committee

HONORS & AWARDS

Selected to Super Lawyers List, *Super Lawyers - Northern
California*, 2005-2018

Selected to Top 100 Lawyers List in *Super Lawyers -
Northern California*, 2010-2016

Top Attorney for ERISA Plaintiffs in the San Francisco Bar
Area, *The Recorder*

Forty Top Benefits Attorneys, *The National Law Journal*,
1998

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



TANA LIN

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tlin@kellerrohrback.com

PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Actions
- Consumer Protection
- Employment Law
- Fiduciary Breach
- Mutual Fund Excessive Fees
- Whistleblower

EDUCATION

Cornell University

A.B., *with distinction*, 1988,
Government

New York University School of Law

J.D., 1991, Root-Tilden-Snow
Scholar

Tana Lin fights hard for her clients, building cases that are legally and factually compelling. Tana has over 25 years of litigation experience in civil and criminal matters in state and federal courts throughout the country. She is a member of the firm's nationally recognized Complex Litigation Group.

Tana joined Keller Rohrbach in 2004 after practicing as a civil rights and criminal defense attorney. She began her legal career as a trial attorney with the Public Defender Service for the District of Columbia, one of the preeminent public defender offices in the country, where she handled cases at the trial level and argued appellate cases before the District of Columbia Court of Appeals.

Tana then joined the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice where she enforced federal discrimination laws across the country. At the DOJ, and later at the Chicago District Office of the U.S. Equal Employment Opportunity Commission, she investigated and prosecuted employment discrimination cases against large governmental entities such as the Louisiana State Police and private corporations such as Walmart. She also served as the Litigation Coordinator for the Michigan Poverty Law Program, developing statewide projects to address issues facing low income communities and crafting creative solutions by developing partnerships with interested stakeholders.

At Keller Rohrbach, Tana has achieved significant settlements for her clients. She has won landmark victories for shareholders of mutual funds in suits alleging breaches of fiduciary duty by investment advisors in violation of the Investment Company Act. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of the Employee Retirement Income Security Act ("ERISA"). Tana has also stood up for workers who had been denied their proper wages and overtime payments. Tana was recently part of the trial team representing 20,000 Detroit nurses alleging an antitrust conspiracy by healthcare providers to depress compensation levels. This extraordinary case settled on the eve of trial. In total, Tana played an essential role in recovering almost \$90 million on behalf of affected Detroit nurses.

Tana's pro bono work includes *Doe et al. v. Donald Trump, President of the United States, et al.*, Case No. C17-0178JLR (W.D. Wash.), where she obtained a nationwide preliminary injunction against the Trump administration's suspension of follow-to-join refugee admissions which was part of the latest installment of the Muslim travel ban.

Tana's wide ranging experience helps her quickly grasp what issues will dictate a case's outcome, and she works tirelessly to see that her clients obtain the best result available.

KELLER ROHRBACK

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BAR & COURT ADMISSIONS

1991, District of Columbia

2000, Illinois

2001, Michigan

2004, Washington

HONORS & AWARDS

Named to Washington Super Lawyers list, 2012, 2014 - 2019

U.S. Department of Justice Special Achievement Award, 1997

PROFESSIONAL & CIVIC INVOLVEMENT

ACLU of Washington: *Board of Directors*, 2016-present; *President 2019*; *Executive Committee*, 2017-present; *Budget Committee*, 2017-2018; *Legal Committee*, 2015-2018; Cooperating Attorney

American Association for Justice, *Member*

American Bar Association, *Member*

American Bar Association Gun Violence Advisory Committee, *Member*, 2016-2017

Asian Bar Association of Washington, *Member*, 2006-present; *Board of Directors*, 2010-2012

Joint Asian Judicial Evaluation Committee, *Member*, 2006-2008, 2010 (*Chairperson*)-2013, 2015-2018

King County Bar Association, *Member*

Lawyers Fostering Independence Program, *Volunteer Attorney*, 2008-2019

Mother Attorneys Mentoring Association (MAMAS), *Founding Member*

National Employment Lawyers Association, *Member*

Washington State Bar Association, *Member*

Washington State Association for Justice, *Member*

National Asian Pacific American Bar Association, *Member*

PUBLICATIONS & PRESENTATIONS

Faculty, National Institute for Trial Advocacy, Deposition Skills: Seattle, Seattle, WA, Aug. 2018.

Faculty and Lecturer, NITA Deposition Advocacy Program, Seattle, WA, Oct. 2017.

Presenter, ACLU Law & Liberty Series: Litigating Against Trump's Muslim Ban, Seattle, WA, May 2017.

Presenter, Women Antitrust Plaintiffs' Attorneys Networking Event, Minneapolis, MN, *How to Prepare for the Big Event: Trial (The Last 90 Days)*, Oct. 2010.

Faculty, Trial Advocacy College, National Legal Aid and Defender Association, Philadelphia, PA, July 2005.

Tana Lin, *Recovering Attorney's Fees under the Individuals With Disabilities Education Act*, West's Education Law Reporter, 180 Ed.LawRep. 1 (2003).

Civil Track Plenary Panelist, National Legal Aid and Defender Annual Conference, Seattle, WA, *Navigating the Crossroads of Change: Where Do We Go from Here?*, Nov. 2003.

Presenter, National Legal Aid and Defender Annual Conference, Seattle, WA, *Holistic Advocacy for Youth: Addressing the Basic Needs of Children Through Civil, Criminal and Community Collaborations*, Nov. 2003.

Presenter, National Legal Aid and Defender Annual Conference, Seattle, WA, *Civil and Criminal Strategies for Protecting Clients Accused of Food Stamp Fraud*, Nov. 2003.

Lead Trainer, Negotiation Skills Training, Committee on Regional Training, Ann Arbor, MI, Oct. 2003.

Faculty and Lecturer, Trial Advocacy Training for Legal Aid Attorneys, National Legal Aid and Defender Association, Los Angeles, CA, July 2003.

Trainer, Basic Lawyering Skills Training, Committee on Regional Training, Ann Arbor, MI, Dec. 2002.

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



DEREK LOESER

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PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Financial Products & Services
- Governments and Municipalities
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities Fraud
- Whistleblower

Derek has been a plaintiffs' attorney for over 25 years. As a senior partner and a member of Keller Rohrback's Executive Committee, Derek's passion for holding large corporations accountable for wrongdoing has helped recover billions of dollars for consumers, retirees, governments and institutions.

Derek has served in leadership roles in major complex cases across the country. Currently, he is co-lead counsel in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, the MDL litigation against Facebook stemming from the Facebook Cambridge Analytica scandal.

Derek also serves as lead counsel for the Wells Fargo unauthorized account consumer class action. In this case, Derek and the Keller Rohrback team achieved a \$142 million settlement requiring the bank to refund all improper fees and provide first-of-its kind credit damage reimbursement, among other relief, to Wells Fargo customers.

In addition to his class action work, Derek helps manage the Keller Rohrback team representing state and local government entities in a number of matters involving significant public health crises. For example, Derek leads the Keller Rohrback team litigating government cases against opioid manufacturers and distributors in *In re National Prescription Opiate Litigation*. In the Opioid MDL, Derek serves on the Expert and Law & Briefing Committees, and directs the litigation against a major generic opioid manufacturer. He also represents school districts and counties in litigation against the e-cigarette company, JUUL, for targeting and addicting youth. These cases are quintessential examples of the type of litigation Derek and the Keller Rohrback team fervently pursue: corporate fraud and malfeasance causing serious harm to the public.

Some of Derek's other notable cases include mortgage-backed securities cases on behalf of the Federal Home Loan Banks of Chicago, Indianapolis and Boston; ERISA class cases on behalf of employees whose retirement savings were decimated by corporate fraud and abuse on the part of Enron, WorldCom, Countrywide, and Washington Mutual, among others. He has also litigated fraud, RICO, and antitrust cases against drug manufacturers, pharmacy benefit managers, and insurance companies for conspiring to drive up the cost of life-saving medications such as insulin.

Many of Derek's cases have required coordinating with state and federal agencies involved in litigation that parallels cases pursued by Keller Rohrback, including state attorneys general, the Department of Justice, and the Department of Labor. In addition, Derek has extensive experience negotiating complex, multi-party settlements, and coordinating with the many parties and counsel necessary to accomplish this. He is also frequently asked to speak at national conferences about class actions, public health litigation, ERISA, and other complex litigation topics.

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L A W O F F I C E S ♦ L L P.

Before joining Keller Rohrback, Derek served as a law clerk for the Honorable Michael R. Hogan, U.S. District Court for the District of Oregon. He was also employed as a trial attorney in the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

EDUCATION

Middlebury College

B.A., *summa cum laude*, 1989, American Literature (highest department honors), Stolley-Ryan American Literature Prize, Phi Beta Kappa

University of Washington School of Law

J.D., *with honors*, 1994

HONORS & AWARDS

Listed as Lawdragon 500 Leading Lawyers in America 2018

Selected to Super Lawyers list in Super Lawyers - Washington, 2007-2012, 2014-2019

AV®, Peer Review Top-Rated by Martindale-Hubbell

Recipient of the 2010 Burton Award for Legal Achievement for the article, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty, Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009)

Selected to Rising Stars list in Super Lawyers - Washington, 2005-2007

U.S. Department of Justice Award for Public Service, 1996

U.S. Department of Justice Achievement Award, 1996

U.S. Department of Justice Honors Program Hire, 1994

BAR & COURT ADMISSIONS

1994, Washington

1998, U.S. District Court for the Western District of Washington

1998, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

2002, U.S. District Court for the Eastern District of Michigan

2004, U.S. District Court for the Northern District of Illinois

2006, U.S. Court of Appeals for the Eleventh Circuit

2009, U.S. Court of Appeals for the Eighth Circuit

2010, United States Supreme Court

2010, U.S. Court of Appeals for the Fourth Circuit

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the First Circuit

2017, New York

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Employment Benefits Committee Member*

National Employment Lawyers Association, *Member*

American Civil Liberties Union of Washington, *Cooperating counsel*

PUBLICATIONS & PRESENTATIONS

Panelist, HarrisMartin's MDL Conference: JUUL and Capital One Data Breach Litigation – JUUL, E-Cigarettes & Vaping Litigation – An Overview of JUUL Legal Landscape: Case Filings, Judicial Rulings and MDL Submissions, Beverly Hills, CA, September, 2019.

Panelist, HarrisMartin's MDL Conference: Opioid, Equifax & Talcum Powder – *Opioid Litigation Landscape: Venues, Jurisdictional Hurdles, Defenses and Cause of Action*, St. Louis, MO, November, 2017.

Panelist, HarrisMartin's National Opioid Litigation Conference - *Current Landscape of Opioid Litigation*, Chicago, IL, October, 2017.

Speaker, *Trends in Auto Defect Litigation*, Seattle, WA, May, 2017.

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PUBLICATIONS & PRESENTATIONS (CONT)

Panelist, Law Seminars International - VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions, May, 2016.

Speaker, *Class Action & Data Breach Litigation*, Santa Barbara, CA, March, 2016.

Speaker, *Fiduciary Challenges in a Low Return Environment*, Seattle, WA, December, 2014.

Speaker, *Post-Certification Motion Practice in Class Actions*, Seattle, WA, June, 2014.

Speaker, *Investment Litigation: Fees & Investments in Defined Contribution Plans*, ERISA Litigation, Washington, D.C., 2012.

Speaker, *Post-Certification: Motion Issues in Class Actions*, Litigating Class Actions, Seattle, WA, 2012.

Derek W. Loeser, Erin M. Riley & Benjamin B. Gould, 2010 *ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser & Erin M. Riley, *The Case Against the Presumption of Prudence*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Sept. 10, 2010).

Speaker, ABA Mid-Winter Meeting, San Antonio, TX, 2010.

Speaker, 22nd Annual ERISA Litigation Conference - New York, NY, Nov. 2009.

Speaker, 22nd Annual ERISA Litigation Conference - Las Vegas, NV, Oct. 2009.

Derek W. Loeser & Benjamin B. Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).

Derek W. Loeser & Benjamin B. Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser, *The Legal, Ethical, and Practical Implications of Noncompetition Clauses: What Physicians Should Know Before They Sign*, J.L. Med. & Ethics, Vol. 31:2 (2003).

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



RYAN MCDEVITT

CONTACT INFO

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PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Action & Consumer Litigation
- Consumer & Data Privacy Protection
- Financial Products & Services
- Intellectual Property
- Securities

EDUCATION

Claremont McKenna College

B.A., 2007, Government and Leadership Sequence, Departmental Honors in Government

Columbia Law School

J.D., 2010, Harlan Fiske Stone Honors Scholar

Ryan McDevitt protects consumers, competitor, investors, and

innovators. As a partner in Keller Rohrback's nationally recognized Complex Litigation Group, he focuses on ensuring fairness in the marketplace.

In recent years Ryan has played a significant role in achieving and administering landmark settlements on behalf of drivers of Volkswagen, Audi, Porsche, Ram, and Jeep vehicles in the Volkswagen "Clean Diesel" and Fiat Chrysler "EcoDiesel" multidistrict litigations. In addition to these and numerous other automotive fraud and defect cases involving major automakers and auto parts suppliers, Ryan has litigated consumer protection and antitrust claims, financial and securities fraud, intellectual property infringement, and federal labor law violations in federal and state courts nationwide. For example, he has represented the Federal Home Loan Banks of Boston, Chicago, and Indianapolis in litigation against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion; classes of mortgage borrowers treated unfairly by mortgage servicers and banks; and the Navajo Nation in protecting its rights to the NAVAJO trademark.

Before joining the firm, Ryan served as a law clerk in the Antitrust Division of the Washington State Attorney General, where he worked on multistate investigations of international price-fixing conspiracies. In law school, he was a research assistant to June Besek, chair of the American Bar Association's Copyright Task Force.

BAR & COURT ADMISSIONS

2010, Washington

2011, U.S. District Court for the Western District of Washington

2012, U.S. Court of Appeals for the Ninth Circuit

2019, US District Court for the Eastern District of Michigan

2019, US District Court for the Eastern District of Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

American Bar Association, *Member*

Seattle Academy of Arts & Sciences, *Alumni Board Member*; past *Trustee Ex Officio*, *Strategic Planning Committee Member*, and *Alumni Board President*

ARTICLES & PRESENTATIONS

Panelist, HarrisMartin's MDL Conference: HIV Drugs, Valsartan, 3M Earplugs and Litigation in a Post-Fosamax World Agenda - *Automotive MDLs - Preview of Tomorrow's Arguments*, Portland, OR, July 2019.

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DANIEL MENSHER

CONTACT INFO

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PRACTICE EMPHASIS

- Consumer Protection
- Environmental Litigation
- Financial Products and Services
- Government and Municipalities
- Mass Personal Injury

EDUCATION

Wesleyan University

B.A., 1998, History

University of Wisconsin

M.S., 2002, Geography

Lewis & Clark Law School

J.D., *cum laude*, 2007,
Environmental Law Certificate;
Cornelius Honors Society; Articles
Editor, *Environmental Law Review*

Daniel Mensher translates thorough preparation into courtroom success.

Dan practices in Keller Rohrback's nationally-recognized Complex Litigation Group with a focus on environmental cases and representing government entities in important litigation. He collaborates with his colleagues and clients to identify problems and craft creative, long-lasting solutions.

Dan has litigated important environmental and consumer cases across the country in federal and state court. He presently represents the State of Oregon in its case against Monsanto seeking to hold the corporate giant responsible for natural resource damages related to its sale and marketing of PCBs. He is also part of the Keller Rohrback team representing more than 70 counties, cities, and tribes in the fight to hold drug manufacturers and other entities accountable for the opioid crisis.

Before joining the firm, Dan was an environmental law professor at Lewis & Clark Law School in Portland, Oregon, where he also litigated cases involving toxic waste, water pollution, and natural resource management. He has sat on governmental advisory boards and helped to draft key environmental regulations in place today. Dan uses his passion and experience to protect our environment and the people and communities that rely on clean air, water, and products.

BAR & COURT ADMISSIONS

2007, Oregon

2008, U.S. Court of Appeals for the Ninth Circuit

2008, U.S. District Court for the District of Oregon

2010, U.S. Court of Appeals for the District of Columbia

2011, U.S. District Court for the District of Wisconsin

2014, U.S. District Court for the Eastern District of Washington

2014, Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Oregon State Bar Association, *Member*

Washington State Bar Association, *Member*

Toxic Free Future, *Board Member*

Northwest Environmental Defense Center, *Board Member*, 2009-2014

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L A W O F F I C E S ♦ L . L . P .

PUBLICATIONS & PRESENTATIONS

Speaker, Alliance of California Judges Symposium on the Economics of Consumer Protection, "Federalism and the Preemption of State Public Nuisance Actions," November 2019

Speaker, Bridgeport Environmental Class Action Webinar, March 2016

Speaker, Harris Martin Porter Ranch Gas Leak Litigation Conference, "Testing of the Air Quality and Expert Witnesses for the Cases," 19 January 2016

Daniel P. Mensher, *With Friends Like These...: The Trouble With Auer Deference*, 43 *Env'tl. Law Rev.* 4 (2013)

Speaker, Oregon Water Law Conference, November 7, 2013 (Addressing Issues in Water Quality Trading)

Speaker, Northwest Environmental Conference and Tradeshow, December 11, 2013 (The Precautionary Principle in Environmental Law)

Speaker, RainOps Conference, 2013, Spokane, WA, Longview, WA (Clean Water Act Stormwater Regulation)

Presenter, Oregon State Bar Environmental and Natural Resources Committee annual Continuing Legal Education Program, 2013 (Salmon Issues in Oregon and the Pacific Northwest)

Speaker, Oregon State Bar CLE, Debate Regarding Decker v. NEDC, 2012.

Daniel P. Mensher, *Common Law On Ice: Using Federal Nuisance Law to Address Global Warming*, 37 *Env'tl. Law Rev.* 2 (2007)

Chris Rycewicz and Dan Mensher, *Growing State Authority Under the Clean Water Act*, 22 *Nat. Resources & Env't* 2 (2007)

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RACHEL MOROWITZ

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
rmorowitz@kellerrohrback.com

PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Employee Benefits and Retirement Security

EDUCATION

University of California, Davis
B.A., 2013, International Relations

The George Washington University Law School
J.D., 2016

BAR & COURT ADMISSIONS

2016, District of Columbia
2018, Washington
2019, California

Workers' rights are personal to Rachel Morowitz. As an attorney in Keller Rohrback's Complex Litigation Group, Rachel's work is focused on employee retirement and benefits, allowing her to ensure that employers are using best practices in providing retirement and healthcare benefits to their employees.

Though Rachel's family fortunately didn't have to worry about access to quality health care, her family members' significant health issues during her childhood taught her the importance of health care; her brother was diagnosed with brain cancer when Rachel was six years old, and her father was diagnosed with multiple sclerosis (MS) when she was ten years old. These experiences made her more aware of the struggles many families face because of health care (or lack thereof), galvanizing her to spend her career fighting on their behalf. Knowing that benefits issues have a large impact in people's lives, Rachel builds strong relationships with her clients, which in turn helps her provide suitable solutions to create a lasting difference in their lives.

During law school, Rachel interned at the Supreme Court of the United States, preparing decisions to be published in the United States Reports. She also sought many opportunities that would make her a better advocate for workers and retirees; she interned with the Department of Labor, Plan Benefits Security Division, and also held a fellowship with the AARP in which she worked on employee benefits amicus briefs submitted to the U.S. Supreme Court, Fifth Circuit and Ninth Circuit. Prior to joining Keller Rohrback, Rachel also worked for two years at the telecommunications union Communications Workers of America, where she focused on traditional labor law and labor-management relations.

Rachel works every day to further Keller Rohrback's commitment to fighting for justice. Drawing from her own experiences as a first-generation Fijian American, Rachel is dedicated to advancing diversity in the legal field and fostering a sense of community within the firm. Not only does she help lead the firm's LGBTQ affinity group, but she also co-led the firm's winning efforts for the Legal Foundation of Washington's First Annual Associates Campaign for Equal Justice, which funds legal aid for Washingtonians who need it.

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HONORS & AWARDS

ABA-Bloomberg BNA Award for Excellence in the Study of
Labor and Employment Law

Dean's List, University of California, Davis

Phi Kappa Phi Honors Society

Davis Honors Challenge Program

PROFESSIONAL & CIVIC INVOLVEMENT

Asian Bar Association of Washington, *Member*

National Asian Pacific American Bar Association, *Member*

Federal Circuit Bar Journal, Senior Staff, *2014-2016*

Labor and Employment Law Society, *2015-2016*

PUBLICATIONS & PRESENTATIONS

Note, *Overcoming Barriers Created by the Patent System to
Develop an Effective and Timely Response to Public Health
Emergencies*, 25 FED. CIR. B.J. 621 (2016).

KELLER ROHRBACK

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GRETCHEN OBRIST

CONTACT INFO

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PRACTICE EMPHASIS

- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Whistleblower

EDUCATION

University of Nebraska - Lincoln

B.S. with distinction, 1999,
Women's Studies, UNL Honors
Program

University of Nebraska - Lincoln, College of Law

J.D., with high distinction, 2005,
Order of the Coif, Editor-in-Chief,
Nebraska Law Review, 2004-2005

Gretchen Obrist provides her clients with a clear voice in complex cases.

Gretchen is a partner in Keller Rohrback's nationally recognized Complex Litigation Group whose work as a dedicated advocate dates back two decades to her role at a nonprofit organization focused on impact litigation.

With her work as a law clerk and as a litigator, Gretchen has significant experience with a broad range of federal cases at all stages. Her nationwide practice focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach and prohibited transaction cases. Gretchen's work has helped curtail excessive and conflict-ridden fees in the multi-trillion dollar retirement savings industry and provide recourse to retirement plan participants and beneficiaries who have faced pension reductions, misrepresentations, and other unfair practices related to their retirement plan benefits. Gretchen's ERISA experience includes a successful appeal to the Eighth Circuit in *Braden v. Walmart Stores, Inc.* reversing dismissal of the lead plaintiff's excessive fee case, significant contributions to cases challenging cash balance pension plan conversions by Washington Mutual and JPMorgan, and representation of the employees who lost nearly all of their ESOP savings with the collapse of Bear Stearns.

More recently, Gretchen has been instrumental in the firm's litigation against pharmacy benefit managers ("PBMs"), drug manufacturers, and other entities whose business practices have driven up the cost of prescription drugs for ERISA welfare plan participants, as well as Medicare plan and ACA/individual plan members, and the uninsured. In 2018, Gretchen was appointed by the Court as Plaintiffs' Interim Lead Class Counsel in the *In Re EpiPen ERISA Litigation*, No. 17-cv-01884-PAM-HB (D. Minn.), a case alleging that the PBMs are fiduciaries under ERISA who breached their duties to the putative class of participants who paid inflated prices for EpiPens.

Gretchen's breadth of practice extends to consumer protection and financial fraud claims, civil rights issues, and qui tam relator representation. She has played a key role in class action and multi-district cases arising out of the collapse of the mortgage securities industry and the residential mortgage modification and foreclosure crisis, including several ERISA actions and a consumer MDL against JPMorgan Chase.

Prior to joining Keller Rohrback, Gretchen served as a law clerk to the Honorable John C. Coughenour, U.S. District Judge for the Western District of Washington. Before obtaining her law degree, she worked at a public defender's office, the Nebraska Domestic Violence Sexual Assault Coalition, and the Nebraska Appleseed Center for Law in the Public Interest—where she was profiled for Nebraska Appleseed's 20th Anniversary celebration as an innovator in the organization's earliest days.

Gretchen has served as a Plaintiff Co-Chair of the ABA Employee Benefits

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Committee's Fiduciary Responsibility Subcommittee and a Chapter Editor for *Employee Benefits Law* (Jeffrey Lewis et al. eds., 3d ed. BNA 2012; Ivelisse Berio LeBeau, 4th ed. BNA 2017). She frequently speaks at conferences and CLEs, is quoted in pension-related publications, and has published a number of articles related to her practice areas.

BAR & COURT ADMISSIONS

2005, Washington

2007, U.S. District Court for the Western District of Washington

2008, U.S. District Court for the Eastern District of Michigan

2008, U.S. Court of Appeals for the Eighth Circuit

2010, U.S. Court of Appeals for the Ninth Circuit

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Second Circuit

2011, U.S. Court of Appeals for the Sixth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*, Litigation/Labor and Employment Sections

HONORS & AWARDS

Recipient of the 2004 Robert G. Simmons Law Practice Award (first place)

Theodore C. Sorensen Fellow, 2004-2005

Selected to Rising Stars list in *Super Lawyers - Washington*, 2010

PUBLICATIONS & PRESENTATIONS

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Nashville, TN, 2019 (Top Ten Employee Benefits Topics of 2018).

Speaker, ABA Joint Committee on Employee Benefits CLE Webinar, October 18, 2018 (Prescription Drug Program Trends and Litigation).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee - Mid-Winter Meeting, Clearwater Beach, FL, 2018 (Prescription Drug Program Trends and Litigation).

Speaker, ABA Joint Committee on Employee Benefits - National Institute on ERISA Litigation, Chicago, IL, 2017 (Fiduciary Litigation Update: Anatomy of a Deposition).

Speaker, Western Pension & Benefits Council - Spring Seminar, Seattle, WA, 2017 (Litigation Issues in Health and Retirement Plans: a Plaintiff's Class Action Attorney's Perspective).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Las Vegas, NV, 2016 (Will Class Actions Live After This Supreme Court Term?).

Lynn L. Sarko, Erin M. Riley, and Gretchen S. Obrist, Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Tibble, et al. v. Edison International, et al.*, No. 13-550 (U.S. 2014).

Erin M. Riley and Gretchen S. Obrist, Contributors, "Attorneys Reflect on 40 Years of ERISA's Biggest Court Rulings" *Pension & Benefits Daily*, Bloomberg BNA, discussing *CIGNA Corp. v. Amara*, 131 S.Ct. 1866, 50 EBC 2569 (U.S. 2011) (95 PBD, 5/17/11; 38 BPR 990, 5/24/11) (BNA Sept. 9, 2014) (www.bna.com).

Speaker, ABA Joint Committee on Employee Benefits – 24th Annual National Institute on ERISA Litigation, Chicago, IL, 2014 (Fiduciary Litigation: Disclosure & Investment; Ethical Considerations in ERISA Litigation).

Speaker, Western Pension & Benefits Council – Spring Seminar, Seattle, WA, 2014 (What's New in Fiduciary Litigation?).

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Speaker, ABA Joint Committee on Employee Benefits
– 23rd Annual National Institute on ERISA Litigation,
Chicago, IL, 2013 (Fiduciary Litigation Part 1: Disclosure
& Investment; Fiduciary Litigation Part 2: Cutting Edge
Issues).

Speaker, ABA Section of Labor and Employment Law,
Employee Benefits Committee – Mid-Winter Meeting,
Charleston, SC, 2013 (ERISA 408(b)(2) and 404(a)
Disclosures and the Ongoing Fee Litigation).

Contributing Editor and Writer, Foreclosure Manual
for Judges: A Reference Guide to Foreclosure Law in
Washington State, A Resource by Washington Appleseed
(2013).

Gretchen S. Obrist, “ERISA Fee Litigation: Overview of
Developments in 2012 and What to Expect in 2013,”
Benefits Practitioners’ Strategy Guide, Bloomberg BNA
(Mar. 26, 2013) (www.bna.com).

Gretchen S. Obrist, “ERISA Fee Litigation: The Impact of
New Disclosure Rules, and What’s Next in Pending Cases,”
Pension & Benefits Daily, Bloomberg BNA (Feb. 21, 2013)
(www.bna.com).

Speaker, ABA Section of Labor and Employment Law,
Employee Benefits Committee – Mid-Winter Meeting,
Savannah, GA, 2011 (Update on ERISA Fee Litigation and
the Impact of the Regulations).

Gretchen S. Obrist, Note, The Nebraska Supreme Court
Lets Its Probation Department Off the Hook in *Bartunek
v. State*: “No Duty” as a Non-Response to Violence Against
Women and Identifiable Victims, 83 Neb. L. Rev. 225
(2004).

KELLER ROHRBACK

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DAVID PREMINGER

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PRACTICE EMPHASIS

- Class Actions
- Employee Benefits & Retirement Security
- Fiduciary Breach

EDUCATION

Rutgers University

B.A., 1969, Mathematics

New York University School of Law

J.D., 1972

David Preminger is a practiced advocate for employees, retirees, and beneficiaries. The resident partner in the firm's Complex Litigation Group New York office, David focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach class action cases as well as individual benefit claims. He has been litigating ERISA cases for over 40 years, since the Act's passage in 1974. David has been the lead counsel or co-counsel on numerous ERISA cases alleging misconduct in connection with the investment of retirement plan assets, including *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. He has been involved in ERISA cases against Bear Stearns, Merrill Lynch, Colonial BancGroup and Marsh & McLennan resulting in multi-million dollar settlements on behalf of class members.

David's familiarity with the changes to and nuances of ERISA law allows him to expertly and efficiently interpret the statute and regulations and analyze issues on behalf of his clients. He has handled over 100 trials and in addition to his ERISA experience has extensive experience litigating and negotiating antitrust, real estate, civil rights, family law, and general commercial and corporate matters.

Prior to joining Keller Rohrback, David was a partner at Rosen Preminger & Bloom LLP, where his successes included the In re Masters Mates & Pilots Pension Plan and IRAP Litigation. He was previously a Supervisory Trial Attorney for the Equal Employment Opportunity Commission, a Senior Attorney with Legal Services for the Elderly Poor, and a Reginald Heber Smith Fellow with Brooklyn Legal Services. He is a charter fellow of the American College of Employee Benefits Counsel, was for many years a senior editor of Employee Benefits Law (Bloomberg BNA), and a longtime Board member and Chair Emeritus of the Board of Mabou Mines, an experimental theater company in New York City.

BAR & COURT ADMISSIONS

1973, New York

1973, U.S. District Court for the Eastern District of New York

1974, U.S. District Court for the Southern District of New York

1974, U.S. Court of Appeals for the Second Circuit

1976, United States Supreme Court

1991, U.S. District Court for the Western District of New York

1993, U.S. Court of Appeals for the Ninth Circuit

1995, U.S. District Court for the Northern District of New York

2001, U.S. Court of Appeals for the District of Columbia Circuit

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PROFESSIONAL & CIVIC INVOLVEMENT

The Association of the Bar of the City of New York,
Member, Committee on Employee Benefits, 1993-1996;
1996-1999; 2002-2005; Committee on Legal Problems of
the Aging, 1985-1988

New York State Bar Association, *Member*

American Bar Association, *former Co-Chair*, Fiduciary
Responsibility Subcommittee; Committee on Employee
Benefits, Labor and Employment Section; former Co-
Chair, Subcommittee on ERISA Preemption and the
Subcommittee on ERISA Reporting and Disclosure

American College of Employee Benefits Counsel, *Member
and Charter Fellow*

PUBLICATIONS & PRESENTATIONS

Mr. Preminger regularly speaks at conferences on ERISA
and employee benefits litigation and has lectured at New
York University School of Law, Saint John's University
School of Law, and Rutgers University, and has testified
before Congress on proposed amendments to ERISA and
participated in New York State Attorney General's hearings
on protection of pension benefits.

Senior Editor, *Employee Benefits Law* (BNA), (2014-2018).

Chapter Editor, *Employee Benefits Law* (BNA), Chapter 10,
Fiduciary Responsibility (2014-2018).

Preminger & Clancy, *Aspects of Federal Jurisdiction Under
Sections 301(c)(5) and 302(e) of The Taft-Hartley Act – The
"Sole and Exclusive Benefit Requirement,"* 4 Tex. S. U. L. Rev.
1 (1976).

David S. Preminger, E. Judson Jennings & John Alexander,
*What Do You Get With the Gold Watch? An Analysis of the
Employee Retirement Income Security Act of 1974.* 17 Ariz. L.
Rev. 426 (1975).

HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - New York*,
2007-2019

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



MATTHEW PREUSCH

CONTACT INFO

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Santa Barbara, CA 93101
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PRACTICE EMPHASIS

- Consumer & Data Privacy Protection
- Environmental Litigation
- Governments and Municipalities

EDUCATION

Pomona College

B.A., 2000, Politics, Philosophy,
and Economics

Lewis & Clark Law School

J.D., magna cum laude, 2013,
Environmental & Natural
Resources Law Certificate

Matthew Preusch practices in Keller Rohrback's nationally-recognized Complex Litigation Group. Before joining Keller Rohrback, Matthew served as an honors attorney in the Oregon Department of Justice's appellate and trial divisions. He was a judicial extern for the Hon. Michael W. Mosman in the District of Oregon during law school. Prior to his legal career, he spent 10 years as a journalist in the Pacific Northwest, covering regional and national news for The Oregonian, The New York Times and other publications.

Matthew is passionate about protecting people and the environment. He's helped initiate landmark consumer litigation related to Volkswagen's "Clean Diesel" deceit and Wells Fargo's unauthorized account scheme. When studies of moss samples in trees in Portland, Oregon identified several pollution "hotspots" in that city, he and others at Keller Rohrback launched cases on behalf of residents to hold the responsible manufacturers accountable. Working on behalf of government entities, including the State of Oregon, Matthew has investigated or is litigating claims related to PCB contamination and the opioid epidemic.

BAR & COURT ADMISSIONS

2013, Oregon

2014, California

2014, U.S. District Court for the Central District of California

2014, U.S. District Court for the Eastern District of California

2014, U.S. District Court for the Northern District of California

2014, U.S. District Court for the Southern District of California

2014, U.S. Court of Appeals for the Ninth Circuit

2018, U.S. District Court for the District of Oregon

PROFESSIONAL & CIVIC INVOLVEMENT

Santa Barbara Bar Association, *Member*

Underscore Media Collaboration, *Board Member*

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

PUBLICATIONS & PRESENTATIONS

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 2017

Speaker, Bridgeport Environmental Class Action Webinar, March 2016

Panelist, Lewis and Clark Law School, Public Interest Law Project, "Cutting-Edge Bet the Company Mega Class Action CLE," February 2016

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 2016

Speaker, Harris Martin Porter Ranch Gas Leak Litigation Conference, "Remedies," January 2016

"Don't Say, 'No Comment': How To Ethically and Effectively Talk to Reporters," Santa Barbara County Bar Association (Sept. 16, 2015)

Oregon State Bar Environmental & Natural Resources Section Case Notes (July 2015)

Matthew Preusch, "Tim Weaver, Yakama Tribes' Salmon Champion, Says His Goodbyes," The Oregonian (Jan. 1, 2010).

Matthew Preusch, "DEQ to Help Polluter Seek Federal Break on Mercury Emission," The Oregonian (Aug. 19, 2009).

Matthew Preusch, "Amid Forests Ashes, a Debate Over Logging Profits is Burning On," The New York Times (April 15, 2004)

KELLER ROHRBACK

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ERIN RILEY

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
eriley@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Class Actions
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Securities

EDUCATION

Gonzaga University

B.A., *cum laude*, 1992, French & History

University of Wisconsin Law School

J.D., *cum laude*, 2000, Wisconsin Law Review

Erin Riley knows that strong relationships are key in complex cases. As a partner in Keller Rohrback's Complex Litigation Group, Erin has allowed these collaborative and long-lasting relationships to inform her work for almost 20 years.

Since 2001, Erin's practice has focused on representing employees and retirees in Employee Retirement Income Security Act ("ERISA") actions involving defined contribution, defined benefit, and health benefit plans. She has successfully litigated a number of ERISA breach of fiduciary duty cases, including cases filed against Washington Mutual, Merrill Lynch, and WorldCom. She has also worked on ERISA-related articles and amicus briefs and spoken at ERISA-related conferences. She has been actively involved with the *Employee Benefits Law* (Bloomberg-BNA) treatise since 2012 and currently serves as a Co-Chair of the Board of Senior Editors of the treatise. She also previously served as Plaintiffs' Co-Chair of the Civil Procedure Subcommittee and as a senior editor.

Erin earned her J.D. from the University of Wisconsin, where she was an editor of the Wisconsin Law Review. Prior to joining Keller Rohrback as an attorney in 2000, she worked with the firm as a summer associate in 1999.

BAR & COURT ADMISSIONS

- 2000, Wisconsin
- 2000, Washington
- 2001, U.S. District Court for the Western District of Washington
- 2010, U.S. Court of Appeals for the Fourth Circuit
- 2011, U.S. Court of Appeals for the Second Circuit
- 2011, U.S. Court of Appeals for the Ninth Circuit
- 2015, U.S. Court of Appeals for the Seventh Circuit
- 2016, Supreme Court of the United States

PROFESSIONAL & CIVIC INVOLVEMENT

- Wisconsin State Bar Association, *Member*
- King County Bar Association, *Member*
- Washington State Bar Association, *Member*
- Civil Procedure Sub-Committee for the ABA Employee Benefits Committee, *Plaintiffs' Co-Chair, 2012 – 2016*
- Employee Benefits Law* (Bloomberg-BNA), Chapter Editor, 2012 – 2016
- Employee Benefits Law* (Bloomberg-BNA), Senior Editor, 2016 – 2018
- Employee Benefits Law* (Bloomberg-BNA), Co-Chair, Board of Senior Editors, 2018 – present

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

Washington State Supreme Court, Pro Bono Publico Honor Roll, 2014 – present

PUBLICATIONS & PRESENTATIONS

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Rancho Mirage, California, 2020 (Defined Contribution Investment Litigation Update).

Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Thole v. U.S. Bank*, No. 17-1712 (U.S. 2019).

Speaker, Western Pension & Benefits Council – Spring Seminar, Seattle, WA, 2019 (Litigation Update: Two Perspectives).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Nashville, Tennessee, 2019 (Arbitration: What's Different About ERISA?)

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Austin, TX, 2017 (How to Get the Class Action Settlement Your Client Needs).

Quoted in Jacklyn Wille, "Ninth Circuit Adopts Pro-Worker Pension Framework," *Pension & Benefits Daily*, Bloomberg BNA (Apr. 22, 2016) (www.bna.com).

"*Amgen Inc. v. Harris*: What is the Status of ERISA Company Stock Cases Post-*Amgen*," ABA Employee Benefits Committee Newsletter, Spring, 2016.

Speaker, ACI ERISA Litigation, Chicago, IL, 2016 (Supreme Court Roundup).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Las Vegas, NV, 2016 (mock mediation).

Quoted in Andrea L. Ben-Yosef, "Class Action Suits on Plan Fees Steam Ahead," *Pension & Benefits Blog*, Bloomberg BNA (Feb. 10, 2016) (www.bna.com).

Br. of Amicus Curiae of Pension Rights Center in Supp. of Petition, *Pundt v. Verizon Communications*, No. 15-785 (U.S. 2016).

Br. of Amicus Curiae AARP and National Employment Lawyers Association in Supp. of Pls.-Appellees, *Whitley v. BP, P.L.C.*, No. 15-20282 (5th Cir. Oct. 28, 2015).

Br. of The Pension Rights Center as Amicus Curiae in Supp. of Resp't, *Spoeko, Inc. v. Robins*, No. 13-1339 (U.S. Sept. 4, 2015).

Lynn L. Sarko, Erin M. Riley, and Gretchen S. Obrist, Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Tibble, et al. v. Edison International, et al.*, No. 13-550 (U.S. 2014).

Quoted in Jacklyn Wille, "High Court to Address Statute of Limitations for Suits Challenging Retirement Plan Fees," *Pension & Benefits Daily*, Bloomberg BNA (Oct. 3, 2014) (www.bna.com).

Speaker, Western Pension & Benefits Council – 2014 Spring Seminar, Seattle, WA, 2014 (What's New in Fiduciary Litigation?).

Erin M. Riley and Gretchen S. Obrist, Contributors, "Attorneys Reflect on 40 Years of ERISA's Biggest Court Rulings" *Pension & Benefits Daily*, Bloomberg BNA, discussing *CIGNA Corp. v. Amara*, 131 S.Ct. 1866, 50 EBC 2569 (U.S. 2011) (95 PBD, 5/17/11; 38 BPR 990, 5/24/11) (<http://www.bna.com>)

Erin M. Riley and Gretchen S. Obrist, "The Impact of Fifth Third Bancorp v. Dudenhoefter: Finally, a Court Gets it Right!" *Pension & Benefits Daily*, Bloomberg BNA (154 PBD, 8/11/2014) (<http://www.bna.com>).

Lynn L. Sarko and Erin M. Riley, Brief for Law Professors as Amici Curiae in Support of the Respondents, *Fifth Third Bancorp v. Dudenhoefter*, No. 12-751 (U.S. March 5, 2014).

"Erin M. Riley Explores the Pro-Plaintiff Aspects of the Citigroup Ruling", ERISA Litigation Tracker: Litigator Q&A, Bloomberg BNA (Dec. 1, 2011). Reproduced with permission from ERISA Litigation Tracker Litigator Q & A (Dec. 5, 2011). Copyright 2011 by The Bureau of National Affairs, Inc. (800-372-1033)

Sarah H. Kimberly, Erin M. Riley, "Court Declines to Limit Damages in *Neil v. Zell*", ABA Employee Benefits Committee Newsletter (Spring, 2011).

Derek W. Loeser, Erin M. Riley and Benjamin Gould, "2010 ERISA Employer Stock Cases: The Good, the Bad, and the In-Between Plaintiffs' Perspective", Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser and Erin M. Riley, "The Case Against the Presumption of Prudence," Bureau of National Affairs, Inc. (Sept. 10, 2010).

KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



MARK D. SAMSON

CONTACT INFO

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(602) 248-2822
msamson@kellerrohrback.com

PRACTICE EMPHASIS

- Medical Malpractice Litigation
- Products Liability - Plaintiffs
- Personal Injury Litigation
- Commercial Litigation
- Complex Litigation

EDUCATION

Arizona State University

B.S., summa cum laude, 1976, Bio-Ag Sciences

Washington State University College of Veterinary Medicine

D.V.M., summa cum laude, 1980

Washington State University College of Veterinary Medicine

M.S., 1983, Veterinary Anatomy

Arizona State University College of Law

J.D., summa cum laude, 1986,
Order of the Coif

As a licensed veterinarian, Mark has the medical knowledge that helps get his clients the results they deserve. Given that strong medical science background, Mark's practice focuses on tort law, including medical negligence, product liability, and other significant personal injury cases. He has nearly 35 years of experience litigating medical malpractice cases with victories including the landmark Edwards verdict, a transfusion-associated AIDS case that remains one of the largest personal injury verdicts in Arizona history. Mark was born in New York, but he moved to the Phoenix area in 1959 and grew up there. He practiced from 1986 to 1995 at Meyer, Hendricks, Victor, Osborn & Maledon, becoming a member in 1992. In 1995, Mark helped form Dalton Gotto Samson & Kilgard, P.L.C. ("DGSK") and was one of the members of DGSK who formed Keller Rohrback P.L.C. in 2002, and then Keller Rohrback L.L.P. in 2015.

BAR & COURT ADMISSIONS

1986, Arizona
1986, U.S. District Court for the District of Arizona
1986, U.S. Court of Appeals for the Ninth Circuit
1986, U.S. Supreme Court
2008, Washington, D.C.

HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - Southwest*, 2008-2020

PROFESSIONAL & CIVIC INVOLVEMENT

Maricopa County Bar Association, *Member*
Arizona State Bar Association, *Member*
American Association for Justice, *Member*
Arizona Association for Justice, *Sustaining Member*

PUBLICATIONS & PRESENTATIONS

American Veterinary Medical Law Association, *The Lawyer's Role in Meeting 21st Century Changes in Veterinary Medicine*, 2018.
Maricopa County Association of Paralegals, *Personal Injury Law in Arizona*, 2018.
Arizona State University College of Law, *Health Law and Policy*, 2016.
Arizona Paralegal Association, *Health Law - Medical Malpractice in Today's World*, 2016.
Arizona Trial Lawyers Association, *From the Heart: Letting Go in Front of the Jury*, 2015.

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PUBLICATIONS & PRESENTATIONS (CONT)

Arizona Trial Lawyers Association, *Medical Malpractice Seminar*, 2013.

Arizona Trial Lawyers Association, *Trial Masters: A Look Inside the Value Options Case & Tools for Difficult Cases*, 2011.

Arizona State Bar, *Comparing Veterinary and Legal Ethics*, 2009.

Arizona Trial Lawyers Association, *Loss of a Chance in Med Mal Cases*, 2008.

Arizona Trial Lawyers Association, *Issues in FTCA Claims*, 2008.

Co-Chair, Arizona Trial Lawyers Association, *Trial Practice - Damages*, 2007.

Chairman, Arizona Trial Lawyers Association, *Rapid Fire on Litigation Issues*, Oct. 2006.

Co-Chair, Arizona Trial Lawyers Association, *Liens*, Jan. 2006.

Author, Blackwell's 5-Minute Veterinary Practice Management Consult, *Negotiating 101*, 2006.

Maricopa County Bar Association, *Arizona Appellate Update*, 2005.

Maricopa County Bar Association, *Liens Again*, 2004.

Chairman, Arizona State Bar, *New Ethical Rules in Arizona*, Oct. 2003.

Speaker, Arizona Veterinary Medical Association, *Application of legal principles to veterinary medicine*, 1999-2003.

Speaker, Arizona Paralegal Association, *Settlement conferences versus trial in medical malpractice cases*, 2002;

Speaker, Arizona Paralegal Association, *Changes and issues in Arizona's ethical rules for attorneys*, 2003.

Maricopa County Bar Association, *Punitive Damages after Campbell v. State Farm*, May 2003.

Co-Chair, Arizona Trial Lawyers Association, *Anatomy of Pain*, 2002.

Speaker, Arizona Trial Lawyers Association Medical Malpractice Seminar, *Use of medical literature in the courtroom*, 1996;

Speaker, Arizona Trial Lawyers Association Medical Malpractice Seminar, *New legal theories in medical malpractice*, 1999.

Chair, Maricopa County Bar Association, *Seminar on Medical Malpractice in the Ages of Disclosure*.

Speaker, National Meeting of American Veterinary Medical Law Association, *Tort and Regulatory Issues Affecting Veterinarians*, 1995.

Chair, Maricopa County Bar Association, *Seminar on Anatomy*, 1994.

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CHRIS SPRINGER

CONTACT INFO

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PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Consumer & Data Privacy Litigation
- Employee Benefits & Retirement Security
- Environmental Litigation

EDUCATION

Dartmouth College

Bachelor of Arts, *cum laude*, 2000

U.C. Berkeley School of Law

J.D., 2008

Chris Springer is dedicated to working to help people who have been harmed by the unlawful conduct of large corporations and other entities.

He is a member of Keller Rohrback's nationally recognized Complex Litigation Group and practices in the firm's Santa Barbara office. He is experienced in cases involving consumer protection, data security, environmental protection, disability access, employment rights, and ERISA.

Before joining Keller Rohrback, Chris worked in the field of software development and testing. His practice now focuses on data-privacy and other consumer-protection litigation. Since joining Keller Rohrback, he helped obtain a multimillion-dollar recovery in *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.), which involved the theft and disclosure of medical, financial, and employment information. He is also actively involved in other data privacy matters, including *In re 21st Century Oncology Customer Data Security Breach Litigation*, which involves the unauthorized disclosure of personal and medical information.

BAR & COURT ADMISSIONS

2013, California

2017, U.S. District Court for the Central District of California

2017, U.S. District Court for the Northern District of California

PROFESSIONAL & CIVIC INVOLVEMENT

California State Bar Association, *Member*

Santa Barbara Bar Association, *Member*

American Bar Association, *Member*

HONORS & AWARDS

American Jurisprudence Award, Civil Procedure

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



KARIN SWOPE

CONTACT INFO

1201 Third Avenue, Suite 3200
Seattle, WA 98101
(206) 623-1900
kswope@kellerrohrback.com

PRACTICE EMPHASIS

- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Employment Law
- Fiduciary Breach
- Intellectual Property Litigation
- Intellectual Property Counseling
- Securities

EDUCATION

Amherst College

B.A., magna cum laude,
Phi Beta Kappa

Columbia Law School

J.D., Harlan Fiske Stone Scholar,
Executive Articles Editor,
Columbia Human Rights
Law Review, Paul Bernstein
Scholarship Recipient

Karin Swope is focused on client success. As a member of the firm's nationally recognized Complex Litigation Group, Karin represents clients in intellectual property litigation and counseling, consumer protection law, ERISA law, antitrust and securities litigation, with a particular emphasis in federal court litigation. Ms. Swope has represented clients for over 20 years in proceedings before the United States Patent and Trademark Office, as well as in state and federal courts across the country. She has represented companies and sovereign nations in protecting their intellectual property rights. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of ERISA, in cases against Washington Mutual, State Street Bank and Regions Financial Corporation, among others. She has helped consumers fight against unfair and deceptive practices, and has helped to change consumer protection law in the process. She has also represented shareholders in complex securities litigation.

Following her graduation from Columbia Law School, Karin served as a law clerk to the Honorable John C. Coughenour in the U.S. District Court for the Western District of Washington, and as a law clerk to the Honorable Robert E. Cowen of the U.S. Court of Appeals, Third Circuit. She has been an Adjunct Professor of Intellectual Property Law at Seattle University School of Law since 2008, and is a member of IP Inn of Court.

BAR & COURT ADMISSIONS

- 1994, Washington
- 1997, U.S. District Court for the Western District of Washington
- 1997, U.S. Court of Appeals for the Ninth Circuit
- 2006, U.S. District Court for the Northern District of California
- 2006, U.S. District Court for the Central District of California
- 2007, U.S. Court of Appeals for the Second Circuit
- 2009, Western District of Tennessee
- 2010, U.S. Patent and Trademark Office
- 2010, U.S. District Court for the Middle District of Florida
- 2010, U.S. Court of Appeals for the Eleventh Circuit
- 2010, U.S. Supreme Court
- 2015, U.S. Court of Appeals for the Tenth Circuit

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PROFESSIONAL & CIVIC INVOLVEMENT

Adjunct Professor, Seattle University School of Law,
Intellectual Property Law

Member of the Washington State Bar Association
Executive Committee, Intellectual Property Section, and
Chair of the Nominating Committee

Intellectual Property Inn of Court, *Member*

National Employment Lawyers Association, *ERISA Amicus
Committee Member and Amicus Brief Writer*

ABA Tort, Trial and Insurance Law Journal, *Associate Editor*

Washington State Bar Association, *Member*

American Bar Association, *Member*, Tort Trial & Insurance
Practice and Intellectual Property sections

King County Bar Association, *Member*, Intellectual Property
Section

HONORS & AWARDS

Selected to Rising Stars and Super Lawyers lists in *Super
Lawyers - Washington*

PUBLICATIONS & PRESENTATIONS

Co-Chair, WSBA CLE, 25th Annual Intellectual Property
Institute, *A Forum for Innovation in the Continually Evolving
Field of Intellectual Property*, 2020.

Speaker, Federal Court Practice Bootcamp, 2011, 2012

Speaker, National Employment Lawyers Association
Annual Convention, Atlanta, GA, *ERISA Hot Topics*, 2008.

Co-Chair and Speaker, WSBA CLE, *IP For the Rest of Us*,
2007-2009.

Speaker, WSBA CLE, 11th Annual Intellectual Property
Institute, *The Year in Trademark Law*, 2006.

Speaker, King County Bar Association CLE, *Electronic
Discovery*, 2006.

Speaker, WSBA CLE, *Hot Trends in Intellectual Property
Damages*, 2005.

Karin B. Swope, *5K2.0 Departures: A Backdoor out of the
Federal Sentencing Guidelines*, 24 Colum. Hum. Rts. L. Rev.
135 (1993).

Executive Articles Editor, Columbia Human Rights Law
Review, 1992-1993.

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



HAVILA UNREIN

CONTACT INFO

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PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Environmental Contamination
- Fiduciary Breach
- Financial Products and Services
- Mass Personal Injury
- Securities
- Whistleblower

EDUCATION

Dartmouth College

B.A., *magna cum laude*, 2003,
Russian Area Studies

University of Washington School of Law

J.D./LL.M. (Tax), *with honors*, 2008

Havila Unrein gives her clients a voice in the legal system. Havila practices in Keller Rohrback's nationally recognized Complex Litigation Group, where she is dedicated to helping clients who have been harmed by others engaged in fraud, cutting corners, and abuses of power.

Havila made significant contributions to *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. She currently represents plaintiffs in multiple cases alleging violations of the Employee Retirement Income Security Act of 1974 ("ERISA") by healthcare institutions attempting to claim exempt "church plan" status under ERISA.

During law school, Havila provided tax and business advice to low-income entrepreneurs and high-tech start-ups as a student in the Entrepreneurial Law Clinic. She also served as an extern to the Honorable Stephanie Joannides of the Anchorage Superior Court. Prior to law school, Havila worked and studied abroad in Russia, Azerbaijan, and the Czech Republic.

BAR & COURT ADMISSIONS

- 2008, Washington
- 2009, U.S. District Court for the Western District of Washington
- 2012, Montana
- 2012, U.S. Court of Appeals for the Ninth Circuit
- 2012, U.S. District Court for the District of Montana
- 2013, California
- 2013, U.S. District Court for the District of Colorado
- 2013, U.S. District Court for the Central District of California
- 2013, U.S. District Court for the Eastern District of California
- 2013, U.S. District Court for the Northern District of California
- 2013, U.S. District Court for the Southern District of California
- 2014, U.S. Court of Appeals for the Sixth Circuit

PROFESSIONAL & CIVIC INVOLVEMENT

- California State Bar Association, *Member*
- Santa Barbara County Bar Association, *Member*
- Washington State Bar Association, *Member*
- King County Bar Association, *Member*
- Montana State Bar Association, *Member*

KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



AMY WILLIAMS-DERRY

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PRACTICE EMPHASIS

- Class Actions
- Consumer and Data Privacy Protection
- Employee Benefits and Retirement Security
- Environmental Litigation
- Fiduciary Breach Financial Projects and Services
- Institutional Investors
- Securities
- Whistleblower

EDUCATION

Brown University

B.A., *with honors*, 1993 Sociology

University of Virginia School of Law

J.D., 1998; Editor in Chief, *Virginia Environmental Law Journal*, 1997-1998

Amy Williams-Derry's practice at Keller Rohrback L.L.P. combines her passion for protecting people and the environment with her talent and experience in commercial litigation, complex financial transactions, and consumer protection.

Amy is a senior member of the Complex Litigation Group at Keller Rohrback, where she draws on her diverse background representing plaintiffs, defendants, and coordinating with federal and state governmental entities to secure the best results for her clients. Prior to law school, Amy worked on environmental and transportation issues in Washington, D.C. At the University of Virginia School of Law, Amy was the Editor-in-Chief of the Virginia Environmental Law Journal.

Amy joined Keller Rohrback in 2005 with a strong background in both commercial litigation and environmental law. At Keller Rohrback, Amy has expanded her docket to include complex class actions, investor cases, and multi-defendant actions. Amy thrives on solving complex problems by looking at them from a variety of angles. She has played key roles in cases nationwide in ERISA, securities, complex financial transactions, consumer protection, and environmental actions on behalf of neighborhoods, tribes, and individuals.

Amy has represented clients in proceedings involving the U.S. Department of Justice, as well as in mediation and arbitration settings, including before the National Labor Relations Board, National Association of Securities Dealers, and the New York Stock Exchange. Amy's current representative cases include *Federal Home Loan Bank of Boston v. Ally Financial, Inc., et al.* (Suffolk Cty. Mass.), *Federal Home Loan Bank of Chicago v. Banc of America Funding Corp., et al.* (Cook Cty. Ill.), and *Oregon v. Monsanto Co., et al.* (Multnomah Cty. Ore.).

Amy serves as a cooperating attorney with the American Civil Liberties Union (ACLU) of Washington, and is a Special Assistant Attorney General for the State of Oregon.

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BAR & COURT ADMISSIONS

1998, Washington
1999, U.S. District Court for the Western District of Washington
1999, U.S. Court of Appeals for the Ninth Circuit
2000, U.S. District Court for the Eastern District of Washington
2007, U.S. District Court for the Eastern District of Michigan
2007, U.S. Court of Appeals for the Second Circuit
2014, U.S. Court of Appeals for the First Circuit
2015, U.S. Supreme Court
2015, Massachusetts
2019, Oregon

PROFESSIONAL & CIVIC INVOLVEMENT

Friends of Ingraham High School, *Auction Committee*, 2019-2020
King County Bar Association, *Member*
Washington State Bar Association, *Member*
American Bar Association, *Member*
WithinReach, *Board of Directors*, 2006-2009
The Evergreen School, *Annual Giving Co-Chair*, 2012-2013
Washington Women Lawyers, *Member*
King County Washington Women Lawyers, *Member*
The National Association of Public Pension Attorneys, *Member*

HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2003-2009
AV®, Peer Review Top-Rated by Martindale-Hubbell
Member, 2017 Washington State Supreme Court Pro Bono Publico Honor Roll

PUBLICATIONS & PRESENTATIONS

Presenter, *Doe v. Trump, et al.*, Law & Religion Symposium University of Washington School of Law, 2017.
Presenter, HarrisMartin MDL Conference: *Environmental Contamination Cases*, Seattle, WA, 2016.
Presenter, HarrisMartin *Aliso Canyon Gas Leak Litigation Conference*, Santa Barbara, CA, 2016.
Presenter, HarrisMartin MDL Conference: *Fantasy Sports, Volkswagen, Porsche, and Pharmaceutical Litigation*, Cape Coral, FL, 2016.
Presenter, Washington State Bar Association, Employment Benefits CLE, *Hot Topics in ERISA Class Action Litigation*, Seattle, WA, 2010.
Presenter, American Law Institute-American Bar Association ERISA Conference, *Employer Stock Cases and Cash Balance Plans*, Scottsdale, AZ, 2008.
No Surprises After Winstar: Contractual Certainty and Habitat Conservation Planning Under the Endangered Species Act, 17 Va. Env'tl. L.J. 357 (1998)

KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



MICHAEL WOERNER

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PRACTICE EMPHASIS

- Class Actions
- Consumer & Data Privacy Protection
- Employee Benefits and Retirement Security
- Environmental Litigation
- Mass Personal Injury
- Medical Negligence
- Securities

EDUCATION

University of Puget Sound
B.S., 1982
Notre Dame Law School
J.D., 1985

Mike Woerner works for the public good. A member of Keller Rohrback's nationally recognized Complex Litigation Group since 1985, Mike focuses on class action and mass personal injury cases. He is skilled at focusing the Courts' attention on key issues in litigation and at negotiating favorable settlements to bring relief to people who have experienced physical, emotional, and financial harm from environmental contamination, dangerous pharmaceutical drugs, and other negligent acts with far-reaching consequences.

Mike was a member of the litigation team that received the 1995 Trial Lawyer of the Year Award from Trial Lawyers for Public Justice for the In re Exxon Valdez litigation resulting from the devastation of thousands of miles of fishing ground around Prince William Sound, Kodiak Island, Chignik, and Cook Inlet after the infamous oil spill. He has more recently represented hundreds of clients in multiple states at risk of heart-valve damage or primary pulmonary hypertension from fen-phen diet drugs. Mike also has experience litigating and negotiating widespread medical negligence issues and misconduct by fiduciaries charged with investing retirement plan assets. With his focus on impact litigation, Mike strives to achieve full compensation for his clients as well as to compel institutional reform and change the conduct of powerful bad actors to prevent them from causing future harm.

Outside of work, Mike enjoys traveling with his family experiencing new places and cultures, as well as staying closer to home cheering on his kids' basketball and volleyball teams.

BAR & COURT ADMISSIONS

1985, Washington

PROFESSIONAL & CIVIC INVOLVEMENT

Issaquah Food and Clothing Bank, *Vice-Chair*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

HONORS & AWARDS

Trial Lawyer of the Year – Trial Lawyers for Public Justice, 1995

Selected to Washington Super Lawyers list

KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

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EXHIBIT 27

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF ELI R. GREENSTEIN
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Eli Greenstein, declare as follows:

2 1. I am a partner at the law firm of Kessler Topaz Meltzer & Check LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee as International Liaison Counsel. In that role, I
6 was responsible for issues relating to all international aspects of the litigation, including
7 developing the legal claims and analysis for the operative pleadings and motion to dismiss briefing;
8 performing the factual and legal analysis of various aspects of foreign law in more than 40
9 countries; coordinating with and monitoring parallel foreign regulatory proceedings and
10 investigations; working with foreign law experts; and assisting in the analysis and briefing relating
11 to Defendants' foreign law expert declarations.

12 3. The individuals at my firm who worked on this matter are listed in Exhibit A, along
13 with their titles, respective years in practice and hourly rates during the pendency of my firm's
14 work on the litigation, hours spent, and total lodestar. I hereby attest that the hourly rates used on
15 the attached Exhibit A conform to the most recent hourly rates reported to the Court during the
16 pendency of this litigation. Further detail regarding the litigation and trial experience of each
17 professional can be found, to the extent available, in the firm resume attached hereto as Exhibit C.

18 4. The time spent by the attorneys and other professionals at my firm on this litigation,
19 as reflected in Exhibit A, was prepared from contemporaneous, daily time records prepared and
20 maintained by my firm, and submitted, vetted, and approved by the Chair of the Plaintiffs'
21 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
22 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
23 time records are available for the Court's review should the Court desire such records.

24 5. The total number of hours expended on this litigation by my firm, as approved by
25 the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel, from appointment and
26 consolidation through July 31, 2020 is 294.08 hours. The total lodestar for my firm based on these
27 hours is \$171,119.50.

28

EXHIBIT A

Kessler Topaz Meltzer & Check LLP
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Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Greenstein, Eli	Partner (19 years)	\$ 775.00	120.87	\$ 93,674.25
Barlieb, Ethan	Associate (13 years)	\$ 525.00	116.60	\$ 61,215.00
Breucop, Paul	Associate (8 years)	\$ 475.00	3.50	\$ 1,662.50
Sim, Joan	Paralegal (2 years)	\$ 275.00	51.61	\$ 14,192.75
Wotring, Julie	Paralegal (14 years)	\$ 250.00	1.50	\$ 375.00
TOTAL			294.08	\$ 171,119.50

EXHIBIT B

EXHIBIT B**Kessler Topaz Meltzer Check, LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ 59.80
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	\$ 20.08
06. Court Fees	\$ 6.30
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 1,309.62
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	\$ 50.51
25. Assessments	\$ 25,000.00
TOTAL	\$ 26,446.31

EXHIBIT C



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FIRM PROFILE

Since 1987, Kessler Topaz Meltzer & Check, LLP has specialized in the prosecution of securities class actions and has grown into one of the largest and most successful shareholder litigation firms in the field. With offices in Radnor, Pennsylvania and San Francisco, California, the Firm is comprised of 94 attorneys as well as an experienced support staff consisting of over 80 paralegals, in-house investigators, legal clerks and other personnel. With a large and sophisticated client base (numbering over 180 institutional investors from around the world -- including public and Taft-Hartley pension funds, mutual fund managers, investment advisors, insurance companies, hedge funds and other large investors), Kessler Topaz has developed an international reputation for excellence and has extensive experience prosecuting securities fraud actions. For the past several years, the National Law Journal has recognized Kessler Topaz as one of the top securities class action law firms in the country. In addition, the Legal Intelligencer recently awarded Kessler Topaz with its Class Action Litigation Firm of The Year award. Lastly, Kessler Topaz and several of its attorneys are regularly recognized by Legal500 and Benchmark: Plaintiffs as leaders in our field.

Kessler Topaz is serving or has served as lead or co-lead counsel in many of the largest and most significant securities class actions pending in the United States, including actions against: Bank of America, Duke Energy, Lehman Brothers, Hewlett Packard, Johnson & Johnson, JPMorgan Chase, Morgan Stanley and MGM Mirage, among others. As demonstrated by the magnitude of these high-profile cases, we take seriously our role in advising clients to seek lead plaintiff appointment in cases, paying special attention to the factual elements of the fraud, the size of losses and damages, and whether there are viable sources of recovery.

Kessler Topaz has recovered billions of dollars in the course of representing defrauded shareholders from around the world and takes pride in the reputation we have earned for our dedication to our clients. Kessler Topaz devotes significant time to developing relationships with its clients in a manner that enables the Firm to understand the types of cases they will be interested in pursuing and their expectations. Further, the Firm is committed to pursuing meaningful corporate governance reforms in cases where we suspect that systemic problems within a company could lead to recurring litigation and where such changes also have the possibility to increase the value of the underlying company. The Firm is poised to continue protecting rights worldwide.

NOTEWORTHY ACHIEVEMENTS

During the Firm's successful history, Kessler Topaz has recovered billions of dollars for defrauded stockholders and consumers. The following are among the Firm's notable achievements:

Securities Fraud Litigation

In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation, Master File No. 09 MDL 2058:

Kessler Topaz, as Co-Lead Counsel, brought an action on behalf of lead plaintiffs that asserted claims for violations of the federal securities laws against Bank of America Corp. ("BoA") and certain of BoA's officers and board members relating to BoA's merger with Merrill Lynch & Co. ("Merrill") and its failure to inform its shareholders of billions of dollars of losses which Merrill had suffered before the pivotal shareholder vote, as well as an undisclosed agreement allowing Merrill to pay up to \$5.8 billion in bonuses before the acquisition closed, despite these losses. On September 28, 2012, the Parties announced a \$2.425 billion case settlement with BoA to settle all claims asserted against all defendants in the action which has since received final approval from the Court. BoA also agreed to implement significant corporate governance improvements. The settlement, reached after almost four years of litigation with a trial set to begin on October 22, 2012, amounts to 1) the sixth largest securities class action lawsuit settlement ever; 2) the fourth largest securities class action settlement ever funded by a single corporate defendant; 3) the single largest settlement of a securities class action in which there was neither a financial restatement involved nor a criminal conviction related to the alleged misconduct; 4) the single largest securities class action settlement ever resolving a Section 14(a) claim (the federal securities provision designed to protect investors against misstatements in connection with a proxy solicitation); and 5) by far the largest securities class action settlement to come out of the subprime meltdown and credit crisis to date.

In re Tyco International, Ltd. Sec. Litig., No. 02-1335-B (D.N.H. 2002):

Kessler Topaz, which served as Co-Lead Counsel in this highly publicized securities fraud class action on behalf of a group of institutional investors, achieved a record \$3.2 billion settlement with Tyco International, Ltd. ("Tyco") and their auditor PricewaterhouseCoopers ("PwC"). The \$2.975 billion settlement with Tyco represents the single-largest securities class action recovery from a single corporate defendant in history. In addition, the \$225 million settlement with PwC represents the largest payment PwC has ever paid to resolve a securities class action and is the second-largest auditor settlement in securities class action history.

The action asserted federal securities claims on behalf of all purchasers of Tyco securities between December 13, 1999 and June 7, 2002 ("Class Period") against Tyco, certain former officers and directors of Tyco and PwC. Tyco is alleged to have overstated its income during the Class Period by \$5.8 billion through a multitude of accounting manipulations and shenanigans. The case also involved allegations of looting and self-dealing by the officers and directors of the Company. In that regard, Defendants L. Dennis Kozlowski, the former CEO and Mark H. Swartz, the former CFO have been sentenced to up to 25 years in prison after being convicted of grand larceny, falsification of business records and conspiracy for their roles in the alleged scheme to defraud investors.

As presiding Judge Paul Barbadoro aptly stated in his Order approving the final settlement, "[i]t is difficult to overstate the complexity of [the litigation]." Judge Barbadoro noted the extraordinary effort required to pursue the litigation towards its successful conclusion, which included the review of more than 82.5 million pages of documents, more than 220 depositions and over 700 hundred discovery requests and responses. In addition to the complexity of the litigation, Judge Barbadoro also highlighted the great risk undertaken by

Co-Lead Counsel in pursuit of the litigation, which he indicated was greater than in other multi-billion dollar securities cases and “put [Plaintiffs] at the cutting edge of a rapidly changing area of law.”

In sum, the Tyco settlement is of historic proportions for the investors who suffered significant financial losses and it has sent a strong message to those who would try to engage in this type of misconduct in the future.

In re Tenet Healthcare Corp. Sec. Litig., No. CV-02-8462-RSWL (Rx) (C.D. Cal. 2002):

Kessler Topaz served as Co-Lead Counsel in this action. A partial settlement, approved on May 26, 2006, was comprised of three distinct elements: (i) a substantial monetary commitment of \$215 million by the company; (ii) personal contributions totaling \$1.5 million by two of the individual defendants; and (iii) the enactment and/or continuation of numerous changes to the company’s corporate governance practices, which have led various institutional rating entities to rank Tenet among the best in the U.S. in regards to corporate governance. The significance of the partial settlement was heightened by Tenet’s precarious financial condition. Faced with many financial pressures — including several pending civil actions and federal investigations, with total contingent liabilities in the hundreds of millions of dollars — there was real concern that Tenet would be unable to fund a settlement or satisfy a judgment of any greater amount in the near future. By reaching the partial settlement, we were able to avoid the risks associated with a long and costly litigation battle and provide a significant and immediate benefit to the class. Notably, this resolution represented a unique result in securities class action litigation — personal financial contributions from individual defendants. After taking the case through the summary judgment stage, we were able to secure an additional \$65 million recovery from KPMG – Tenet’s outside auditor during the relevant period – for the class, bringing the total recovery to \$281.5 million.

In re Wachovia Preferred Securities and Bond/Notes Litigation, Master File No. 09 Civ. 6351 (RJS) (S.D.N.Y.):

Kessler Topaz, as court-appointed Co-Lead Counsel, asserted class action claims for violations of the Securities Act of 1933 on behalf of all persons who purchased Wachovia Corporation (“Wachovia”) preferred securities issued in thirty separate offerings (the “Offerings”) between July 31, 2006 and May 29, 2008 (the “Offering Period”). Defendants in the action included Wachovia, various Wachovia related trusts, Wells Fargo as successor-in-interest to Wachovia, certain of Wachovia’s officer and board members, numerous underwriters that underwrote the Offerings, and KPMG LLP (“KPMG”), Wachovia’s former outside auditor. Plaintiffs alleged that the registration statements and prospectuses and prospectus supplements used to market the Offerings to Plaintiffs and other members of the class during the Offerings Period contained materially false and misleading statements and omitted material information. Specifically, the Complaint alleged that in connection with the Offerings, Wachovia: (i) failed to reveal the full extent to which its mortgage portfolio was increasingly impaired due to dangerously lax underwriting practices; (ii) materially misstated the true value of its mortgage-related assets; (iii) failed to disclose that its loan loss reserves were grossly inadequate; and (iv) failed to record write-downs and impairments to those assets as required by Generally Accepted Accounting Principles (“GAAP”). Even as Wachovia faced insolvency, the Offering Materials assured investors that Wachovia’s capital and liquidity positions were “strong,” and that it was so “well capitalized” that it was actually a “provider of liquidity” to the market. On August 5, 2011, the Parties announced a \$590 million cash settlement with Wells Fargo (as successor-in-interest to Wachovia) and a \$37 million cash settlement with KPMG, to settle all claims asserted against all defendants in the action. This settlement was approved by the Hon. Judge Richard J. Sullivan by order issued on January 3, 2012.

In re Initial Public Offering Sec. Litig., Master File No. 21 MC 92(SAS):

This action settled for \$586 million on January 1, 2010, after years of litigation overseen by U.S. District Judge Shira Scheindlin. Kessler Topaz served on the plaintiffs’ executive committee for the case, which was based upon the artificial inflation of stock prices during the dot-com boom of the late 1990s that led to

the collapse of the technology stock market in 2000 that was related to allegations of laddering and excess commissions being paid for IPO allocations.

In re Longtop Financial Technologies Ltd. Securities Litigation, No. 11-cv-3658 (S.D.N.Y.):

Kessler Topaz, as Lead Counsel, brought an action on behalf of lead plaintiffs that asserted claims for violations of the federal securities laws against Longtop Financial Technologies Ltd. (“Longtop”), its Chief Executive Officer, Weizhou Lian, and its Chief Financial Officer, Derek Palaschuk. The claims against Longtop and these two individuals were based on a massive fraud that occurred at the company. As the CEO later confessed, the company had been a fraud since 2004. Specifically, Weizhou Lian confessed that the company’s cash balances and revenues were overstated by hundreds of millions of dollars and it had millions of dollars in unrecorded bank loans. The CEO further admitted that, in 2011 alone, Longtop’s revenues were overstated by about 40 percent. On November 14, 2013, after Weizhou Lian and Longtop failed to appear and defend the action, Judge Shira Scheindlin entered default judgment against these two defendants in the amount of \$882.3 million plus 9 percent interest running from February 21, 2008 to the date of payment. The case then proceeded to trial against Longtop’s CFO who claimed he did not know about the fraud - and was not reckless in not knowing – when he made false statements to investors about Longtop’s financial results. On November 21, 2014, the jury returned a verdict on liability in favor of plaintiffs. Specifically, the jury found that the CFO was liable to the plaintiffs and the class for each of the eight challenged misstatements. Then, on November 24, 2014, the jury returned its damages verdict, ascribing a certain amount of inflation to each day of the class period and apportioning liability for those damages amongst the three named defendants. The Longtop trial was only the 14th securities class action to be tried to a verdict since the passage of the Private Securities Litigation Reform Act in 1995 and represents a historic victory for investors.

Operative Plasterers and Cement Masons International Association Local 262 Annuity Fund v. Lehman Brothers Holdings, Inc., No. 1:08-cv-05523-LAK (S.D.N.Y.):

Kessler Topaz, on behalf of lead plaintiffs, asserted claims against certain individual defendants and underwriters of Lehman securities arising from misstatements and omissions regarding Lehman's financial condition, and its exposure to the residential and commercial real estate markets in the period leading to Lehman’s unprecedented bankruptcy filing on September 14, 2008. In July 2011, the Court sustained the majority of the amended Complaint finding that Lehman’s use of Repo 105, while technically complying with GAAP, still rendered numerous statements relating to Lehman’s purported Net Leverage Ratio materially false and misleading. The Court also found that Defendants’ statements related to Lehman’s risk management policies were sufficient to state a claim. With respect to loss causation, the Court also failed to accept Defendants’ contention that the financial condition of the economy led to the losses suffered by the Class. As the case was being prepared for trial, a \$517 million settlement was reached on behalf of shareholders --- \$426 million of which came from various underwriters of the Offerings, representing a significant recovery for investors in this now bankrupt entity. In addition, \$90 million came from Lehman’s former directors and officers, which is significant considering the diminishing assets available to pay any future judgment. Following these settlements, the litigation continued against Lehman’s auditor, Ernst & Young LLP. A settlement for \$99 million was subsequently reached with Ernst & Young LLP and was approved by the Court.

Minneapolis Firefighters' Relief Association v. Medtronic, Inc. et al. Case No. 0:08-cv-06324-PAM-AJB (D. Minn.):

Kessler Topaz brought an action on behalf of lead plaintiffs that alleged that the company failed to disclose its reliance on illegal “off-label” marketing techniques to drive the sales of its INFUSE Bone Graft (“INFUSE”) medical device. While physicians are allowed to prescribe a drug or medical device for any use they see fit, federal law prohibits medical device manufacturers from marketing devices for any uses not specifically approved by the United States Food and Drug Administration. The company’s off-label marketing practices have resulted in the company becoming the target of a probe by the federal government

which was revealed on November 18, 2008, when the company's CEO reported that Medtronic received a subpoena from the United States Department of Justice which is "looking into off-label use of INFUSE." After hearing oral argument on Defendants' Motions to Dismiss, on February 3, 2010, the Court issued an order granting in part and denying in part Defendants' motions, allowing a large portion of the action to move forward. The Court held that Plaintiff successfully stated a claim against each Defendant for a majority of the misstatements alleged in the Complaint and that each of the Defendants knew or recklessly disregarded the falsity of these statements and that Defendants' fraud caused the losses experienced by members of the Class when the market learned the truth behind Defendants' INFUSE marketing efforts. While the case was in discovery, on April 2, 2012, Medtronic agreed to pay shareholders an \$85 million settlement. The settlement was approved by the Court by order issued on November 8, 2012.

In re Brocade Sec. Litig., Case No. 3:05-CV-02042 (N.D. Cal. 2005) (CRB):

The complaint in this action alleges that Defendants engaged in repeated violations of federal securities laws by backdating options grants to top executives and falsified the date of stock option grants and other information regarding options grants to numerous employees from 2000 through 2004, which ultimately caused Brocade to restate all of its financial statements from 2000 through 2005. In addition, concurrent SEC civil and Department of Justice criminal actions against certain individual defendants were commenced. In August, 2007 the Court denied Defendant's motions to dismiss and in October, 2007 certified a class of Brocade investors who were damaged by the alleged fraud. Discovery is currently proceeding and the case is being prepared for trial. Furthermore, while litigating the securities class action Kessler Topaz and its co-counsel objected to a proposed settlement in the Brocade derivative action. On March 21, 2007, the parties in *In re Brocade Communications Systems, Inc. Derivative Litigation*, No. C05-02233 (N.D. Cal. 2005) (CRB) gave notice that they had obtained preliminary approval of their settlement. According to the notice, which was buried on the back pages of the Wall Street Journal, Brocade shareholders were given less than three weeks to evaluate the settlement and file any objection with the Court. Kessler Topaz client Puerto Rico Government Employees' Retirement System ("PRGERS") had a large investment in Brocade and, because the settlement was woefully inadequate, filed an objection. PRGERS, joined by fellow institutional investor Arkansas Public Employees Retirement System, challenged the settlement on two fundamental grounds. First, PRGERS criticized the derivative plaintiffs for failing to conduct any discovery before settling their claims. PRGERS also argued that derivative plaintiff's abject failure to investigate its own claims before providing the defendants with broad releases from liability made it impossible to weigh the merits of the settlement. The Court agreed, and strongly admonished derivative plaintiffs for their failure to perform this most basic act of service to their fellow Brocade shareholders. The settlement was rejected and later withdrawn. Second, and more significantly, PRGERS claimed that the presence of the well-respected law firm Wilson, Sonsini Goodrich and Rosati, in this case, created an incurable conflict of interest that corrupted the entire settlement process. The conflict stemmed from WSGR's dual role as counsel to Brocade and the Individual Settling Defendants, including WSGR Chairman and former Brocade Board Member Larry Sonsini. On this point, the Court also agreed and advised WSGR to remove itself from the case entirely. On May 25, 2007, WSGR complied and withdrew as counsel to Brocade. The case settled for \$160 million and was approved by the Court.

In re Satyam Computer Services, Ltd. Sec. Litig., No. 09 MD 02027 (BSJ) (S.D.N.Y.):

Kessler Topaz served as Co-Lead Counsel in this securities fraud class action in the Southern District of New York. The action asserts claims by lead plaintiffs for violations of the federal securities laws against Satyam Computer Services Limited ("Satyam" or the "Company") and certain of Satyam's former officers and directors and its former auditor PricewaterhouseCoopers International Ltd. ("PwC") relating to the Company's January 7, 2009, disclosure admitting that B. Ramalinga Raju ("B. Raju"), the Company's former chairman, falsified Satyam's financial reports by, among other things, inflating its reported cash balances by more than \$1 billion. The news caused the price of Satyam's common stock (traded on the National Stock Exchange of India and the Bombay Stock Exchange) and American Depository Shares ("ADSs") (traded on the New York Stock Exchange ("NYSE")) to collapse. From a closing price of \$3.67

per share on January 6, 2009, Satyam's common stock closed at \$0.82 per share on January 7, 2009. With respect to the ADSs, the news of B. Raju's letter was revealed overnight in the United States and, as a result, trading in Satyam ADSs was halted on the NYSE before the markets opened on January 7, 2009. When trading in Satyam ADSs resumed on January 12, 2009, Satyam ADSs opened at \$1.14 per ADS, down steeply from a closing price of \$9.35 on January 6, 2009. Lead Plaintiffs filed a consolidated complaint on July 17, 2009, on behalf of all persons or entities, who (a) purchased or otherwise acquired Satyam's ADSs in the United States; and (b) residents of the United States who purchased or otherwise acquired Satyam shares on the National Stock Exchange of India or the Bombay Stock Exchange between January 6, 2004 and January 6, 2009. Co-Lead Counsel secured a settlement for \$125 million from Satyam on February 16, 2011. Additionally, Co-Lead Counsel was able to secure a \$25.5 million settlement from PwC on April 29, 2011, who was alleged to have signed off on the misleading audit reports.

In re BankAtlantic Bancorp, Inc. Sec. Litig., Case No. 07-CV-61542 (S.D. Fla. 2007):

On November 18, 2010, a panel of nine Miami, Florida jurors returned the first securities fraud verdict to arise out of the financial crisis against BankAtlantic Bancorp. Inc., its chief executive officer and chief financial officer. This case was only the tenth securities class action to be tried to a verdict following the passage of the Private Securities Litigation Reform Act of 1995, which governs such suits. Following extensive post-trial motion practice, the District Court upheld all of the Jury's findings of fraud but vacated the damages award on a narrow legal issue and granted Defendant's motion for a judgment as a matter of law. Plaintiffs appealed to the U.S. Court of Appeals for the Eleventh Circuit. On July 23, 2012, a three-judge panel for the Appeals Court found the District Court erred in granting the Defendant's motion for a judgment as a matter of law based in part on the Jury's findings (perceived inconsistency of two of the Jury's answers to the special interrogatories) instead of focusing solely on the sufficiency of the evidence. However, upon its review of the record, the Appeals Court affirmed the District Court's decision as it determined the Plaintiffs did not introduce evidence sufficient to support a finding in its favor on the element of loss causation. The Appeals Court's decision in this case does not diminish the five years of hard work which Kessler Topaz expended to bring the matter to trial and secure an initial jury verdict in the Plaintiffs' favor. This case is an excellent example of the Firm's dedication to our clients and the lengths it will go to try to achieve the best possible results for institutional investors in shareholder litigation.

In re AremisSoft Corp. Sec. Litig., C.A. No. 01-CV-2486 (D.N.J. 2002):

Kessler Topaz is particularly proud of the results achieved in this case before the Honorable Joel A. Pisano. This case was exceedingly complicated, as it involved the embezzlement of hundreds of millions of dollars by former officers of the Company, one of whom remains a fugitive. In settling the action, Kessler Topaz, as sole Lead Counsel, assisted in reorganizing AremisSoft as a new company to allow for it to continue operations, while successfully separating out the securities fraud claims and the bankrupt Company's claims into a litigation trust. The approved Settlement enabled the class to receive the majority of the equity in the new Company, as well as their pro rata share of any amounts recovered by the litigation trust. During this litigation, actions have been initiated in the Isle of Man, Cyprus, as well as in the United States as we continue our efforts to recover assets stolen by corporate insiders and related entities.

In re CVS Corporation Sec. Litig., C.A. No. 01-11464 JLT (D.Mass. 2001):

Kessler Topaz, serving as Co-Lead Counsel on behalf of a group of institutional investors, secured a cash recovery of \$110 million for the class, a figure which represents the third-largest payout for a securities action in Boston federal court. Kessler Topaz successfully litigated the case through summary judgment before ultimately achieving this outstanding result for the class following several mediation sessions, and just prior to the commencement of trial.

In re Marvell Technology, Group, Ltd. Sec. Lit., Master File No. 06-06286 RWM:

Kessler Topaz served as Co-Lead Counsel in this securities class action brought against Marvell Technology Group Ltd. (“Marvell”) and three of Marvell’s executive officers. This case centered around an alleged options backdating scheme carried out by Defendants from June 2000 through June 2006, which enabled Marvell’s executives and employees to receive options with favorable option exercise prices chosen with the benefit of hindsight, in direct violation of Marvell’s stock option plan, as well as to avoid recording hundreds of millions of dollars in compensation expenses on the Marvell’s books. In total, the restatement conceded that Marvell had understated the cumulative effect of its compensation expense by \$327.3 million, and overstated net income by \$309.4 million, for the period covered by the restatement. Following nearly three years of investigation and prosecution of the Class’ claims as well as a protracted and contentious mediation process, Co-Lead Counsel secured a settlement for \$72 million from defendants on June 9, 2009. This Settlement represents a substantial portion of the Class’ maximum provable damages, and is among the largest settlements, in total dollar amount, reached in an option backdating securities class action.

In re Delphi Corp. Sec. Litig., Master File No. 1:05-MD-1725 (E.D. Mich. 2005):

In early 2005, various securities class actions were filed against auto-parts manufacturer Delphi Corporation in the Southern District of New York. Kessler Topaz its client, Austria-based mutual fund manager Raiffeisen Kapitalanlage-Gesellschaft m.b.H. (“Raiffeisen”), were appointed as Co-Lead Counsel and Co-Lead Plaintiff, respectively. The Lead Plaintiffs alleged that (i) Delphi improperly treated financing transactions involving inventory as sales and disposition of inventory; (ii) improperly treated financing transactions involving “indirect materials” as sales of these materials; and (iii) improperly accounted for payments made to and credits received from General Motors as warranty settlements and obligations. As a result, Delphi’s reported revenue, net income and financial results were materially overstated, prompting Delphi to restate its earnings for the five previous years. Complex litigation involving difficult bankruptcy issues has potentially resulted in an excellent recovery for the class. In addition, Co-Lead Plaintiffs also reached a settlement of claims against Delphi’s outside auditor, Deloitte & Touche, LLP, for \$38.25 million on behalf of Delphi investors.

In re Royal Dutch Shell European Shareholder Litigation, No. 106.010.887, Gerechtshof Te Amsterdam (Amsterdam Court of Appeal):

Kessler Topaz was instrumental in achieving a landmark \$352 million settlement on behalf non-US investors with Royal Dutch Shell plc relating to Shell's 2004 restatement of oil reserves. This settlement of securities fraud claims on a class-wide basis under Dutch law was the first of its kind, and sought to resolve claims exclusively on behalf of European and other non-United States investors. Uncertainty over whether jurisdiction for non-United States investors existed in a 2004 class action filed in federal court in New Jersey prompted a significant number of prominent European institutional investors from nine countries, representing more than one billion shares of Shell, to actively pursue a potential resolution of their claims outside the United States. Among the European investors which actively sought and supported this settlement were Alecta pensionsförsäkring, ömsesidigt, PKA Pension Funds Administration Ltd., Swedbank Robur Fonder AB, AP7 and AFA Insurance, all of which were represented by Kessler Topaz.

In re Computer Associates Sec. Litig., No. 02-CV-1226 (E.D.N.Y. 2002):

Kessler Topaz served as Co-Lead Counsel on behalf of plaintiffs, alleging that Computer Associates and certain of its officers misrepresented the health of the company’s business, materially overstated the company’s revenues, and engaged in illegal insider selling. After nearly two years of litigation, Kessler Topaz helped obtain a settlement of \$150 million in cash and stock from the company.

In re The Interpublic Group of Companies Sec. Litig., No. 02 Civ. 6527 (S.D.N.Y. 2002):

Kessler Topaz served as sole Lead Counsel in this action on behalf of an institutional investor and received final approval of a settlement consisting of \$20 million in cash and 6,551,725 shares of IPG common stock. As of the final hearing in the case, the stock had an approximate value of \$87 million, resulting in a total

settlement value of approximately \$107 million. In granting its approval, the Court praised Kessler Topaz for acting responsibly and noted the Firm's professionalism, competence and contribution to achieving such a favorable result.

In re Digital Lightwave, Inc. Sec. Litig., Consolidated Case No. 98-152-CIV-T-24E (M.D. Fla. 1999):

The firm served as Co-Lead Counsel in one of the nation's most successful securities class actions in history measured by the percentage of damages recovered. After extensive litigation and negotiations, a settlement consisting primarily of stock was worth over \$170 million at the time when it was distributed to the Class. Kessler Topaz took on the primary role in negotiating the terms of the equity component, insisting that the class have the right to share in any upward appreciation in the value of the stock after the settlement was reached. This recovery represented an astounding approximately two hundred percent (200%) of class members' losses.

In re Transkaryotic Therapies, Inc. Sec. Litig., Civil Action No.: 03-10165-RWZ (D. Mass. 2003):

After five years of hard-fought, contentious litigation, Kessler Topaz as Lead Counsel on behalf of the Class, entered into one of largest settlements ever against a biotech company with regard to non-approval of one of its drugs by the U.S. Food and Drug Administration ("FDA"). Specifically, the Plaintiffs alleged that Transkaryotic Therapies, Inc. ("TKT") and its CEO, Richard Selden, engaged in a fraudulent scheme to artificially inflate the price of TKT common stock and to deceive Class Members by making misrepresentations and nondisclosures of material facts concerning TKT's prospects for FDA approval of Replagal, TKT's experimental enzyme replacement therapy for Fabry disease. With the assistance of the Honorable Daniel Weinstein, a retired state court judge from California, Kessler Topaz secured a \$50 million settlement from the Defendants during a complex and arduous mediation.

In re PNC Financial Services Group, Inc. Sec. Litig., Case No. 02-CV-271 (W.D. Pa. 2002):

Kessler Topaz served as Co-Lead Counsel in a securities class action case brought against PNC bank, certain of its officers and directors, and its outside auditor, Ernst & Young, LLP ("E&Y"), relating to the conduct of Defendants in establishing, accounting for and making disclosures concerning three special purpose entities ("SPEs") in the second, third and fourth quarters of PNC's 2001 fiscal year. Plaintiffs alleged that these entities were created by Defendants for the sole purpose of allowing PNC to secretly transfer hundreds of millions of dollars worth of non-performing assets from its own books to the books of the SPEs without disclosing the transfers or consolidating the results and then making positive announcements to the public concerning the bank's performance with respect to its non-performing assets. Complex issues were presented with respect to all defendants, but particularly E&Y. Throughout the litigation E&Y contended that because it did not make any false and misleading statements itself, the Supreme Court's opinion in *Central Bank of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164 (1993) foreclosed securities liability for "aiding or abetting" securities fraud for purposes of Section 10(b) liability. Plaintiffs, in addition to contending that E&Y did make false statements, argued that Rule 10b-5's deceptive conduct prong stood on its own as an independent means of committing fraud and that so long as E&Y itself committed a deceptive act, it could be found liable under the securities laws for fraud. After several years of litigation and negotiations, PNC paid \$30 million to settle the action, while also assigning any claims it may have had against E&Y and certain other entities that were involved in establishing and/or reporting on the SPEs. Armed with these claims, class counsel was able to secure an additional \$6.6 million in settlement funds for the class from two law firms and a third party insurance company and \$9.075 million from E&Y. Class counsel was also able to negotiate with the U.S. government, which had previously obtained a disgorgement fund of \$90 million from PNC and \$46 million from the third party insurance carrier, to combine all funds into a single settlement fund that exceeded \$180 million and is currently in the process of being distributed to the entire class, with PNC paying all costs of notifying the Class of the settlement.

In re SemGroup Energy Partners, L.P., Sec. Litig., No. 08-md-1989 (DC) (N.D. Okla.):

Kessler Topaz, which was appointed by the Court as sole Lead Counsel, litigated this matter, which ultimately settled for \$28 million. The defense was led by 17 of the largest and best capitalized defense law firms in the world. On April 20, 2010, in a fifty-page published opinion, the United States District Court for the Northern District of Oklahoma largely denied defendants' ten separate motions to dismiss Lead Plaintiff's Consolidated Amended Complaint. The Complaint alleged that: (i) defendants concealed SemGroup's risky trading operations that eventually caused SemGroup to declare bankruptcy; and (ii) defendants made numerous false statements concerning SemGroup's ability to provide its publicly-traded Master Limited Partnership stable cash-flows. The case was aggressively litigated out of the Firm's San Francisco and Radnor offices and the significant recovery was obtained, not only from the Company's principals, but also from its underwriters and outside directors.

In re Liberate Technologies Sec. Litig., No. C-02-5017 (MJJ) (N.D. Cal. 2005):

Kessler Topaz represented plaintiffs which alleged that Liberate engaged in fraudulent revenue recognition practices to artificially inflate the price of its stock, ultimately forcing it to restate its earnings. As sole Lead Counsel, Kessler Topaz successfully negotiated a \$13.8 million settlement, which represents almost 40% of the damages suffered by the class. In approving the settlement, the district court complimented Lead Counsel for its "extremely credible and competent job."

In re Riverstone Networks, Inc. Sec. Litig., Case No. CV-02-3581 (N.D. Cal. 2002):

Kessler Topaz served as Lead Counsel on behalf of plaintiffs alleging that Riverstone and certain of its officers and directors sought to create the impression that the Company, despite the industry-wide downturn in the telecom sector, had the ability to prosper and succeed and was actually prospering. In that regard, plaintiffs alleged that defendants issued a series of false and misleading statements concerning the Company's financial condition, sales and prospects, and used inside information to personally profit. After extensive litigation, the parties entered into formal mediation with the Honorable Charles Legge (Ret.). Following five months of extensive mediation, the parties reached a settlement of \$18.5 million.

Shareholder Derivative Actions

In re Facebook, Inc. Class C Reclassification Litig., C.A. No. 12286-VCL (Del. Ch. Sept. 25, 2017):

Kessler Topaz served as co-lead counsel in this stockholder class action that challenged a proposed reclassification of Facebook's capital structure to accommodate the charitable giving goals of its founder and controlling stockholder Mark Zuckerberg. The Reclassification involved the creation of a new class of nonvoting Class C stock, which would be issued as a dividend to all Facebook Class A and Class B stockholders (including Zuckerberg) on a 2-for-1 basis. The purpose and effect of the Reclassification was that it would allow Zuckerberg to sell billions of dollars worth of nonvoting Class C shares without losing his voting control of Facebook. The litigation alleged that Zuckerberg and Facebook's board of directors breached their fiduciary duties in approving the Reclassification at the behest of Zuckerberg and for his personal benefit. At trial Kessler Topaz was seeking a permanent injunction to prevent the consummation of the Reclassification. The litigation was carefully followed in the business and corporate governance communities, due to the high-profile nature of Facebook, Zuckerberg, and the issues at stake. After almost a year and a half of hard fought litigation, just one business day before trial was set to commence, Facebook and Zuckerberg abandoned the Reclassification, granting Plaintiffs complete victory.

In re CytRx Stockholder Derivative Litig., Consol. C.A. No. 9864-VCL (Del. Ch. Nov. 20, 2015):

Kessler Topaz served as co-lead counsel in a shareholder derivative action challenging 2.745 million "spring-loaded" stock options. On the day before CytRx announced the most important news in the Company's history concerning the positive trial results for one of its significant pipeline drugs, the Compensation Committee of CytRx's Board of Directors granted the stock options to themselves, their

fellow directors and several Company officers which immediately came “into the money” when CytRx’s stock price shot up immediately following the announcement the next day. Kessler Topaz negotiated a settlement recovering 100% of the excess compensation received by the directors and approximately 76% of the damages potentially obtainable from the officers. In addition, as part of the settlement, Kessler Topaz obtained the appointment of a new independent director to the Board of Directors and the implementation of significant reforms to the Company’s stock option award processes. The Court complimented the settlement, explaining that it “serves what Delaware views as the overall positive function of stockholder litigation, which is not just recovery in the individual case but also deterrence and norm enforcement.”

International Brotherhood of Electrical Workers Local 98 Pension Fund v. Black, et al., Case No. 37-2011-00097795-CU-SL-CTL (Sup. Ct. Cal., San Diego Feb. 5, 2016) (“Encore Capital Group, Inc.”): Kessler Topaz, as co-lead counsel, represented International Brotherhood of Electrical Workers Local 98 Pension Fund in a shareholder derivative action challenging breaches of fiduciary duties and other violations of law in connection with Encore’s debt collection practices, including robo-signing affidavits and improper use of the court system to collect alleged consumer debts. Kessler Topaz negotiated a settlement in which the Company implemented industry-leading reforms to its risk management and corporate governance practices, including creating Chief Risk Officer and Chief Compliance Officer positions, various compliance committees, and procedures for consumer complaint monitoring.

In re Southern Peru Copper Corp. Derivative Litigation, Consol. CA No. 961-CS (Del. Ch. 2011): Kessler Topaz served as co-lead counsel in this landmark \$2 billion post-trial decision, believed to be the largest verdict in Delaware corporate law history. In 2005, Southern Peru, a publicly-traded copper mining company, acquired Minera Mexico, a private mining company owned by Southern Peru’s majority stockholder Grupo Mexico. The acquisition required Southern Peru to pay Grupo Mexico more than \$3 billion in Southern Peru stock. We alleged that Grupo Mexico had caused Southern Peru to grossly overpay for the private company in deference to its majority shareholder’s interests. Discovery in the case spanned years and continents, with depositions in Peru and Mexico. The trial court agreed and ordered Grupo Mexico to pay more than \$2 billion in damages and interest. The Delaware Supreme Court affirmed on appeal.

Quinn v. Knight, No. 3:16-cv-610 (E.D. Va. Mar. 16, 2017) (“Apple REIT Ten”): This shareholder derivative action challenged a conflicted “roll up” REIT transaction orchestrated by Glade M. Knight and his son Justin Knight. The proposed transaction paid the Knights millions of dollars while paying public stockholders less than they had invested in the company. The case was brought under Virginia law, and settled just ten days before trial, with stockholders receiving an additional \$32 million in merger consideration.

Kastis v. Carter, C.A. No. 8657-CB (Del. Ch. Sept. 19, 2016) (“Hemispherx Biopharma, Inc.”): This derivative action challenged improper bonuses paid to two company executives of this small pharmaceutical company that had never turned a profit. In response to the complaint, Hemispherx’s board first adopted a “fee-shifting” bylaw that would have required stockholder plaintiffs to pay the company’s legal fees unless the plaintiffs achieved 100% of the relief they sought. This sort of bylaw, if adopted more broadly, could substantially curtail meritorious litigation by stockholders unwilling to risk losing millions of dollars if they bring an unsuccessful case. After Kessler Topaz presented its argument in court, Hemispherx withdrew the bylaw. Kessler Topaz ultimately negotiated a settlement requiring the two executives to forfeit several million dollars’ worth of accrued but unpaid bonuses, future bonuses and director fees. The company also recovered \$1.75 million from its insurance carriers, appointed a new independent director to the board, and revised its compensation program.

Montgomery v. Erickson, Inc., et al., C.A. No. 8784-VCL (Del. Ch. Sept. 12, 2016):

Kessler Topaz represented an individual stockholder who asserted in the Delaware Court of Chancery class action and derivative claims challenging merger and recapitalization transactions that benefitted the company's controlling stockholders at the expense of the company and its minority stockholders. Plaintiff alleged that the controlling stockholders of Erickson orchestrated a series of transactions with the intent and effect of using Erickson's money to bail themselves out of a failing investment. Defendants filed a motion to dismiss the complaint, which Kessler Topaz defeated, and the case proceeded through more than a year of fact discovery. Following an initially unsuccessful mediation and further litigation, Kessler Topaz ultimately achieved an \$18.5 million cash settlement, 80% of which was distributed to members of the stockholder class to resolve their direct claims and 20% of which was paid to the company to resolve the derivative claims. The settlement also instituted changes to the company's governing documents to prevent future self-dealing transactions like those that gave rise to the case.

In re Helios Closed-End Funds Derivative Litig., No. 2:11-cv-02935-SHM-TMP (W.D. Tenn.):

Kessler Topaz represented stockholders of four closed-end mutual funds in a derivative action against the funds' former investment advisor, Morgan Asset Management. Plaintiffs alleged that the defendants mismanaged the funds by investing in riskier securities than permitted by the funds' governing documents and, after the values of these securities began to precipitously decline beginning in early 2007, cover up their wrongdoing by assigning phony values to the funds' investments and failing to disclose the extent of the decrease in value of the funds' assets. In a rare occurrence in derivative litigation, the funds' Boards of Directors eventually hired Kessler Topaz to prosecute the claims against the defendants on behalf of the funds. Our litigation efforts led to a settlement that recovered \$6 million for the funds and ensured that the funds would not be responsible for making any payment to resolve claims asserted against them in a related multi-million dollar securities class action. The fund's Boards fully supported and endorsed the settlement, which was negotiated independently of the parallel securities class action.

In re Viacom, Inc. Shareholder Derivative Litig., Index No. 602527/05 (New York County, NY 2005):

Kessler Topaz represented the Public Employees' Retirement System of Mississippi and served as Lead Counsel in a derivative action alleging that the members of the Board of Directors of Viacom, Inc. paid excessive and unwarranted compensation to Viacom's Executive Chairman and CEO, Sumner M. Redstone, and co-COOs Thomas E. Freston and Leslie Moonves, in breach of their fiduciary duties. Specifically, we alleged that in fiscal year 2004, when Viacom reported a record net loss of \$17.46 billion, the board improperly approved compensation payments to Redstone, Freston, and Moonves of approximately \$56 million, \$52 million, and \$52 million, respectively. Judge Ramos of the New York Supreme Court denied Defendants' motion to dismiss the action as we overcame several complex arguments related to the failure to make a demand on Viacom's Board; Defendants then appealed that decision to the Appellate Division of the Supreme Court of New York. Prior to a decision by the appellate court, a settlement was reached in early 2007. Pursuant to the settlement, Sumner Redstone, the company's Executive Chairman and controlling shareholder, agreed to a new compensation package that, among other things, substantially reduces his annual salary and cash bonus, and ties the majority of his incentive compensation directly to shareholder returns.

In re Family Dollar Stores, Inc. Derivative Litig., Master File No. 06-CVS-16796 (Mecklenburg County, NC 2006):

Kessler Topaz served as Lead Counsel, derivatively on behalf of Family Dollar Stores, Inc., and against certain of Family Dollar's current and former officers and directors. The actions were pending in Mecklenburg County Superior Court, Charlotte, North Carolina, and alleged that certain of the company's officers and directors had improperly backdated stock options to achieve favorable exercise prices in violation of shareholder-approved stock option plans. As a result of these shareholder derivative actions, Kessler Topaz was able to achieve substantial relief for Family Dollar and its shareholders. Through Kessler Topaz's litigation of this action, Family Dollar agreed to cancel hundreds of thousands of stock options

granted to certain current and former officers, resulting in a seven-figure net financial benefit for the company. In addition, Family Dollar has agreed to, among other things: implement internal controls and granting procedures that are designed to ensure that all stock options are properly dated and accounted for; appoint two new independent directors to the board of directors; maintain a board composition of at least 75 percent independent directors; and adopt stringent officer stock-ownership policies to further align the interests of officers with those of Family Dollar shareholders. The settlement was approved by Order of the Court on August 13, 2007.

Carbon County Employees Retirement System, et al., Derivatively on Behalf of Nominal Defendant Southwest Airlines Co. v. Gary C. Kelly, et al. Cause No. 08-08692 (District Court of Dallas County, Texas):

As lead counsel in this derivative action, we negotiated a settlement with far-reaching implications for the safety and security of airline passengers.

Our clients were shareholders of Southwest Airlines Co. (Southwest) who alleged that certain officers and directors had breached their fiduciary duties in connection with Southwest's violations of Federal Aviation Administration safety and maintenance regulations. Plaintiffs alleged that from June 2006 to March 2007, Southwest flew 46 Boeing 737 airplanes on nearly 60,000 flights without complying with a 2004 FAA Airworthiness Directive requiring fuselage fatigue inspections. As a result, Southwest was forced to pay a record \$7.5 million fine. We negotiated numerous reforms to ensure that Southwest's Board is adequately apprised of safety and operations issues, and implementing significant measures to strengthen safety and maintenance processes and procedures.

The South Financial Group, Inc. Shareholder Litigation, C.A. No. 2008-CP-23-8395 (S.C. C.C.P. 2009):

Represented shareholders in derivative litigation challenging board's decision to accelerate "golden parachute" payments to South Financial Group's CEO as the company applied for emergency assistance in 2008 under the Troubled Asset Recovery Plan (TARP).

We sought injunctive relief to block the payments and protect the company's ability to receive the TARP funds. The litigation was settled with the CEO giving up part of his severance package and agreeing to leave the board, as well as the implementation of important corporate governance changes one commentator described as "unprecedented."

Options Backdating

In 2006, the Wall Street Journal reported that three companies appeared to have "backdated" stock option grants to their senior executives, pretending that the options had been awarded when the stock price was at its lowest price of the quarter, or even year. An executive who exercised the option thus paid the company an artificially low price, which stole money from the corporate coffers. While stock options are designed to incentivize recipients to drive the company's stock price up, backdating options to artificially low prices undercut those incentives, overpaid executives, violated tax rules, and decreased shareholder value.

Kessler Topaz worked with a financial analyst to identify dozens of other companies that had engaged in similar practices, and filed more than 50 derivative suits challenging the practice. These suits sought to force the executives to disgorge their improper compensation and to revamp the companies' executive compensation policies. Ultimately, as lead counsel in these derivative actions, Kessler Topaz achieved significant monetary and non-monetary benefits at dozens of companies, including:

Comverse Technology, Inc.: Settlement required Comverse’s founder and CEO Kobi Alexander, who fled to Namibia after the backdating was revealed, to disgorge more than \$62 million in excessive backdated option compensation. The settlement also overhauled the company’s corporate governance and internal controls, replacing a number of directors and corporate executives, splitting the Chairman and CEO positions, and instituting majority voting for directors.

Monster Worldwide, Inc.: Settlement required recipients of backdated stock options to disgorge more than \$32 million in unlawful gains back to the company, plus agreeing to significant corporate governance measures. These measures included (a) requiring Monster’s founder Andrew McKelvey to reduce his voting control over Monster from 31% to 7%, by exchanging super-voting stock for common stock; and (b) implementing new equity granting practices that require greater accountability and transparency in the granting of stock options moving forward. In approving the settlement, the court noted “the good results, mainly the amount of money for the shareholders and also the change in governance of the company itself, and really the hard work that had to go into that to achieve the results....”

Affiliated Computer Services, Inc.: Settlement required executives, including founder Darwin Deason, to give up \$20 million in improper backdated options. The litigation was also a catalyst for the company to replace its CEO and CFO and revamp its executive compensation policies.

Mergers & Acquisitions Litigation

City of Daytona Beach Police and Fire Pension Fund v. ExamWorks Group, Inc., et al., C.A. No. 12481-VCL (Del. Ch.):

On September 12, 2017, the Delaware Chancery Court approved one of the largest class action M&A settlements in the history of the Delaware Chancery Court, a \$86.5 million settlement relating to the acquisition of ExamWorks Group, Inc. by private equity firm Leonard Green & Partners, LP.

The settlement caused ExamWorks stockholders to receive a 6% improvement on the \$35.05 per share merger consideration negotiated by the defendants. This amount is unusual especially for litigation challenging a third-party merger. The settlement amount is also noteworthy because it includes a \$46.5 million contribution from ExamWorks’ outside legal counsel, Paul Hastings LLP.

In re ArthroCare Corporation S’holder Litig., Consol. C.A. No. 9313-VCL (Del. Ch. Nov. 13, 2014):

Kessler Topaz, as co-lead counsel, challenged the take-private of Arthrocare Corporation by private equity firm Smith & Nephew. This class action litigation alleged, among other things, that Arthrocare’s Board breached their fiduciary duties by failing to maximize stockholder value in the merger. Plaintiffs also alleged that the merger violated Section 203 of the Delaware General Corporation Law, which prohibits mergers with “interested stockholders,” because Smith & Nephew had contracted with JP Morgan to provide financial advice and financing in the merger, while a subsidiary of JP Morgan owned more than 15% of Arthrocare’s stock. Plaintiffs also alleged that the agreement between Smith & Nephew and the JP Morgan subsidiary violated a “standstill” agreement between the JP Morgan subsidiary and Arthrocare. The court set these novel legal claims for an expedited trial prior to the closing of the merger. The parties agreed to settle the action when Smith & Nephew agreed to increase the merger consideration paid to Arthrocare stockholders by \$12 million, less than a month before trial.

In re Safeway Inc. Stockholders Litig., C.A. No. 9445-VCL (Del. Ch. Sept. 17, 2014):

Kessler Topaz represented the Oklahoma Firefighters Pension and Retirement System in class action litigation challenging the acquisition of Safeway, Inc. by Albertson’s grocery chain for \$32.50 per share in cash and contingent value rights. Kessler Topaz argued that the value of CVRs was illusory, and Safeway’s shareholder rights plan had a prohibitive effect on potential bidders making superior offers to acquire

Safeway, which undermined the effectiveness of the post-signing “go shop.” Plaintiffs sought to enjoin the transaction, but before the scheduled preliminary injunction hearing took place, Kessler Topaz negotiated (i) modifications to the terms of the CVRs and (ii) defendants’ withdrawal of the shareholder rights plan. In approving the settlement, Vice Chancellor Laster of the Delaware Chancery Court stated that “the plaintiffs obtained significant changes to the transaction . . . that may well result in material increases in the compensation received by the class,” including substantial benefits potentially in excess of \$230 million.

In re MPG Office Trust, Inc. Preferred Shareholder Litig., Cons. Case No. 24-C-13-004097 (Md. Cir. Oct. 20, 2015):

Kessler Topaz challenged a coercive tender offer whereby MPG preferred stockholders received preferred stock in Brookfield Office Properties, Inc. without receiving any compensation for their accrued and unpaid dividends. Kessler Topaz negotiated a settlement where MPG preferred stockholders received a dividend of \$2.25 per share, worth approximately \$21 million, which was the only payment of accrued dividends Brookfield DTLA Preferred Stockholders had received as of the time of the settlement.

In re Globe Specialty Metals, Inc. Stockholders Litig., C.A. 10865-VCG (Del. Ch. Feb. 15, 2016):

Kessler Topaz served as co-lead counsel in class action litigation arising from Globe’s acquisition by Grupo Atlantica to form Ferroglobe. Plaintiffs alleged that Globe’s Board breached their fiduciary duties to Globe’s public stockholders by agreeing to sell Globe for an unfair price, negotiating personal benefits for themselves at the expense of the public stockholders, failing to adequately inform themselves of material issues with Grupo Atlantica, and issuing a number of materially deficient disclosures in an attempt to mask issues with the negotiations. At oral argument on Plaintiffs’ preliminary injunction motion, the Court held that Globe stockholders likely faced irreparable harm from the Board’s conduct, but reserved ruling on the other preliminary injunction factors. Prior to the Court’s final ruling, the parties agreed to settle the action for \$32.5 million and various corporate governance reforms to protect Globe stockholders’ rights in Ferroglobe.

In re Dole Food Co., Inc. Stockholder Litig., Consol. C.A. No. 8703-VCL, 2015 WL 5052214 (Del. Ch. Aug. 27, 2015):

On August 27, 2015, Vice Chancellor J. Travis Laster issued his much-anticipated post-trial verdict in litigation by former stockholders of Dole Food Company against Dole’s chairman and controlling stockholder David Murdock. In a 106-page ruling, Vice Chancellor Laster found that Murdock and his longtime lieutenant, Dole’s former president and general counsel C. Michael Carter, unfairly manipulated Dole’s financial projections and misled the market as part of Murdock’s efforts to take the company private in a deal that closed in November 2013. Among other things, the Court concluded that Murdock and Carter “primed the market for the freeze-out by driving down Dole’s stock price” and provided the company’s outside directors with “knowingly false” information and intended to “mislead the board for Mr. Murdock’s benefit.”

Vice Chancellor Laster found that the \$13.50 per share going-private deal underpaid stockholders, and awarded class damages of \$2.74 per share, totaling \$148 million. That award represents the largest post-trial class recovery in the merger context. The largest post-trial derivative recovery in a merger case remains Kessler Topaz’s landmark 2011 \$2 billion verdict in *In re Southern Peru*.

In re Genentech, Inc. Shareholders Lit., Cons. Civ. Action No. 3991-VCS (Del. Ch. 2008):

Kessler Topaz served as Co-Lead Counsel in this shareholder class action brought against the directors of Genentech and Genentech’s majority stockholder, Roche Holdings, Inc., in response to Roche’s July 21, 2008 attempt to acquire Genentech for \$89 per share. We sought to enforce provisions of an Affiliation Agreement between Roche and Genentech and to ensure that Roche fulfilled its fiduciary obligations to Genentech’s shareholders through any buyout effort by Roche. After moving to enjoin the tender offer, Kessler Topaz negotiated with Roche and Genentech to amend the Affiliation Agreement to allow a

negotiated transaction between Roche and Genentech, which enabled Roche to acquire Genentech for \$95 per share, approximately \$3.9 billion more than Roche offered in its hostile tender offer. In approving the settlement, then-Vice Chancellor Leo Strine complimented plaintiffs' counsel, noting that this benefit was only achieved through "real hard-fought litigation in a complicated setting."

In re GSI Commerce, Inc. Shareholder Litig., Consol. C.A. No. 6346-VCN (Del. Ch. Nov. 15, 2011):

On behalf of the Erie County Employees' Retirement System, we alleged that GSI's founder breached his fiduciary duties by negotiating a secret deal with eBay for him to buy several GSI subsidiaries at below market prices before selling the remainder of the company to eBay. These side deals significantly reduced the acquisition price paid to GSI stockholders. Days before an injunction hearing, we negotiated an improvement in the deal price of \$24 million.

In re Amicas, Inc. Shareholder Litigation, 10-0174-BLS2 (Suffolk County, MA 2010):

Kessler Topaz served as lead counsel in class action litigation challenging a proposed private equity buyout of Amicas that would have paid Amicas shareholders \$5.35 per share in cash while certain Amicas executives retained an equity stake in the surviving entity moving forward. Kessler Topaz prevailed in securing a preliminary injunction against the deal, which then allowed a superior bidder to purchase the Company for an additional \$0.70 per share (\$26 million). The court complimented Kessler Topaz attorneys for causing an "exceptionally favorable result for Amicas' shareholders" after "expend[ing] substantial resources."

In re Harleysville Mutual, Nov. Term 2011, No. 02137 (C.C.P., Phila. Cnty.):

Kessler Topaz served as co-lead counsel in expedited merger litigation challenging Harleysville's agreement to sell the company to Nationwide Insurance Company. Plaintiffs alleged that policyholders were entitled to receive cash in exchange for their ownership interests in the company, not just new Nationwide policies. Plaintiffs also alleged that the merger was "fundamentally unfair" under Pennsylvania law. The defendants contested the allegations and contended that the claims could not be prosecuted directly by policyholders (as opposed to derivatively on the company's behalf). Following a two-day preliminary injunction hearing, we settled the case in exchange for a \$26 million cash payment to policyholders.

Consumer Protection and Fiduciary Litigation

In re: J.P. Jeanneret Associates Inc., et al., No. 09-cv-3907 (S.D.N.Y.):

Kessler Topaz served as lead counsel for one of the plaintiff groups in an action against J.P. Jeanneret and Ivy Asset Management relating to an alleged breach of fiduciary and statutory duty in connection with the investment of retirement plan assets in Bernard Madoff-related entities. By breaching their fiduciary duties, Defendants caused significant losses to the retirement plans. Following extensive hard-fought litigation, the case settled for a total of \$216.5 million.

In re: National City Corp. Securities, Derivative and ERISA Litig, No. 08-nc-7000 (N.D. Ohio):

Kessler Topaz served as a lead counsel in this complex action alleging that certain directors and officers of National City Corp. breached their fiduciary duties under the Employee Retirement Income Security Act of 1974. These breaches arose from an investment in National City stock during a time when defendants knew, or should have known, that the company stock was artificially inflated and an imprudent investment for the company's 401(k) plan. The case settled for \$43 million on behalf of the plan, plaintiffs and a settlement class of plan participants.

Alston, et al. v. Countrywide Financial Corp. et al., No. 07-cv-03508 (E.D. Pa.):

Kessler Topaz served as lead counsel in this novel and complex action which alleged that Defendants Countrywide Financial Corporation, Countrywide Home Loans, Inc. and Balboa Reinsurance Co. violated

the Real Estate Settlement Procedure Act (“RESPA”) and ultimately cost borrowers millions of dollars. Specifically, the action alleged that Defendants engaged in a scheme related to private mortgage insurance involving kickbacks, which are prohibited under RESPA. After three and a half years of hard-fought litigation, the action settled for \$34 million.

Trustees of the Local 464A United Food and Commercial Workers Union Pension Fund, et al. v. Wachovia Bank, N.A., et al., No. 09-cv-00668 (DNJ):

For more than 50 years, Wachovia and its predecessors acted as investment manager for the Local 464A UFCW Union Funds, exercising investment discretion consistent with certain investment guidelines and fiduciary obligations. Until mid-2007, Wachovia managed the fixed income assets of the funds safely and conservatively, and their returns closely tracked the Lehman Aggregate Bond Index (now known as the Barclay’s Capital Aggregate Bond Index) to which the funds were benchmarked. However, beginning in mid-2007 Wachovia significantly changed the investment strategy, causing the funds’ portfolio value to drop drastically below the benchmark. Specifically, Wachovia began to dramatically decrease the funds’ holdings in short-term, high-quality, low-risk debt instruments and materially increase their holdings in high-risk mortgage-backed securities and collateralized mortgage obligations. We represented the funds’ trustees in alleging that, among other things, Wachovia breached its fiduciary duty by: failing to invest the assets in accordance with the funds’ conservative investment guidelines; failing to adequately monitor the funds’ fixed income investments; and failing to provide complete and accurate information to plaintiffs concerning the change in investment strategy. The matter was resolved privately between the parties.

In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litig., No. 1:12-md-02335 (S.D.N.Y.):

On behalf of the Southeastern Pennsylvania Transportation Authority Pension Fund and a class of similarly situated domestic custodial clients of BNY Mellon, we alleged that BNY Mellon secretly assigned a spread to the FX rates at which it transacted FX transactions on behalf of its clients who participated in the BNY Mellon’s automated “Standing Instruction” FX service. BNY Mellon determining this spread by executing its clients’ transactions at one rate and then, typically, at the end of the trading day, assigned a rate to its clients which approximated the worst possible rates of the trading day, pocketing the difference as riskless profit. This practice was despite BNY Mellon’s contractual promises to its clients that its Standing Instruction service was designed to provide “best execution,” was “free of charge” and provided the “best rates of the day.” The case asserted claims for breach of contract and breach of fiduciary duty on behalf of BNY Mellon’s custodial clients and sought to recover the unlawful profits that BNY Mellon earned from its unfair and unlawful FX practices. The case was litigated in collaboration with separate cases brought by state and federal agencies, with Kessler Topaz serving as lead counsel and a member of the executive committee overseeing the private litigation. After extensive discovery, including more than 100 depositions, over 25 million pages of fact discovery, and the submission of multiple expert reports, Plaintiffs reached a settlement with BNY Mellon of \$335 million. Additionally, the settlement is being administered by Kessler Topaz along with separate recoveries by state and federal agencies which bring the total recovery for BNY Mellon’s custodial customers to \$504 million. The settlement was finally approved on September 24, 2015. In approving the settlement, Judge Lewis Kaplan praised counsel for a “wonderful job,” recognizing that they were “fought tooth and nail at every step of the road.” In further recognition of the efforts of counsel, Judge Kaplan noted that “[t]his was an outrageous wrong by the Bank of New York Mellon, and plaintiffs’ counsel deserve a world of credit for taking it on, for running the risk, for financing it and doing a great job.”

CompSource Oklahoma v. BNY Mellon Bank, N.A., No. CIV 08-469-KEW (E.D. Okla. October 25, 2012):

Kessler Topaz served as Interim Class Counsel in this matter alleging that BNY Mellon Bank, N.A. and the Bank of New York Mellon (collectively, “BNYM”) breached their statutory, common law and contractual duties in connection with the administration of their securities lending program. The Second Amended

Complaint alleged, among other things, that BNYM imprudently invested cash collateral obtained under its securities lending program in medium term notes issued by Sigma Finance, Inc. -- a foreign structured investment vehicle ("SIV") that is now in receivership -- and that such conduct constituted a breach of BNYM's fiduciary obligations under the Employee Retirement Income Security Act of 1974, a breach of its fiduciary duties under common law, and a breach of its contractual obligations under the securities lending agreements. The Complaint also asserted claims for negligence, gross negligence and willful misconduct. The case recently settled for \$280 million.

Transatlantic Holdings, Inc., et al. v. American International Group, Inc., et al., American Arbitration Association Case No. 50 148 T 00376 10:

Kessler Topaz served as counsel for Transatlantic Holdings, Inc., and its subsidiaries ("TRH"), alleging that American International Group, Inc. and its subsidiaries ("AIG") breached their fiduciary duties, contractual duties, and committed fraud in connection with the administration of its securities lending program. Until June 2009, AIG was TRH's majority shareholder and, at the same time, administered TRH's securities lending program. TRH's Statement of Claim alleged that, among other things, AIG breached its fiduciary obligations as investment advisor and majority shareholder by imprudently investing the majority of the cash collateral obtained under its securities lending program in mortgage backed securities, including Alt-A and subprime investments. The Statement of Claim further alleged that AIG concealed the extent of TRH's subprime exposure and that when the collateral pools began experiencing liquidity problems in 2007, AIG unilaterally carved TRH out of the pools so that it could provide funding to its wholly owned subsidiaries to the exclusion of TRH. The matter was litigated through a binding arbitration and TRH was awarded \$75 million.

Board of Trustees of the AFTRA Retirement Fund v. JPMorgan Chase Bank, N.A. – Consolidated Action No. 09-cv-00686 (SAS) (S.D.N.Y.):

On January 23, 2009, the firm filed a class action complaint on behalf of all entities that were participants in JPMorgan's securities lending program and that incurred losses on investments that JPMorgan, acting in its capacity as a discretionary investment manager, made in medium-term notes issue by Sigma Finance, Inc. – a now defunct structured investment vehicle. The losses of the Class exceeded \$500 million. The complaint asserted claims for breach of fiduciary duty under the Employee Retirement Income Security Act (ERISA), as well as common law breach of fiduciary duty, breach of contract and negligence. Over the course of discovery, the parties produced and reviewed over 500,000 pages of documents, took 40 depositions (domestic and foreign) and exchanged 21 expert reports. The case settled for \$150 million. Trial was scheduled to commence on February 6, 2012.

In re Global Crossing, Ltd. ERISA Litigation, No. 02 Civ. 7453 (S.D.N.Y. 2004):

Kessler Topaz served as Co-Lead Counsel in this novel, complex and high-profile action which alleged that certain directors and officers of Global Crossing, a former high-flier of the late 1990's tech stock boom, breached their fiduciary duties under the Employee Retirement Income Security Act of 1974 ("ERISA") to certain company-provided 401(k) plans and their participants. These breaches arose from the plans' alleged imprudent investment in Global Crossing stock during a time when defendants knew, or should have known, that the company was facing imminent bankruptcy. A settlement of plaintiffs' claims restoring \$79 million to the plans and their participants was approved in November 2004. At the time, this represented the largest recovery received in a company stock ERISA class action.

In re AOL Time Warner ERISA Litigation, No. 02-CV-8853 (S.D.N.Y. 2006):

Kessler Topaz, which served as Co-Lead Counsel in this highly-publicized ERISA fiduciary breach class action brought on behalf of the Company's 401(k) plans and their participants, achieved a record \$100 million settlement with defendants. The \$100 million restorative cash payment to the plans (and, concomitantly, their participants) represents the largest recovery from a single defendant in a breach of fiduciary action relating to mismanagement of plan assets held in the form of employer securities. The

action asserted claims for breach of fiduciary duties pursuant to the Employee Retirement Income Security Act of 1974 (“ERISA”) on behalf of the participants in the AOL Time Warner Savings Plan, the AOL Time Warner Thrift Plan, and the Time Warner Cable Savings Plan (collectively, the “Plans”) whose accounts purchased and/or held interests in the AOLTW Stock Fund at any time between January 27, 1999 and July 3, 2003. Named as defendants in the case were Time Warner (and its corporate predecessor, AOL Time Warner), several of the Plans’ committees, as well as certain current and former officers and directors of the company. In March 2005, the Court largely denied defendants’ motion to dismiss and the parties began the discovery phase of the case. In January 2006, Plaintiffs filed a motion for class certification, while at the same time defendants moved for partial summary judgment. These motions were pending before the Court when the settlement in principle was reached. Notably, an Independent Fiduciary retained by the Plans to review the settlement in accordance with Department of Labor regulations approved the settlement and filed a report with Court noting that the settlement, in addition to being “more than a reasonable recovery” for the Plans, is “one of the largest ERISA employer stock action settlements in history.”

In re Honeywell International ERISA Litigation, No. 03-1214 (DRD) (D.N.J. 2004):

Kessler Topaz served as Lead Counsel in a breach of fiduciary duty case under ERISA against Honeywell International, Inc. and certain fiduciaries of Honeywell defined contribution pension plans. The suit alleged that Honeywell and the individual fiduciary defendants, allowed Honeywell’s 401(k) plans and their participants to imprudently invest significant assets in company stock, despite that defendants knew, or should have known, that Honeywell’s stock was an imprudent investment due to undisclosed, wide-ranging problems stemming from a consummated merger with Allied Signal and a failed merger with General Electric. The settlement of plaintiffs’ claims included a \$14 million payment to the plans and their affected participants, and significant structural relief affording participants much greater leeway in diversifying their retirement savings portfolios.

Henry v. Sears, et. al., Case No. 98 C 4110 (N.D. Ill. 1999):

The Firm served as Co-Lead Counsel for one of the largest consumer class actions in history, consisting of approximately 11 million Sears credit card holders whose interest rates were improperly increased in connection with the transfer of the credit card accounts to a national bank. Kessler Topaz successfully negotiated a settlement representing approximately 66% of all class members’ damages, thereby providing a total benefit exceeding \$156 million. All \$156 million was distributed automatically to the Class members, without the filing of a single proof of claim form. In approving the settlement, the District Court stated: “. . . I am pleased to approve the settlement. I think it does the best that could be done under the circumstances on behalf of the class. . . . The litigation was complex in both liability and damages and required both professional skill and standing which class counsel demonstrated in abundance.”

Antitrust Litigation

In re: Flonase Antitrust Litigation, No. 08-cv-3149 (E.D. Pa.):

Kessler Topaz served as a lead counsel on behalf of a class of direct purchaser plaintiffs in an antitrust action brought pursuant to Section 4 of the Clayton Act, 15 U.S.C. § 15, alleging, among other things, that defendant GlaxoSmithKline (GSK) violated Section 2 of the Sherman Act, 15 U.S.C. § 2, by engaging in “sham” petitioning of a government agency. Specifically, the Direct Purchasers alleged that GSK unlawfully abused the citizen petition process contained in Section 505(j) of the Federal Food, Drug, and Cosmetic Act and thus delayed the introduction of less expensive generic versions of Flonase, a highly popular allergy drug, causing injury to the Direct Purchaser Class. Throughout the course of the four year litigation, Plaintiffs defeated two motions for summary judgment, succeeded in having a class certified and conducted extensive discovery. After lengthy negotiations and shortly before trial, the action settled for \$150 million.

In re: Wellbutrin SR Antitrust Litigation, No. 04-cv-5898 (E.D. Pa.):

Kessler Topaz was a lead counsel in an action which alleged, among other things, that defendant GlaxoSmithKline (GSK) violated the antitrust, consumer fraud, and consumer protection laws of various states. Specifically, Plaintiffs and the class of Third-Party Payors alleged that GSK manipulated patent filings and commenced baseless infringement lawsuits in connection wrongfully delaying generic versions of Wellbutrin SR and Zyban from entering the market, and that Plaintiffs and the Class of Third-Party Payors suffered antitrust injury and calculable damages as a result. After more than eight years of litigation, the action settled for \$21.5 million.

In re: Metoprolol Succinate End-Payor Antitrust Litigation, No. 06-cv-71 (D. Del.):

Kessler Topaz was co-lead counsel in a lawsuit which alleged that defendant AstraZeneca prevented generic versions of Toprol-XL from entering the market by, among other things, improperly manipulating patent filings and filing baseless patent infringement lawsuits. As a result, AstraZeneca unlawfully monopolized the domestic market for Toprol-XL and its generic bio-equivalents. After seven years of litigation, extensive discovery and motion practice, the case settled for \$11 million.

In re Remeron Antitrust Litigation, No. 02-CV-2007 (D.N.J. 2004):

Kessler Topaz was Co-Lead Counsel in an action which challenged Organon, Inc.'s filing of certain patents and patent infringement lawsuits as an abuse of the Hatch-Waxman Act, and an effort to unlawfully extend their monopoly in the market for Remeron. Specifically, the lawsuit alleged that defendants violated state and federal antitrust laws in their efforts to keep competing products from entering the market, and sought damages sustained by consumers and third-party payors. After lengthy litigation, including numerous motions and over 50 depositions, the matter settled for \$36 million.

OUR PROFESSIONALS

PARTNERS

JULES D. ALBERT, a partner of the Firm, concentrates his practice in mergers and acquisition litigation and stockholder derivative litigation. Mr. Albert received his law degree from the University of Pennsylvania Law School, where he was a Senior Editor of the *University of Pennsylvania Journal of Labor and Employment Law* and recipient of the James Wilson Fellowship. Mr. Albert also received a Certificate of Study in Business and Public Policy from The Wharton School at the University of Pennsylvania. Mr. Albert graduated *magna cum laude* with a Bachelor of Arts in Political Science from Emory University. Mr. Albert is licensed to practice law in Pennsylvania, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Mr. Albert has litigated in state and federal courts across the country, and has represented stockholders in numerous actions that have resulted in significant monetary recoveries and corporate governance improvements, including: *In re Sunrise Senior Living, Inc. Deriv. Litig.*, No. 07-00143 (D.D.C.); *Mercier v. Whittle, et al.*, No. 2008-CP-23-8395 (S.C. Ct. Com. Pl., 13th Jud. Cir.); *In re K-V Pharmaceutical Co. Deriv. Litig.*, No. 06-00384 (E.D. Mo.); *In re Progress Software Corp. Deriv. Litig.*, No. SUCV2007-01937-BLS2 (Mass. Super. Ct., Suffolk Cty.); *In re Quest Software, Inc. Deriv. Litig.* No 06CC00115 (Cal. Super. Ct., Orange Cty.); and *Quaco v. Balakrishnan, et al.*, No. 06-2811 (N.D. Cal.).

NAUMON A. AMJED, a partner of the Firm, concentrates his practice on new matter development with a focus on analyzing securities class action lawsuits, direct (or opt-out) actions, non-U.S. securities and shareholder litigation, SEC whistleblower actions, breach of fiduciary duty cases, antitrust matters, data

breach actions and oil and gas litigation. Mr. Amjed is a graduate of the Villanova University School of Law, *cum laude*, and holds an undergraduate degree in business administration from Temple University, *cum laude*. Mr. Amjed is a member of the Delaware State Bar, the Bar of the Commonwealth of Pennsylvania, the New York State Bar, and is admitted to practice before the United States Courts for the District of Delaware, the Eastern District of Pennsylvania and the Southern District of New York.

As a member of the Firm's lead plaintiff practice group, Mr. Amjed has represented clients serving as lead plaintiffs in several notable securities class action lawsuits including: *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09MDL2058 (S.D.N.Y.) (settled -- \$2.425 billion); *In re Wachovia Preferred Securities and Bond/Notes Litigation*, No. 09-cv-6351 (RJS) (S.D.N.Y.) (\$627 million recovery); *In re Lehman Bros. Equity/Debt Securities Litigation*, No. 08-cv-5523 (LAK) (S.D.N.Y.) (\$615 million recovery) and *In re JPMorgan Chase & Co. Securities Litigation*, No. 12-3852-GBD ("London Whale Litigation") (\$150 million recovery). Additionally, Mr. Amjed served on the national Executive Committee representing financial institutions suffering losses from Target Corporation's 2013 data breach – one of the largest data breaches in history. The Target litigation team was responsible for a landmark data breach opinion that substantially denied Target's motion to dismiss and was also responsible for obtaining certification of a class of financial institutions. *See In re Target Corp. Customer Data Sec. Breach Litig.*, 64 F. Supp. 3d 1304 (D. Minn. 2014); *In re Target Corp. Customer Data Sec. Breach Litig.*, No. MDL 14-2522 PAM/JJK, 2015 WL 5432115 (D. Minn. Sept. 15, 2015). At the time of its issuance, the class certification order in Target was the first of its kind in data breach litigation by financial institutions.

Mr. Amjed also has significant experience conducting complex litigation in state and federal courts including federal securities class actions, shareholder derivative actions, suits by third-party insurers and other actions concerning corporate and alternative business entity disputes. Mr. Amjed has litigated in numerous state and federal courts across the country, including the Delaware Court of Chancery, and has represented shareholders in several high profile lawsuits, including: *LAMPERS v. CBOT Holdings, Inc. et al.*, C.A. No. 2803-VCN (Del. Ch.); *In re Alstom SA Sec. Litig.*, 454 F. Supp. 2d 187 (S.D.N.Y. 2006); *In re Global Crossing Sec. Litig.*, 02—Civ. — 910 (S.D.N.Y.); *In re Enron Corp. Sec. Litig.*, 465 F. Supp. 2d 687 (S.D. Tex. 2006); and *In re Marsh McLennan Cos., Inc. Sec. Litig.* 501 F. Supp. 2d 452 (S.D.N.Y. 2006).

ETHAN J. BARLIEB, a partner of the Firm, concentrates his practice in the areas of ERISA, consumer protection and antitrust litigation. Mr. Barlieb received his law degree, *magna cum laude*, from the University of Miami School of Law in 2007 and his undergraduate degree from Cornell University in 2003. Mr. Barlieb is licensed to practice in Pennsylvania and New Jersey.

Prior to joining Kessler Topaz, Mr. Barlieb was an associate with Pietragallo Gordon Alfano Bosick & Raspanti, LLP, where he worked on various commercial, securities and employment matters. Before that, Mr. Barlieb served as a law clerk for the Honorable Mitchell S. Goldberg in the U.S. District Court for the Eastern District of Pennsylvania.

STUART L. BERMAN, a partner of the Firm, concentrates his practice on securities class action litigation in federal courts throughout the country, with a particular emphasis on representing institutional investors active in litigation. Mr. Berman received his law degree from George Washington University National Law Center, and is an honors graduate from Brandeis University. Mr. Berman is licensed to practice in Pennsylvania and New Jersey.

Mr. Berman regularly counsels and educates institutional investors located around the world on emerging legal trends, new case ideas and the rights and obligations of institutional investors as they relate to securities fraud class actions and individual actions. In this respect, Mr. Berman has been instrumental in

courts appointing the Firm's institutional clients as lead plaintiffs in class actions as well as in representing institutions individually in direct actions. Mr. Berman is currently representing institutional investors in direct actions against Vivendi and Merck, and took a very active role in the precedent setting Shell settlement on behalf of many of the Firm's European institutional clients.

Mr. Berman is a frequent speaker on securities issues, especially as they relate to institutional investors, at events such as The European Pension Symposium in Florence, Italy; the Public Funds Symposium in Washington, D.C.; the Pennsylvania Public Employees Retirement (PAPERS) Summit in Harrisburg, Pennsylvania; the New England Pension Summit in Newport, Rhode Island; the Rights and Responsibilities for Institutional Investors in Amsterdam, Netherlands; and the European Investment Roundtable in Barcelona, Spain.

DAVID A. BOCIAN, a partner of the Firm, focuses his practice on whistleblower representation and False Claims Act litigation. Mr. Bocian received his law degree from the University of Virginia School of Law and graduated *cum laude* from Princeton University. He is licensed to practice law in the Commonwealth of Pennsylvania, New Jersey, New York and the District of Columbia.

Mr. Bocian began his legal career in Washington, D.C., as a litigation associate at Patton Boggs LLP, where his practice included internal corporate investigations, government contracts litigation and securities fraud matters. He spent more than ten years as a federal prosecutor in the U.S. Attorney's Office for the District of New Jersey, where he was appointed Senior Litigation Counsel and managed the Trenton U.S. Attorney's office. During his tenure, Mr. Bocian oversaw multifaceted investigations and prosecutions pertaining to government corruption and federal program fraud, commercial and public sector kickbacks, tax fraud, and other white collar and financial crimes. He tried numerous cases before federal juries, and was a recipient of the Justice Department's Director's Award for superior performance by an Assistant U.S. Attorney, as well as commendations from federal law enforcement agencies including the FBI and IRS.

Mr. Bocian has extensive experience in the health care field. As an adjunct professor of law, he has taught Healthcare Fraud and Abuse at Rutgers School of Law – Camden, and previously was employed in the health care industry, where he was responsible for implementing and overseeing a system-wide compliance program for a complex health system.

GREGORY M. CASTALDO, a partner of the Firm, concentrates his practice in the area of securities litigation. Mr. Castaldo received his law degree from Loyola Law School, where he received the American Jurisprudence award in legal writing. He received his undergraduate degree from the Wharton School of Business at the University of Pennsylvania. He is licensed to practice law in Pennsylvania and New Jersey.

Mr. Castaldo served as one of Kessler Topaz's lead litigation partners in *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09 MDL 2058 (S.D.N.Y.) (settled -- \$2.425 billion). Mr. Castaldo also served as the lead litigation partner in *In re Tenet Healthcare Corp.*, No. 02-CV-8462 (C.D. Cal. 2002), securing an aggregate recovery of \$281.5 million for the class, including \$65 million from Tenet's auditor. Mr. Castaldo also played a primary litigation role in the following cases: *In re Liberate Technologies Sec. Litig.*, No. C-02-5017 (MJJ) (N.D. Cal. 2005) (settled — \$13.8 million); *In re Sodexo Marriott Shareholders Litig.*, Consol. C.A. No. 18640-NC (Del. Ch. 1999) (settled — \$166 million benefit); *In re Motive, Inc. Sec. Litig.*, 05-CV-923 (W.D.Tex. 2005) (settled — \$7 million cash, 2.5 million shares); and *In re Wireless Facilities, Inc., Sec. Litig.*, 04-CV-1589 (S.D. Cal. 2004) (settled — \$16.5 million). In addition, Mr. Castaldo served as one of the lead trial attorneys for shareholders in the historic *In re Longtop Financial Technologies Ltd. Securities Litigation*, No. 11-cv-3658 (S.D.N.Y.) trial, which resulted in a verdict in favor of investors on liability and damages.

DARREN J. CHECK, a partner of the Firm, concentrates his practice in the area of shareholder litigation and client relations. Mr. Check manages the Firm's Portfolio Monitoring Department and works closely with the Firm's Case Evaluation Department. Mr. Check received his law degree from Temple University School of Law and is a graduate of Franklin & Marshall College. Mr. Check is admitted to practice in numerous state and federal courts across the United States.

Currently, Mr. Check consults with institutional investors from around the world with regard to their investment rights and responsibilities. He currently works with clients in the United States, Canada, the Netherlands, Sweden, Denmark, Norway, Finland, United Kingdom, Italy, Germany, Austria, Switzerland, France, Australia and throughout Asia and the Middle East.

Mr. Check assists Firm clients in evaluating and analyzing opportunities to take an active role in shareholder litigation, arbitration, and other loss recovery methods. This includes U.S. based litigation and arbitration, as well as an increasing number of cases from jurisdictions around the globe. With an increasingly complex investment and legal landscape, Mr. Check has experience advising on traditional class actions, direct actions, non-U.S. opt-in actions, fiduciary actions, appraisal actions and arbitrations to name a few. Mr. Check is frequently called upon by his clients to help ensure they are taking an active role when their involvement can make a difference, and that they are not leaving money on the table.

Mr. Check regularly speaks on the subjects of shareholder litigation, corporate governance, investor activism, and recovery of investment losses at conferences around the world.

Mr. Check has also been actively involved in the precedent setting Shell and Fortis settlements in the Netherlands, the Olympus shareholder case in Japan, direct actions against Petrobras, BP, Vivendi, and Merck, and securities class actions against Bank of America, Lehman Brothers, Royal Bank of Scotland (U.K.), and Hewlett-Packard. Currently Mr. Check represents investors in numerous high profile actions in the United States, the Netherlands, Germany, Canada, France, Japan, and the United Kingdom.

EMILY N. CHRISTIANSEN, a partner of the Firm, focuses her practice in securities litigation and international actions, in particular. Ms. Christiansen received her Juris Doctor and Global Law certificate, *cum laude*, from Lewis and Clark Law School in 2012. Ms. Christiansen is a graduate of the University of Portland, where she received her Bachelor of Arts, *cum laude*, in Political Science and German Studies. Ms. Christiansen is currently licensed to practice law in New York and Pennsylvania.

While in law school, Ms. Christiansen worked as an intern in Trial Chambers III at the International Criminal Tribunal for the Former Yugoslavia. Ms. Christiansen also spent two months in India as foreign legal trainee with the corporate law firm of Fox Mandal. Ms. Christiansen is a 2007 recipient of a Fulbright Fellowship and is fluent in German.

Ms. Christiansen devotes her time to advising clients on the challenges and benefits of pursuing particular litigation opportunities in jurisdictions outside the U.S. In those non-US actions where Kessler Topaz is actively involved, Emily liaises with local counsel, helps develop case strategy, reviews pleadings, and helps clients understand and successfully navigate the legal process. Her experience includes non-US opt-in actions, international law, and portfolio monitoring and claims administration. In her role, Ms. Christiansen has helped secure recoveries for institutional investors in litigation in Japan against *Olympus Corporation* (settled - ¥11 billion) and in the Netherlands against *Fortis Bank N.V.* (settled - €1.2 billion).

JOSHUA E. D'ANCONA, a partner of the Firm, concentrates his practice in the securities litigation and lead plaintiff departments of the Firm. Mr. D'Ancona received his J.D., *magna cum laude*, from the Temple University Beasley School of Law in 2007, where he served on the Temple Law Review and as president

of the Moot Court Honors Society, and graduated with honors from Wesleyan University. He is licensed to practice in Pennsylvania and New Jersey.

Before joining the Firm in 2009, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania.

JONATHAN R. DAVIDSON, a partner of the Firm, concentrates his practice in the area of shareholder litigation. Mr. Davidson currently consults with institutional investors from around the world, including public pension funds at the state, county and municipal level, as well as Taft-Hartley funds across all trades, with regard to their investment rights and responsibilities. Mr. Davidson assists Firm clients in evaluating and analyzing opportunities to take an active role in shareholder litigation. With an increasingly complex shareholder litigation landscape that includes traditional securities class actions, shareholder derivative actions and takeover actions, non-U.S. opt-in actions, and fiduciary actions to name a few, Mr. Davidson is frequently called upon by his clients to help ensure they are taking an active role when their involvement can make a difference, and to ensure they are not leaving money on the table.

Mr. Davidson has been involved in the following successfully concluded shareholder litigation matters: *City of Daytona Beach Police and Fire Pension Fund v. ExamWorks Group, Inc.*, C.A. No. 12481-VCL (Del. Ch.) (\$86.5 million settlement, including \$46.5 million funded by outside legal advisor); *In re MGM Mirage Securities Litigation*, Case No. 2:09-cv-01558-GMN-VCF (D. Nev.) (\$75 million settlement); *In re Weatherford Int'l Securities Litigation*, No. 11-cv-01646-LAK-JCF (S.D.N.Y.) (settled -- \$52.5 million); *Beaver County Employees' Retirement Fund, et al. v. Tile Shop Holdings, Inc., et al.*, No. 0:14-CV-00786-ADM/TNL (D. Minn.) (\$9.5 million settlement); *Bucks County Employees Retirement Fund vs. Hillshire Brands Co*, No. 24-C-14-003492 (Md. Cir. Ct.) (Alternative deal struck paying a 71% premium to stockholders); and *City of Sunrise Firefighters' Retirement Fund v. Schaeffer*, No. 8703 (Del. Ch. Ct.) (Invalid bylaws repealed; board disclosed that it unlawfully adopted the bylaws).

Mr. Davidson is a frequent lecturer on shareholder litigation, corporate governance, fiduciary issues facing institutional investors, investor activism and the recovery of investment losses -- speaking on these subjects at conferences around the world each year, including the National Conference on Public Employee Retirement Systems' Annual Conference & Exhibition, the International Foundation of Employee Benefit Plans Annual Conference, the California Association of Public Retirement Systems Administrators Roundtable, the Florida Public Pension Trustees Association Trustee Schools and Wall Street Program, the Pennsylvania Association of Public Employees Retirement Systems Spring Forum, the Fiduciary Investors Symposium, the U.S. Markets' Institutional Investor Forum, and The Evolving Fiduciary Obligations of Pension Plans. Mr. Davidson is also a member of numerous professional and educational organizations, including the National Association of Public Pension Attorneys.

Mr. Davidson is a graduate of The George Washington University where he received his Bachelor of Arts, *summa cum laude*, in Political Communication. Mr. Davidson received his Juris Doctor and Dispute Resolution Certificate from Pepperdine University School of Law and is licensed to practice law in Pennsylvania and California.

RYAN T. DEGNAN, a partner of the Firm, concentrates his practice on new matter development with a specific focus on analyzing securities class action lawsuits, antitrust actions, and complex consumer actions. Mr. Degnan received his law degree from Temple University Beasley School of Law, where he was a Notes and Comments Editor for the Temple Journal of Science, Technology & Environmental Law, and earned his undergraduate degree in Biology from The Johns Hopkins University. While a law student, Mr. Degnan served as a Judicial Intern to the Honorable Gene E.K. Pratter of the United States District Court for the Eastern District of Pennsylvania. Mr. Degnan is licensed to practice in Pennsylvania and New Jersey.

As a member of the Firm's lead plaintiff litigation practice group, Mr. Degnan has helped secure the Firm's clients' appointments as lead plaintiffs in: *In re HP Sec. Litig.*, No. 12-cv-5090, 2013 WL 792642 (N.D. Cal. Mar. 4, 2013); *In re JPMorgan Chase & Co. Securities Litigation*, No. 12-3852-GBD ("London Whale Litigation") (\$150 million recovery); *Freedman v. St. Jude Medical, Inc., et al.*, No. 12-cv-3070 (D. Minn.); *United Union of Roofers, Waterproofers & Allied Workers Local Union No. 8 v. Ocwen Fin. Corp.*, No. 14 Civ. 81057 (WPD), 2014 WL 7236985 (S.D. Fla. Nov. 7, 2014); *Louisiana Municipal Police Employees' Ret. Sys. v. Green Mountain Coffee Roasters, Inc., et al.*, No. 11-cv-289, 2012 U.S. Dist. LEXIS 89192 (D. Vt. Apr. 27, 2012); and *In re Longtop Fin. Techs. Ltd. Sec. Litig.*, No. 11-cv-3658, 2011 U.S. Dist. LEXIS 112970 (S.D.N.Y. Oct. 4, 2011). Additional representative matters include: *In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litig.*, No. 12-md-02335 (S.D.N.Y.) (\$335 million settlement); and *Policemen's Annuity and Benefit Fund of the City of Chicago, et al. v. Bank of America, NA, et al.*, No. 12-cv-02865 (S.D.N.Y.) (\$69 million settlement).

ELI R. GREENSTEIN is managing partner of the Firm's San Francisco office and a member of the Firm's federal securities litigation practice group. Mr. Greenstein concentrates his practice on federal securities law violations and white collar fraud, including violations of the Securities Act of 1933 and the Securities Exchange Act of 1934. Mr. Greenstein received his J.D. from Santa Clara University School of Law in 2001, and his M.B.A. from Santa Clara's Leavey School of Business in 2002. Mr. Greenstein received his B.A. in Business Administration from the University of San Diego in 1997 where he was awarded the Presidential Scholarship. He is licensed to practice in California.

Mr. Greenstein also was a judicial extern for the Honorable James Ware (Ret.), Chief Judge of the United States District Court for the Northern District of California. Prior to joining the Firm, Mr. Greenstein was a partner at Robbins Geller Rudman & Dowd LLP in its federal securities litigation practice group. His relevant background also includes consulting for PricewaterhouseCoopers LLP's International Tax and Legal Services division, and work on the trading floor of the Chicago Mercantile Exchange, S&P 500 futures and options division.

Mr. Greenstein has been involved in dozens of high-profile securities fraud actions resulting in more than \$1 billion in recoveries for clients and investors, including: *Nieman v. Duke Energy Corp.*, 2013 U.S. Dist. LEXIS 110693 (W.D.N.C.) (\$146 million recovery); *In re HP Secs. Litig.*, 2013 U.S. Dist. LEXIS 168292 (N.D. Cal.) (\$100 million recovery); *In re VeriFone Holdings, Inc. Sec. Litig.*, 704 F.3d 694 (N.D. Cal.) (\$95 million recovery); *In re AOL Time Warner Sec. Litig. State Opt-Out Actions (Regents of the Univ. of Cal. v. Parsons* (Cal. Super. Ct.), *Ohio Pub. Emps. Ret. Sys. v. Parsons* (Franklin County Ct. of Common Pleas) (\$618 million in total recoveries); *Minneapolis Firefighters' Relief Association v. Medtronic, Inc.*, No. 08-cv-06324-PAM-AJB (D. Minn.) (settled -- \$85 million); *In re MGM Mirage Securities Litigation*, Case No. 2:09-cv-01558-GMN-VCF (D. Nev.) (\$75 million settlement); *In re Weatherford Int'l Securities Litigation*, No. 11-cv-01646-LAK-JCF (S.D.N.Y.) (settled -- \$52.5 million); *In re Sunpower Secs. Litig.*, 2011 U.S. Dist. LEXIS 152920 (N.D. Cal.) (\$19.7 million recovery); *In re Am. Serv. Group, Inc.*, 2009 U.S. Dist. LEXIS 28237 (M.D. Tenn.) (\$15.1 million recovery); *In re Terayon Communs. Sys. Sec. Litig.*, 2002 U.S. Dist. LEXIS 5502 (N.D. Cal.) (\$15 million recovery); *In re Nuvelo, Inc. Sec. Litig.*, 668 F. Supp. 2d 1217 (N.D. Cal.) (\$8.9 million recovery); *In re Endocare, Inc. Sec. Litig.*, No. CV02-8429 DT (CTX) (C.D. Cal.) (\$8.95 million recovery); *Greater Pa. Carpenters Pension Fund v. Whitehall Jewellers, Inc.*, 2005 U.S. Dist. LEXIS 12971 (N.D. Ill.) (\$7.5 million recovery); *In re Am. Apparel, Inc. S'holder Litig.*, 2013 U.S. Dist. LEXIS 6977 (C.D. Cal.) (\$4.8 million recovery); *In re Purus Sec. Litig.* No. C-98-20449-JF(RS) (N.D. Cal.) (\$9.95 million recovery).

SEAN M. HANDLER, a partner of the Firm and member of Kessler Topaz's Management Committee, currently concentrates his practice on all aspects of new matter development for the Firm including securities, consumer and intellectual property. Mr. Handler earned his Juris Doctor, *cum laude*, from

Temple University School of Law, and received his Bachelor of Arts degree from Colby College, graduating *with distinction* in American Studies. Mr. Handler is licensed to practice in Pennsylvania, New Jersey and New York.

As part of his responsibilities, Mr. Handler also oversees the lead plaintiff appointment process in securities class actions for the Firm's clients. In this role, Mr. Handler has achieved numerous noteworthy appointments for clients in reported decisions including *Foley v. Transocean*, 272 F.R.D. 126 (S.D.N.Y. 2011); *In re Bank of America Corp. Sec., Derivative & Employment Ret. Income Sec. Act (ERISA) Litig.*, 258 F.R.D. 260 (S.D.N.Y. 2009) and *Tanne v. Autobytel, Inc.*, 226 F.R.D. 659 (C.D. Cal. 2005) and has argued before federal courts throughout the country.

Mr. Handler was also one of the principal attorneys in *In re Brocade Securities Litigation* (N.D. Cal. 2008), where the team achieved a \$160 million settlement on behalf of the class and two public pension fund class representatives. This settlement is believed to be one of the largest settlements in a securities fraud case in terms of the ratio of settlement amount to actual investor damages.

Mr. Handler also lectures and serves on discussion panels concerning securities litigation matters, most recently appearing at American Conference Institute's National Summit on the Future of Fiduciary Responsibility and Institutional Investor's The Rights & Responsibilities of Institutional Investors.

GEOFFREY C. JARVIS, a partner of the Firm, focuses on securities litigation for institutional investors. Mr. Jarvis graduated from Harvard Law School in 1984, and received his undergraduate degree from Cornell University in 1980. He is licensed to practice in Pennsylvania, Delaware, New York and Washington, D.C.

Following law school, Mr. Jarvis served as a staff attorney with the Federal Communications Commission, participating in the development of new regulatory policies for the telecommunications industry.

Mr. Jarvis had a major role in *Oxford Health Plans Securities Litigation*, *DaimlerChrysler Securities Litigation*, and *Tyco Securities Litigation* all of which were among the top ten securities settlements in U.S. history at the time they were resolved, as well as a large number of other securities cases over the past 16 years. He has also been involved in a number of actions before the Delaware Chancery Court, including a Delaware appraisal case that resulted in a favorable decision for the firm's client after trial, and a Delaware appraisal case that was tried in October, argued in 2016, which is still awaiting a final decision.

Mr. Jarvis then became an associate in the Washington office of Rogers & Wells (subsequently merged into Clifford Chance), principally devoted to complex commercial litigation in the fields of antitrust and trade regulations, insurance, intellectual property, contracts and defamation issues, as well as counseling corporate clients in diverse industries on general legal and regulatory compliance matters. He was previously associated with a prominent Philadelphia litigation boutique and had first-chair assignments in cases commenced under the Pennsylvania Whistleblower Act and in major antitrust, First Amendment, civil rights, and complex commercial litigation, including several successful arguments before the U.S. Court of Appeals for the Third Circuit. From 2000 until early 2016, Mr. Jarvis was a Director (Senior Counsel through 2001) at Grant & Eisenhofer, P.A., where he engaged in a number of federal securities, and state fiduciary cases (primarily in Delaware), including several of the largest settlements of the past 15 years. He also was lead trial counsel and/or associate counsel in a number of cases that were tried to a verdict (or are pending final decision).

JENNIFER L. JOOST, a partner in the Firm's San Francisco office, focuses her practice on securities litigation. Ms. Joost received her law degree, *cum laude*, from Temple University Beasley School of Law,

where she was the Special Projects Editor for the *Temple International and Comparative Law Journal*. Ms. Joost earned her undergraduate degree with honors from Washington University in St. Louis. She is licensed to practice in Pennsylvania and California and is admitted to practice before the United States Courts of Appeals for the Second, Fourth, Ninth, and Eleventh Circuits, and the United States District Courts for the Eastern District of Pennsylvania, the Northern District of California and the Southern District of California.

Ms. Joost has represented institutional investors in numerous securities fraud class actions including *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09 MDL 2058 (S.D.N.Y.) (settled -- \$2.425 billion); *In re Citigroup Bond Litigation*, No. 08-cv-09522-SHS (S.D.N.Y.) (\$730 million recovery); *David H. Luther, et al., v. Countrywide Financial Corp., et al.*, 2:12-cv-05125 (C.D.Cal. 2012) (settled -- \$500 million); *In re JPMorgan Chase & Co. Securities Litigation*, No. 12-3852-GBD (“London Whale *Litigation*”) (\$150 million recovery); *Minneapolis Firefighters’ Relief Association v. Medtronic, Inc.*, No. 08-cv-06324-PAM-AJB (D. Minn.) (settled -- \$85 million); *In re MGM Mirage Securities Litigation*, Case No. 2:09-cv-01558-GMN-VCF (D. Nev.) (\$75 million settlement); and *In re Weatherford Int’l Securities Litigation*, No. 11-cv-01646-LAK-JCF (S.D.N.Y.) (settled -- \$52.5 million).

STACEY KAPLAN, a partner in the Firm’s San Francisco office, concentrates her practice on prosecuting securities class actions. Ms. Kaplan received her J.D. from the University of California at Los Angeles School of Law in 2005, and received her Bachelor of Business Administration from the University of Notre Dame in 2002, with majors in Finance and Philosophy. Ms. Kaplan is admitted to the California Bar and is licensed to practice in all California state courts, as well as the United States District Courts for the Northern and Central Districts of California.

During law school, Ms. Kaplan served as a Judicial Extern to the Honorable Terry J. Hatter, Jr., United States District Court, Central District of California. Prior to joining the Firm, Ms. Kaplan was an associate with Robbins Geller Rudman & Dowd LLP in San Diego, California.

DAVID KESSLER, a partner of the Firm, manages the Firm’s internationally recognized securities department. Mr. Kessler graduated with distinction from the Emory School of Law, after receiving his undergraduate B.S.B.A. degree from American University. Mr. Kessler is licensed to practice law in Pennsylvania, New Jersey and New York, and has been admitted to practice before numerous United States District Courts. Prior to practicing law, Mr. Kessler was a Certified Public Accountant in Pennsylvania.

Mr. Kessler has achieved or assisted in obtaining Court approval for the following outstanding results in federal securities class action cases: *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09 MDL 2058 (S.D.N.Y.) (settled -- \$2.425 billion); *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (\$3.2 billion settlement); *In re Wachovia Preferred Securities and Bond/Notes Litigation*, No. 09-cv-6351 (RJS) (S.D.N.Y.) (\$627 million recovery); *In re: Lehman Brothers Securities and ERISA Litigation*, Master File No. 09 MD 2017 (LAK) (S.D.N.Y) (settled - \$516,218,000); *In re Satyam Computer Services Ltd. Sec. Litig.*, Master File No. 09 MD 02027 (BSJ) (\$150.5 million settlement); *In re Tenet Healthcare Corp.*, 02-CV-8462 (C.D. Cal. 2002) (settled — \$281.5 million); *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92(SAS) (\$586 million settlement).

Mr. Kessler is also currently serving as one of the Firm’s primary litigation partners in the Citigroup, JPMorgan, Hewlett Packard, Pfizer and Morgan Stanley securities litigation matters.

In addition, Mr. Kessler often lectures and writes on securities litigation related topics and has been recognized as “Litigator of the Week” by the American Lawyer magazine for his work in connection with the Lehman Brothers securities litigation matter in December of 2011 and was honored by Benchmark as

one of the preeminent plaintiffs practitioners in securities litigation throughout the country. Most recently Mr. Kessler co-authored *The FindWhat.com Case: Acknowledging Policy Considerations When Deciding Issues of Causation in Securities Class Actions* published in Securities Litigation Report.

JAMES A. MARO, JR., a partner of the Firm, concentrates his practice in the Firm's case development department. He also has experience in the areas of consumer protection, ERISA, mergers and acquisitions, and shareholder derivative actions. Mr. Maro received his law degree from the Villanova University School of Law, and received a B.A. in Political Science from the Johns Hopkins University. Mr. Maro is licensed to practice law in Commonwealth of Pennsylvania and New Jersey. He is admitted to practice in the United States Court of Appeals for the Third Circuit and the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey.

JOSHUA A. MATERESE, a partner of the Firm, concentrates his practice at Kessler Topaz in the areas of securities and consumer protection litigation. Mr. Materese received his Juris Doctor from Temple University Beasley School of Law in 2012, graduating with honors. He received his undergraduate degree from the Syracuse University Newhouse School of Communications. Mr. Materese is licensed to practice in Pennsylvania and admitted to practice before the United States Courts of Appeals for the Second and Third Circuits, and the United States District Courts for the Eastern District of Pennsylvania, the District of New Jersey, the District of Colorado, and the Northern District of Illinois.

MARGARET E. MAZZEO, a partner of the Firm, focuses her practice on securities litigation. Ms. Mazzeo received her law degree, *cum laude*, from Temple University Beasley School of Law, where she was a Beasley Scholar and a staff editor for the Temple Journal of Science, Technology, and Environmental Law. Ms. Mazzeo graduated with honors from Franklin and Marshall College. She is licensed to practice in Pennsylvania and New Jersey.

Ms. Mazzeo has been involved in several nationwide securities cases on behalf of investors, including *In re Lehman Brothers Securities Litigation*, No. 1:09-md-02017-LAK (S.D.N.Y.) (\$616 million recovery); and *David H. Luther, et al., v. Countrywide Financial Corp., et al.*, 2:12-cv-05125 (C.D. Cal. 2012) (settled -- \$500 million). Ms. Mazzeo also was a member of the trial team who won a jury verdict in favor of investors in the *In re Longtop Financial Technologies Ltd. Securities Litigation*, No. 11-cv-3658 (S.D.N.Y.) action.

JOSEPH H. MELTZER, a partner of the Firm, concentrates his practice in the areas of ERISA, fiduciary and antitrust complex litigation. Mr. Meltzer received his law degree with honors from Temple University School of Law and is an honors graduate of the University of Maryland. Honors include being named a Pennsylvania Super Lawyer. Mr. Meltzer is licensed to practice in Pennsylvania, New Jersey, New York, the Supreme Court of the United States, and the U.S. Court of Federal Claims.

Mr. Meltzer leads the Firm's Fiduciary Litigation Group which has excelled in the highly specialized area of prosecuting cases involving breach of fiduciary duty claims. Mr. Meltzer has served as lead or co-lead counsel in numerous nationwide class actions brought under ERISA. Since founding the Fiduciary Litigation Group, Mr. Meltzer has helped recover hundreds of millions of dollars for clients and class members including some of the largest settlements in ERISA fiduciary breach actions. Mr. Meltzer represented the Board of Trustees of the Buffalo Laborers Security Fund in its action against J.P. Jeanneret Associates which involved a massive, fraudulent scheme orchestrated by Bernard L. Madoff, No. 09-3907 (S.D.N.Y.). Mr. Meltzer also represented an institutional client in a fiduciary breach action against Wells Fargo for large losses sustained while Wachovia Bank and its subsidiaries, including Evergreen Investments, were managing the client's investment portfolio.

As part of his fiduciary litigation practice, Mr. Meltzer was actively involved in actions related to losses sustained in securities lending programs, including *Bd. of Trustees of the AFTRA Ret. Fund v. JPMorgan Chase Bank*, No. 09-00686 (S.D.N.Y.) (\$150 million settlement) and *CompSource Okla. v. BNY Mellon*, No. 08-469 (E.D. OK) (\$280 million settlement). In addition, Mr. Meltzer represented a publicly traded company in a large arbitration against AIG, Inc. related to securities lending losses, *Transatlantic Holdings, Inc. v. AIG*, No. 50-148T0037610 (AAA) (\$75million settlement).

A frequent lecturer on ERISA litigation, Mr. Meltzer is a member of the ABA and has been recognized by numerous courts for his ability and expertise in this complex area of the law. Mr. Meltzer is also a patron member of Public Justice and a member of the Class Action Preservation Committee.

Mr. Meltzer also manages the Firm's Antitrust and Pharmaceutical Pricing Groups. Here, Mr. Meltzer focuses on helping clients that have been injured by anticompetitive and unlawful business practices, including with respect to overcharges related to prescription drug and other health care expenditures. Mr. Meltzer served as co-lead counsel for direct purchasers in the *Flonase Antitrust Litigation*, No.08-3149 (E.D. PA) (\$150 million settlement) and has served as lead or co-lead counsel in numerous nationwide actions. Mr. Meltzer also serves as a special assistant attorney general for the states of Montana, Utah and Alaska. Mr. Meltzer also lectures on issues related to antitrust litigation.

MATTHEW L. MUSTOKOFF, a partner of the Firm, is an experienced securities and corporate governance litigator. He has represented clients at the trial and appellate level in numerous high-profile shareholder class actions and other litigations involving a wide array of matters, including financial fraud, market manipulation, mergers and acquisitions, fiduciary mismanagement of investment portfolios, and patent infringement. Mr. Mustokoff received his law degree from the Temple University School of Law, and is a Phi Beta Kappa honors graduate of Wesleyan University. At law school, Mr. Mustokoff was the articles and commentary editor of the *Temple Political and Civil Rights Law Review* and the recipient of the Raynes, McCarty, Binder, Ross and Mundy Graduation Prize for scholarly achievement in the law. He is admitted to practice before the state courts of New York and Pennsylvania, the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Pennsylvania and the District of Colorado, and the United States Courts of Appeals for the Eleventh and Federal Circuits.

Mr. Mustokoff is currently prosecuting several nationwide securities cases on behalf of U.S. and overseas institutional investors, including *In re JPMorgan Chase Securities Litigation* (S.D.N.Y.), arising out of the "London Whale" derivatives trading scandal which led to over \$6 billion in losses in the bank's proprietary trading portfolio. He serves as lead counsel for six public pension funds in the multi-district securities litigation against BP in Texas federal court stemming from the 2010 Deepwater Horizon disaster in the Gulf of Mexico. He successfully argued the opposition to BP's motion to dismiss, resulting in a landmark decision sustaining fraud claims under English law for purchasers of BP shares on the London Stock Exchange.

Mr. Mustokoff also played a major role in prosecuting *In re Citigroup Bond Litigation* (S.D.N.Y.), involving allegations that Citigroup concealed its exposure to subprime mortgage debt on the eve of the 2008 financial crisis. The \$730 million settlement marks the second largest recovery under Section 11 of the Securities Act in the history of the statute. Mr. Mustokoff's significant courtroom experience includes serving as one of the lead trial lawyers for shareholders in the only securities fraud class action arising out of the financial crisis to be tried to jury verdict. In addition to his trial practice in federal courts, he has successfully tried cases before the Financial Industry Regulatory Authority (FINRA).

Prior to joining the Firm, Mr. Mustokoff practiced at Weil, Gotshal & Manges LLP in New York, where he represented public companies and financial institutions in SEC enforcement and white collar criminal matters, shareholder litigation and contested bankruptcy proceedings.

SHARAN NIRMUL, a partner of the Firm, concentrates his practice in the area of securities, consumer and fiduciary class litigation, principally representing the interests of plaintiffs in class action and complex commercial litigation. Mr. Nirmul has represented clients in federal and state courts and in alternative dispute resolution forums. Mr. Nirmul received his law degree from The George Washington University Law School (J.D. 2001) where he served as an articles editor for the *Environmental Lawyer Journal* and was a member of the Moot Court Board. He was awarded the school's Lewis Memorial Award for excellence in clinical practice. He received his undergraduate degree from Cornell University (B.S. 1996). Mr. Nirmul is admitted to practice law in the Second and Seventh Circuit Court of Appeals, in the state courts of New York, New Jersey, Pennsylvania and Delaware, and in the U.S. District Courts for the Southern District of New York, District of New Jersey, and District of Delaware.

Mr. Nirmul has represented institutional investors in a number of notable securities class action cases. These include *In re Bank of America Securities Litigation*, a case which represents the sixth largest recovery for shareholders under the federal securities laws (\$2.45 billion settlement) and which included significant corporate governance enhancements at Bank of America; *In re Global Crossing Securities Litigation* (recovery of over \$450 million); *In re Delphi Securities Litigation* (\$284 million settlement with Delphi, its former officers and directors and underwriters, and a separate \$38.25 million settlement with the auditors); and *Satyam Computer Services Securities Litigation*, (\$150.5 million settlement).

Mr. Nirmul has also been at the forefront of litigation on behalf of investors who suffered losses through fraud, breach of fiduciary and breach of contract by their custodians and investment fiduciaries. In a matter before the American Arbitration Association, Mr. Nirmul represented a publicly traded reinsurance company in a breach of contract and breach of fiduciary suit against its former controlling shareholder and fiduciary investment manager, arising out of its participation and losses through a securities lending program and securing a \$70 million recovery. Mr. Nirmul is also presently litigating breach of contract and Trust Indenture Act claims against the trustees of mortgage backed securities issued by Washington Mutual (Washington State Investments Board et al v. Bank of America National Association et al) on behalf of several state public pension funds. In connection with a scheme to manipulate foreign exchange rates assigned to its custodial clients, Mr. Nirmul is a member of the team litigating a consumer class action asserting contractual and fiduciary duty claims against BNY Mellon in the Southern District of New York (In re BNY Mellon Forex Litigation).

Mr. Nirmul regularly speaks on matters affecting institutional investors at conferences and symposiums. He has been a speaker and/or panelist at the annual Rights and Responsibilities of Institutional Investors in Amsterdam, The Netherlands and annual Evolving Fiduciary Obligations of Pension Plans in Washington, D.C.

JUSTIN O. RELIFORD, a partner of the Firm, concentrates his practice on mergers and acquisition litigation and shareholder derivative litigation. Mr. Reliford graduated from the University of Pennsylvania Law School in 2007 and received his B.A. from Williams College in 2003, majoring in Psychology with a concentration in Leadership Studies. Mr. Reliford is a member of the Pennsylvania and New Jersey bars, and he is admitted to practice in the Third Circuit Court of Appeals, the Eastern District of Pennsylvania, and the District of New Jersey.

Mr. Reliford has extensive experience representing clients in connection with nationwide class and collective actions. Most notably, Mr. Reliford, was part of the trial team *In re Dole Food Co., Inc. Stockholder Litig.*, C.A. No. 8703-VCL, that won a trial verdict in favor of Dole stockholders for \$148 million. Mr. Reliford also obtained a favorable recovery for an institutional investor in a securities class action *In re Allergan, Inc. Proxy Violation Securities Litigation*, No. 8:14-cv-02004 (C.D. Cal. 2018), which challenged a brazen insider trading scheme by Valeant Pharmaceuticals to tip Bill Ackman's hedge fund

Pershing Square Capital that it intended to launch a hostile takeover attempt to buy rival pharma company Allergan. After three years, the case settled weeks before trial for \$250 million. He also litigated *In re GFI Group, Inc. Stockholder Litig.* Consol. C.A. No. 10136-VCL (Del. Ch.) (\$10.75 million cash settlement); *In re Globe Specialty Metals, Inc. Stockholders Litig.*, Consol. C.A. No. 10865-VCG (Del. Ch.) (\$32.5 million settlement); and *In re Harleysville Mutual* (CCP, Phila. Cnty. 2012) (an expedited merger litigation case challenging Harleysville's agreement to sell the company to Nationwide Insurance Company, which lead to a \$26 million cash payment to policyholders). Prior to joining the Firm, Mr. Reliford was an associate in the labor and employment practice group of Morgan Lewis & Bockius, LLP. There, Mr. Reliford concentrated his practice on employee benefits, fiduciary, and workplace discrimination litigation.

LEE D. RUDY, a partner of the Firm, manages the Firm's mergers and acquisition and shareholder derivative litigation. Mr. Rudy received his law degree from Fordham University, and his undergraduate degree, *cum laude*, from the University of Pennsylvania. Mr. Rudy is licensed to practice in Pennsylvania and New York.

Representing both institutional and individual shareholders in these actions, he has helped cause significant monetary and corporate governance improvements for those companies and their shareholders. Mr. Rudy also co-chairs the Firm's qui tam and whistleblower practices, where he represents whistleblowers before administrative agencies and in court. Mr. Rudy regularly practices in the Delaware Court of Chancery, where he served as co-lead trial counsel in the landmark case of *In re S. Peru Copper Corp. S'holder Derivative Litig.*, C.A. No. 961-CS, a \$2 billion trial verdict against Southern Peru's majority shareholder. He previously served as lead counsel in dozens of high profile derivative actions relating to the "backdating" of stock options. Mr. Rudy also obtained a favorable recovery for an institutional investor in a securities class action *In re Allergan, Inc. Proxy Violation Securities Litigation*, No. 8:14-cv-02004 (C.D. Cal. 2018), which challenged a brazen insider trading scheme by Valeant Pharmaceuticals to tip Bill Ackman's hedge fund Pershing Square Capital that it intended to launch a hostile takeover attempt to buy rival pharma company Allergan. After three years, the case settled weeks before trial for \$250 million. In addition, Mr. Rudy represented stockholders in obtaining substantial recoveries in numerous shareholder derivative and class actions, many of which resulted in significant monetary relief, including: *In re Facebook, Inc. Class C Reclassification Litigation*, C.A. No. 12286-VCL (Del. Ch. Sept. 25, 2017) (KTMC challenged a proposed reclassification of Facebook's stock structure as harming the company's public stockholders. Facebook abandoned the proposal just one business day before trial was to commence; granting Plaintiffs complete victory); *City of Daytona Beach Police and Fire Pension Fund v. ExamWorks Group, Inc., et al.*, C.A. No. 12481-VCL (Del. Ch. Sept. 12, 2017) (\$86.5 million settlement relating to the acquisition of ExamWorks Group, Inc. by private equity firm Leonard Green & Partners, LP.); *Quinn v. Knight*, No. 3:16-cv-610 (E.D. Va. Mar. 16, 2017) (class action settling just ten days before trial, with stockholders receiving an additional \$32 million in merger consideration); *In re MPG Office Trust, Inc. Preferred Shareholder Litigation*, Cons. Case No. 24-C-13-004097 (Md. Cir. Oct. 20, 2015) (Kessler Topaz negotiated a settlement where MPG preferred stockholders received a dividend of \$2.25 per share, worth approximately \$21 million); *In re Harleysville Mutual* (CCP, Phila. Cnty. 2012) (an expedited merger litigation case challenging Harleysville's agreement to sell the company to Nationwide Insurance Company, which lead to a \$26 million cash payment to policyholders); and *In re Amicas, Inc. Shareholder Litigation*, 10-0174-BLS2 (Suffolk County, MA 2010) (Kessler Topaz prevailed in securing a preliminary injunction against the deal, which allowed a superior bidder to purchase the Company for an additional \$0.70 per share (\$26 million)).

Prior to civil practice, Mr. Rudy served for several years as an Assistant District Attorney in the Manhattan (NY) District Attorney's Office, and as an Assistant United States Attorney in the US Attorney's Office (DNJ).

RICHARD A. RUSSO, JR., a partner of the Firm, focuses his practice on securities litigation. Mr. Russo received his law degree from the Temple University Beasley School of Law, where he graduated *cum laude* and was a member of the Temple Law Review, and graduated *cum laude* from Villanova University, where he received a Bachelor of Science degree in Business Administration. Mr. Russo is licensed to practice in Pennsylvania and New Jersey.

Mr. Russo has represented individual and institutional investors in obtaining significant recoveries in numerous class actions arising under the federal securities laws, including *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09 MDL 2058 (S.D.N.Y.) (settled -- \$2.425 billion), *In re Citigroup Bond Litigation*, No. 08-cv-09522-SHS (S.D.N.Y.) (\$730 million recovery), *In re Lehman Brothers Securities Litigation*, No. 1:09-md-02017-LAK (S.D.N.Y.) (\$616 million recovery).

MARC A. TOPAZ, a partner of the Firm, oversees the Firm's derivative, transactional and case development departments. Mr. Topaz received his law degree from Temple University School of Law, where he was an editor of the *Temple Law Review* and a member of the Moot Court Honor Society. He also received his Master of Law (L.L.M.) in taxation from the New York University School of Law, where he served as an editor of the *New York University Tax Law Review*. He is licensed to practice law in Pennsylvania and New Jersey, and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Mr. Topaz has been heavily involved in all of the Firm's cases related to the subprime mortgage crisis, including cases seeking recovery on behalf of shareholders in companies affected by the subprime crisis, as well as cases seeking recovery for 401K plan participants that have suffered losses in their retirement plans. Mr. Topaz has also played an instrumental role in the Firm's option backdating litigation. These cases, which are pled mainly as derivative claims or as securities law violations, have served as an important vehicle both for re-pricing erroneously issued options and providing for meaningful corporate governance changes. In his capacity as the Firm's department leader of case initiation and development, Mr. Topaz has been involved in many of the Firm's most prominent cases, including *In re Initial Public Offering Sec. Litig.*, Master File No. 21 MC 92(SAS) (S.D.N.Y. Dec. 12, 2002); *Wanstrath v. Doctor R. Crants, et al.*, No. 99-1719-111 (Tenn. Chan. Ct., 20th Judicial District, 1999); *In re Tyco International, Ltd. Sec. Lit.*, No. 02-1335-B (D.N.H. 2002) (settled — \$3.2 billion); and virtually all of the 80 options backdating cases in which the Firm is serving as Lead or Co-Lead Counsel. Mr. Topaz has played an important role in the Firm's focus on remedying breaches of fiduciary duties by corporate officers and directors and improving corporate governance practices of corporate defendants.

MELISSA L. TROUTNER, a partner of the Firm, concentrates her practice on new matter development with a specific focus on analyzing securities class action lawsuits, antitrust actions, and complex consumer actions. Ms. Troutner is also a member of the Firm's Consumer Protection group. Ms. Troutner received her law degree, Order of the Coif, *cum laude*, from the University of Pennsylvania Law School in 2002 and her Bachelor of Arts, Phi Beta Kappa, *magna cum laude*, from Syracuse University in 1999. Ms. Troutner is licensed to practice law in Pennsylvania, New York and Delaware.

Prior to joining Kessler Topaz, Ms. Troutner practiced as a litigator with several large defense firms, focusing on complex commercial, products liability and patent litigation, and clerked for the Honorable Stanley S. Brotman, United States District Judge for the District of New Jersey.

JOHNSTON de F. WHITMAN, JR., a partner of the Firm, focuses his practice on securities litigation, primarily in federal court. Mr. Whitman received his law degree from Fordham University School of Law, where he was a member of the Fordham International Law Journal, and graduated *cum laude* from Colgate

University. He is licensed to practice in Pennsylvania and New York., and is admitted to practice in courts around the country, including the United States Courts of Appeal for the Second, Third, and Fourth Circuits.

Mr. Whitman has represented institutional investors in obtaining substantial recoveries in numerous securities fraud class actions, including: (i) *In re Bank of America Securities Litigation*, a case which represents the sixth largest recovery for shareholders under the federal securities laws (settled --\$2.425 billion); (ii) *In re Royal Ahold Sec. Litig.*, No. 03-md-01539 (D. Md. 2003) (\$1.1 billion settlement); (iii) *In re DaimlerChrysler AG Sec. Litig.*, No. 00-0993 (D. Del. 2000) (\$300 million settlement); (iv) *In re Dollar General, Inc. Sec. Litig.*, No. 01-cv-0388 (M.D. Tenn. 2001) (\$162 million settlement); and (v) *In re JPMorgan Chase & Co. Securities Litigation*, No. 12-3852-GBD (“London Whale Litigation”) (\$150 million recovery). Mr. Whitman has also obtained favorable recoveries for institutional investors pursuing direct securities fraud claims, including cases against Merck & Co., Inc., Qwest Communications International, Inc. and Merrill Lynch & Co., Inc. In addition, Mr. Whitman represented a publicly traded company in a large arbitration against AIG, Inc. related to securities lending losses, *Transatlantic Holdings, Inc. v. AIG*, No. 50-148T0037610 (AAA) (\$75million settlement).

ROBIN WINCHESTER, a partner of the Firm, concentrated her practice in the areas of securities litigation and lead plaintiff litigation, when she joined the Firm. Presently, Ms. Winchester concentrates her practice in the area of shareholder derivative actions. Ms. Winchester earned her Juris Doctor degree from Villanova University School of Law, and received her Bachelor of Science degree in Finance from St. Joseph’s University. Ms. Winchester is licensed to practice law in Pennsylvania and New Jersey.

Prior to joining Kessler Topaz, Ms. Winchester served as a law clerk to the Honorable Robert F. Kelly in the United States District Court for the Eastern District of Pennsylvania.

Ms. Winchester has served as lead counsel in numerous high-profile derivative actions relating to the backdating of stock options, including *In re Eclipsys Corp. Derivative Litigation*, Case No. 07-80611-Civ-MIDDLEBROOKS (S.D. Fla.); *In re Juniper Derivative Actions*, Case No. 5:06-cv-3396-JW (N.D. Cal.); *In re McAfee Derivative Litigation*, Master File No. 5:06-cv-03484-JF (N.D. Cal.); *In re Quest Software, Inc. Derivative Litigation*, Consolidated Case No. 06CC00115 (Cal. Super. Ct., Orange County); and *In re Sigma Designs, Inc. Derivative Litigation*, Master File No. C-06-4460-RMW (N.D. Cal.). Settlements of these, and similar, actions have resulted in significant monetary returns and corporate governance improvements for those companies, which, in turn, greatly benefits their public shareholders.

ERIC L. ZAGAR, a partner of the Firm, concentrates his practice in the area of shareholder derivative litigation. Mr. Zagar received his law degree from the University of Michigan Law School, *cum laude*, where he was an Associate Editor of the *Michigan Law Review*, and his undergraduate degree from Washington University in St. Louis. He is admitted to practice in Pennsylvania, California and New York. Mr. Zagar previously served as a law clerk to Justice Sandra Schultz Newman of the Pennsylvania Supreme Court.

Since 2001 Mr. Zagar has served as Lead or Co-Lead counsel in hundreds of derivative actions in courts throughout the nation. He was a member of the trial team in the landmark case of *In re S. Peru Copper Corp. S’holder Derivative Litig.*, C.A. No. 961-CS, a \$2 billion trial verdict against Southern Peru’s majority shareholder. Mr. Zagar has successfully achieved significant monetary and corporate governance relief for the benefit of shareholders, and has extensive experience litigating matters involving Special Litigation Committees.

TERENCE S. ZIEGLER, a partner of the Firm, concentrates a significant percentage of his practice to the investigation and prosecution of pharmaceutical antitrust actions, medical device litigation, and related anticompetitive and unfair business practice claims. Mr. Ziegler received his law degree from the Tulane

University School of Law and received his undergraduate degree from Loyola University. Mr. Ziegler is licensed to practice law in Pennsylvania and the State of Louisiana, and has been admitted to practice before several courts including the United States Court of Appeals for the Third Circuit.

Mr. Ziegler has represented investors, consumers and other clients in obtaining substantial recoveries, including: *In re Flonase Antitrust Litigation*; *In re Wellbutrin SR Antitrust Litigation*; *In re Modafinil Antitrust Litigation*; *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation* (against manufacturers of defective medical devices — pacemakers/implantable defibrillators — seeking costs of removal and replacement); and *In re Actiq Sales and Marketing Practices Litigation* (regarding drug manufacturer’s unlawful marketing, sales and promotional activities for non-indicated and unapproved uses).

ANDREW L. ZIVITZ, a partner of the Firm, received his law degree from Duke University School of Law, and received a Bachelor of Arts degree, with distinction, from the University of Michigan, Ann Arbor. Mr. Zivitz is licensed to practice in Pennsylvania and New Jersey.

Drawing on two decades of litigation experience, Mr. Zivitz concentrates his practice in the area of securities litigation and is currently litigating several of the largest federal securities fraud class actions in the U.S. Andy is skilled in all aspects of complex litigation, from developing and implementing strategies, to conducting merits and expert discovery, to negotiating resolutions. He has represented dozens of major institutional investors in securities class actions and has helped the firm recover more than \$1 billion for damaged clients and class members in numerous securities fraud matters in which Kessler Topaz was Lead or Co-Lead Counsel, including *David H. Luther, et al., v. Countrywide Financial Corp., et al.*, 2:12-cv-05125 (C.D.Cal. 2012) (settled -- \$500 million); *In re Pfizer Sec. Litig.*, 1:04-cv-09866 (S.D.N.Y. 2004) (settled -- \$486 million); *In re Tenet Healthcare Corp.*, 02-CV-8462 (C.D. Cal. 2002) (settled — \$281.5 million); *In re JPMorgan Chase & Co. Securities Litigation*, No. 12-3852-GBD (“London Whale Litigation”) (\$150 million recovery); *In re Computer Associates Sec. Litig.*, No. 02-CV-122 6 (E.D.N.Y. 2002) (settled — \$150 million); *In re Hewlett-Packard Sec. Litig.*, 12-cv-05980 (N.D.Cal. 2012) (settled - \$100 million); and *In re Minneapolis Firefighters’ Relief Association v. Medtronic, Inc.*, No. 08-cv-06324-PAM-AJB (D. Minn.) (settled -- \$ 85 million).

Andy’s extensive courtroom experience serves his clients well in trial situations, as well as pre-trial proceedings and settlement negotiations. He served as one of the lead plaintiffs’ attorneys in the only securities fraud class action arising out of the financial crisis to be tried to a jury verdict, has handled a Daubert trial in the U.S. District Court for the Southern District of New York, and successfully argued back-to-back appeals before the Ninth Circuit Court of Appeals. Before joining Kessler Topaz, Andy worked at the international law firm Drinker Biddle and Reath, primarily representing defendants in large, complex litigation. His experience on the defense side of the bar provides a unique perspective in prosecuting complex plaintiffs’ litigation.

COUNSEL

JENNIFER L. ENCK, Counsel to the Firm, concentrates her practice in the area of securities litigation and settlement matters. Ms. Enck received her law degree, *cum laude*, from Syracuse University College of Law, where she was a member of the Syracuse Journal of International Law and Commerce, and her undergraduate degree in International Politics/International Studies from The Pennsylvania State University. Ms. Enck also received a Master’s degree in International Relations from Syracuse University’s Maxwell School of Citizenship and Public Affairs. She is licensed to practice in Pennsylvania and has been

admitted to practice before the United States Court of Appeals for the Third and Eleventh Circuits and the United States District Court for the Eastern District of Pennsylvania.

Ms. Enck has been involved in documenting and obtaining the required court approval for many of the firm's largest and most complex securities class action settlements, including *In re Bank of America Corp. Securities, Derivative, and Employee Retirement Income Security Act (ERISA) Litigation*, No. 09 MDL 2058 (S.D.N.Y.) (settled -- \$2.425 billion); *David H. Luther, et al., v. Countrywide Financial Corp., et al.*, 2:12-cv-05125 (C.D. Cal. 2012) (settled -- \$500 million); *In re: Lehman Brothers Securities and ERISA Litigation*, Master File No. 09 MD 2017 (LAK) (S.D.N.Y.) (settled - \$516,218,000); and *In re Satyam Computer Services Ltd. Sec. Litig.*, Master File No. 09 MD 02027 (BSJ) (\$150.5 million settlement).

ERIC K. GERARD, counsel to the Firm, is a former federal prosecutor and experienced trial lawyer whose practice focuses on securities fraud, antitrust, and consumer protection litigation. Eric received his law degree from the University of Virginia School of Law, earning Order of the Coif honors while completing a master's degree in international economics at the Johns Hopkins University.

Before joining Kessler Topaz, Eric served an Assistant District Attorney at the Manhattan District Attorney's Office, as a civil litigator at an international law firm in Houston and a prominent boutique in New Orleans, and as an Assistant U.S. Attorney in Florida. He has tried a range of complex cases to verdict, including international money laundering, wire fraud conspiracy, securities counterfeiting, identity theft, obstruction of justice, extraterritorial child exploitation, civil healthcare liability claims, and murder-for-hire.

LISA LAMB PORT, Counsel to the Firm, concentrates her practice on consumer, antitrust, and securities fraud class actions. Ms. Lamb Port received her law degree, Order of the Coif, *summa cum laude*, from the Villanova University School of Law in 2003 and her Bachelor of Arts, *cum laude*, from Princeton University in 2000. Ms. Lamb Port is licensed to practice law in the Commonwealth Pennsylvania.

Prior to joining Kessler Topaz, Ms. Lamb Port was a partner at another class action firm, where she represented institutional and individual investors in securities fraud, breach of fiduciary duty, and shareholder derivative cases, as well as in litigation resulting from mergers and acquisitions.

DONNA SIEGEL MOFFA, Counsel to the Firm, concentrates her practice in the area of consumer protection litigation. Ms. Siegel Moffa received her law degree, with honors, from Georgetown University Law Center in May 1982 and a master's degree in Public Administration from Rutgers, the State University of New Jersey, Graduate School-Camden in January 2017. She received her undergraduate degree, *cum laude*, from Mount Holyoke College in Massachusetts. Ms. Siegel Moffa is admitted to practice before the Third Circuit Court of Appeals, the United States Courts for the District of New Jersey and the District of Columbia, as well as the Supreme Court of New Jersey and the District of Columbia Court of Appeals.

Prior to joining the Firm, Ms. Siegel Moffa was a member of the law firm of Trujillo, Rodriguez & Richards, LLC, where she litigated, and served as co-lead counsel, in complex class actions arising under federal and state consumer protection statutes, lending laws and laws governing contracts and employee compensation. Prior to entering private practice, Ms. Siegel Moffa worked at both the Federal Energy Regulatory Commission (FERC) and the Federal Trade Commission (FTC). At the FTC, she prosecuted cases involving allegations of deceptive and unsubstantiated advertising. In addition, both at FERC and the FTC, Ms. Siegel Moffa was involved in a wide range of administrative and regulatory issues including labeling and marketing claims, compliance, FOIA and disclosure obligations, employment matters, licensing and rulemaking proceedings.

Ms. Siegel Moffa served as co-lead counsel for the class in *Robinson v. Thorn Americas, Inc.*, L-03697-94 (Law Div. 1995), a case that resulted in a significant monetary recovery for consumers and changes to rent-to-own contracts in New Jersey. Ms. Siegel Moffa was also counsel in *Muhammad v. County Bank of Rehoboth Beach, Delaware*, 189 N.J. 1 (2006), U.S. Sup. Ct. cert. denied, 127 S. Ct. 2032(2007), in which the New Jersey Supreme Court struck a class action ban in a consumer arbitration contract. She has served as class counsel representing consumers pressing TILA claims, e.g. *Cannon v. Cherry Hill Toyota, Inc.*, 184 F.R.D. 540 (D.N.J. 1999), and *Dal Ponte v. Am. Mortg. Express Corp.*, CV- 04-2152 (D.N.J. 2006), and has pursued a wide variety of claims that impact consumers and individuals including those involving predatory and sub-prime lending, mandatory arbitration clauses, price fixing, improper medical billing practices, the marketing of light cigarettes and employee compensation. Ms. Siegel Moffa's practice has involved significant appellate work representing individuals, classes, and non-profit organizations participating as amicus curiae, such as the National Consumer Law Center and the AARP. In addition, Ms. Siegel Moffa has regularly addressed consumer protection and litigation issues in presentations to organizations and professional associations.

MICHELLE M. NEWCOMER, Counsel to the Firm, concentrates her practice in the area of securities litigation. Ms. Newcomer earned her law degree from Villanova University School of Law in 2005, and earned her B.B.A. in Finance and Art History from Loyola University Maryland in 2002. Ms. Newcomer is licensed to practice law in the Commonwealth of Pennsylvania and the State of New Jersey and has been admitted to practice before the United States Supreme Court, the United States Court of Appeals for the Second, Ninth and Tenth Circuits, and the United States District Court for the Districts of New Jersey and Colorado.

Ms. Newcomer has represented shareholders in numerous securities class actions in which the Firm has served as Lead or Co-Lead Counsel, through all aspects of pre-trial proceedings, including complaint drafting, litigating motions to dismiss and for summary judgment, conducting document, deposition and expert discovery, and appeal. Ms. Newcomer also has been involved in the Firm's securities class action trials, including most recently serving as part of the trial team in the Longtop Financial Technologies securities class action trial that resulted in a jury verdict on liability and damages in favor of investors. Ms. Newcomer began her legal career with the Firm in 2005. Prior to joining the Firm, she was a summer law clerk for the Hon. John T.J. Kelly, Jr. of the Pennsylvania Superior Court.

Ms. Newcomer's representative cases include: *In re Longtop Financial Technologies Ltd. Sec. Litig.* No. 11-cv-3658 (SAS) (S.D.N.Y.) – obtained on behalf of investors a jury verdict on liability and damages against the company's former CFO; *re Lehman Brothers Securities Litigation*, No. 1:09-md-02017-LAK (S.D.N.Y.) (\$616 million recovery); *In re Pfizer, Inc. Sec. Litig.*, No. 04-9866-LTS (S.D.N.Y.) – represents three of the court-appointed class representatives, and serves as additional counsel for the class in securities fraud class action based on alleged misrepresentations and omissions concerning cardiovascular risks associated with Celebrex® and Bextra®, which survived Defendants' motion for summary judgment; *Connecticut Retirement Plans & Trust Funds et al. v. BP p.l.c. et al.* (S.D. Tex.) – represents several public pension funds in direct action asserting claims under Section 10(b) and Rule 10b-5, for purchases of BP ADRs on the NYSE, and under English law for purchasers of BP ordinary shares on the London Stock Exchange, which recently survived Defendants' motion to dismiss; litigation is ongoing.

ASSOCIATES & STAFF ATTORNEYS

ASHER S. ALAVI, an associate of the Firm, concentrates his practice in the area of qui tam litigation. Mr. Alavi received his law degree, cum laude, from Boston College Law School in 2011 where he served as Note Editor for the Boston College Journal of Law & Social Justice. He received his undergraduate degree in Communication Studies and Political Science from Northwestern University in 2007. Mr. Alavi is

licensed to practice law in Pennsylvania and Maryland. Prior to joining Kessler Topaz, Mr. Alavi was an associate with Pietragallo Gordon Alfano Bosick & Raspanti LLP in Philadelphia, where he worked on a variety of whistleblower and healthcare matters.

SARA A. ALSALEH, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. Ms. Alsaleh earned her Juris Doctor degree from Widener University School of Law in Wilmington, Delaware, and her undergraduate degree from Pennsylvania State University. Ms. Alsaleh is admitted to practice in Pennsylvania and New Jersey.

During law school, Ms. Alsaleh interned at the U.S. Food and Drug Administration and the Delaware Department of Justice in the Consumer Protection & Fraud Division where she was heavily involved in protecting consumers within a wide variety of subject areas. Prior to joining the Firm, Ms. Alsaleh practiced in the areas of pharmaceutical & health law litigation, and was an Associate at a general practice firm in Bensalem, Pennsylvania.

DANIEL M. BAKER, an associate of the Firm, concentrates his practice in the areas of merger and acquisition litigation and shareholder derivative actions. Through his practice, Mr. Baker helps institutional and individual shareholders obtain significant financial recoveries and corporate governance reforms.

While in law school, Mr. Baker interned at the Securities Exchange Commission and the Financial Industry Regulatory Authority. Mr. Baker was also a member of the Villanova Law Review, and served as Online Articles Editor.

LaMARLON R. BARKSDALE, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. Mr. Barksdale received his law degree from Temple University, James E. Beasley School of Law in 2005 and his undergraduate degree, cum laude, from the University of Delaware in 2001. He is licensed to practice law in Pennsylvania and has been admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

Prior to joining Kessler Topaz, Mr. Barksdale worked in complex pharmaceutical litigation, commercial litigation, criminal law and bankruptcy law.

ADRIENNE BELL, an associate of the Firm, focuses her practice on case development and client relations. Ms. Bell received her law degree from Brooklyn Law School and her undergraduate degree in Music Theory and Composition from New York University, where she graduated *magna cum laude*. Ms. Bell is licensed to practice in Pennsylvania. Prior to joining the Firm, Ms. Bell practiced in the areas of entertainment law and commercial litigation.

MATTHEW BENEDICT, an associate of the Firm, concentrates his practice in the area of mergers and acquisitions litigation and shareholder derivative litigation. Mr. Benedict earned his law degree from Villanova University School of Law and his undergraduate degree from Haverford College. He is licensed to practice law in Pennsylvania and New Jersey.

ELIZABETH WATSON CALHOUN, a staff attorney of the Firm, focuses on securities litigation. She has represented investors in major securities fraud and has also represented shareholders in derivative and direct shareholder litigation. Ms. Calhoun received her law degree from Georgetown University Law Center (*cum laude*), where she served as Executive Editor of the Georgetown Journal of Gender and the Law. She received her undergraduate degree in Political Science from the University of Maine, Orono (*with high distinction*). Ms. Calhoun is admitted to practice before the state court of Pennsylvania and the U.S. District Court for the Eastern District of Pennsylvania. Prior to joining the Firm, Ms. Calhoun was employed with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A.

KEVIN E.T. CUNNINGHAM, JR. an associate of the Firm, and focuses his practice in securities litigation. Kevin is a graduate of Temple University Beasley School of Law. Prior to joining the Firm, Kevin served as a law clerk for the Hon. Judge Paula Dow of the New Jersey Superior Court, Burlington County - Chancery Division. Kevin also served as a law clerk to the Hon. Brian A. Jackson of the United States District Court for the Middle District of Louisiana. Kevin is licensed to practice in Pennsylvania.

QUIANA CHAPMAN-SMITH, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. She received her law degree from Temple University Beasley School of Law in Pennsylvania and her Bachelor of Science in Management and Organizations from The Pennsylvania State University. Ms. Chapman-Smith is licensed to practice law in the Commonwealth of Pennsylvania. Prior to joining Kessler Topaz, she worked in pharmaceutical litigation.

THERESA M. DEANGELIS, an associate of the Firm, concentrates her practice in Whistleblower Litigation. Ms. DeAngelis received her law degree from Penn State Law in 2018 and her undergraduate degree from Penn State University in 2014. Ms. DeAngelis is licensed to practice in Pennsylvania.

ELIZABETH DRAGOVICH, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. Ms. Dragovich received her law degree from the University of Pennsylvania Law School in 2002, and her undergraduate degree from Carnegie Mellon University in 1999. Ms. Dragovich is licensed to practice law in Pennsylvania. Prior to joining Kessler Topaz, Elizabeth was a staff attorney with the Wilmington, Delaware law firm of Grant & Eisenhofer, P.A.

STEPHEN J. DUSKIN, a staff attorney of the Firm, concentrates his practice in the area of antitrust litigation. Mr. Duskin received his law degree from Rutgers School of Law at Camden in 1985, and his undergraduate degree in Mathematics from the University of Rochester in 1976. Mr. Duskin is licensed to practice law in Pennsylvania.

Prior to joining Kessler Topaz, Mr. Duskin practiced corporate and securities law in private practice and in corporate legal departments, and also worked for the U.S. Securities and Exchange Commission and the Resolution Trust Corporation.

DONNA EAGLESON, a staff attorney of the Firm, concentrates her practice in the area of securities litigation discovery matters. She received her law degree from the University of Dayton School of Law in Dayton, Ohio. Ms. Eagleson is licensed to practice law in Pennsylvania.

Prior to joining Kessler Topaz, Ms. Eagleson worked as an attorney in the law enforcement field, and practiced insurance defense law with the Philadelphia firm Margolis Edelstein.

PATRICK J. EDDIS, a staff attorney of the Firm, concentrates his practice in the area of corporate governance litigation. Mr. Eddis received his law degree from Temple University School of Law in 2002 and his undergraduate degree from the University of Vermont in 1995. Mr. Eddis is licensed to practice in Pennsylvania.

Prior to joining Kessler Topaz, Mr. Eddis was a Deputy Public Defender with the Bucks County Office of the Public Defender. Before that, Mr. Eddis was an attorney with Pepper Hamilton LLP, where he worked on various pharmaceutical and commercial matters.

MARK FRANEK, an associate of the Firm, concentrates his practice on securities fraud, antitrust, and unfair business practices litigation. Mr. Franek received his law degree from Temple University Beasley

School of Law, and graduated *with honors* from Duke University. He is licensed to practice in Pennsylvania and New Jersey.

Before joining the Firm, Mr. Franek was a Judicial Officer to the Honorable Annette M. Rizzo, Philadelphia Court of Common Pleas, and a Judicial Intern to the Honorable Gene E.K. Pratter, U.S. District Court for the Eastern District of Pennsylvania. In law school, Mr. Franek served on Temple's Law Review and was a member of Temple's Moot Court Honor Society.

Prior to law school, Mr. Franek worked for over 15 years in a variety of educational settings, including K-12 and higher education environments. Mr. Franek was the Dean of Students at the William Penn Charter School, a Quaker K-12 independent school in Philadelphia, and also taught at the University of Pennsylvania, in its Masters in School Leadership Program, and at Cabrini College and Philadelphia University, in their English departments.

KIMBERLY V. GAMBLE, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. She received her law degree from Widener University, School of Law in Wilmington, DE. While in law school, she was a CASA/Youth Advocates volunteer and had internships with the Delaware County Public Defender's Office as well as The Honorable Judge Ann Osborne in Media, Pennsylvania. She received her Bachelor of Arts degree in Sociology from The Pennsylvania State University. Ms. Gamble is licensed to practice law in the Commonwealth of Pennsylvania. Prior to joining Kessler Topaz, she worked in pharmaceutical litigation.

GRANT D. GOODHART, an associate of the Firm, concentrates his practice in the areas of mergers and acquisitions litigation and stockholder derivative actions. Mr. Goodhart received his law degree, cum laude, from Temple University Beasley School of Law and his undergraduate degree, magna cum laude, from the University of Pittsburgh. He is licensed to practice law in Pennsylvania and New Jersey.

TYLER S. GRADEN, an associate of the Firm, focuses his practice on consumer protection and whistleblower litigation. Mr. Graden received his Juris Doctor degree from Temple Law School and his undergraduate degrees in Economics and International Relations from American University. Mr. Graden is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before numerous United States District Courts.

Prior to joining Kessler Topaz, Mr. Graden practiced with a Philadelphia law firm where he litigated various complex commercial matters, and also served as an investigator with the Chicago District Office of the Equal Employment Opportunity Commission.

Mr. Graden has represented individuals and institutional investors in obtaining substantial recoveries in numerous class actions, including *Board of Trustees of the Buffalo Laborers Security Fund v. J.P. Jeanneret Associates, Inc.*, Case No. 09 Civ. 8362 (S.D.N.Y.) (settled - \$219 million); *Board of Trustees of the AFTRA Retirement Fund v. JPMorgan Chase Bank, NA.*, Case No. 09 Civ. 0686 (S.D.N.Y.) (settled - \$150 million); *In re Merck & Co., Inc. Vyturin ERISA Litig.*, Case No. 09 Civ. 197 4 (D.N.J.) (settled - \$10.4 million); and *In re 2008 Fannie Mae ERISA Litigation*, Case No. 09-cv-1350 (S.D.N.Y.) (settled - \$9 million). Mr. Graden has also obtained favorable recoveries on behalf of multiple, nationwide classes of borrowers whose insurance was force-placed by their mortgage servicers.

STACEY A. GREENSPAN, an associate of the Firm, concentrates her practice in the areas of merger and acquisition litigation and shareholder derivative actions. Ms. Greenspan received her law degree from Temple University in 2007 and her undergraduate degree from the University of Michigan in 2001, with honors. Ms. Greenspan is licensed to practice in Pennsylvania.

Prior to joining Kessler Topaz, Ms. Greenspan served as an Assistant Public Defender in Philadelphia for almost a decade, litigating hundreds of trials to verdict. Ms. Greenspan also worked at the Trial and Capital Habeas Units of the Federal Community Defender Office of the Eastern District of Pennsylvania throughout law school. At Kessler Topaz, she has assisted the Firm in obtaining a substantial recovery in a large class action on behalf of an institutional client in *City of Daytona Beach Police and Fire Pension Fund v. ExamWorks Group, Inc., et al.*, C.A. No. 12481-VCL (Del. Ch. Sept. 12, 2017) (\$86.5 million settlement relating to the acquisition of ExamWorks Group, Inc. by private equity firm Leonard Green & Partners, LP.). In addition, Ms. Greenspan served as co-lead counsel in *In re Ebix, Inc. S'holder Litig.*, Consol. C.A. No. 8526-VCS (Del. Ch. Apr. 5, 2019), a case that challenged an improper executive bonus worth \$825 million for the company's CEO. After five years of hard fought litigation and a trial the case settled for corporate governance measures and an amendment to the CEO's stock appreciation rights agreement.

KEITH S. GREENWALD, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. Mr. Greenwald received his law degree from Temple University, Beasley School of Law in 2013 and his undergraduate degree in History, summa cum laude, from Temple University in 2004. Mr. Greenwald is licensed to practice law in Pennsylvania.

Prior to joining Kessler Topaz, Mr. Greenwald was a contract attorney on various projects in Philadelphia and was at the International Criminal Tribunal for the Former Yugoslavia, at The Hague in The Netherlands, working in international criminal law.

JOHN J. GROSSI, a staff attorney at the Firm, focuses his practice on securities litigation. Mr. Grossi received his law degree from Widener University Delaware School of Law and graduated *cum laude* from Curry College. He is licensed to practice law in Pennsylvania. Prior to joining the Firm as a Staff Attorney, Mr. Grossi was employed in the Firm's internship program as a Summer Law Clerk, where he was also a member of the securities fraud department.

During his time as a Summer Law Clerk, Mr. Grossi conducted legal research for several securities fraud class actions on behalf of shareholders, including Bank of America related to its acquisition of Merrill Lynch, Lehman Brothers, St. Jude Medical and NII Holdings.

NATHAN A. HASIUK, an associate of the Firm, concentrates his practice on securities litigation. Mr. Hasiuk received his law degree from Temple University Beasley School of Law, and graduated *summa cum laude* from Temple University. He is licensed to practice in Pennsylvania and New Jersey and has been admitted to practice before the United States District Court for the District of New Jersey. Prior to joining the Firm, Mr. Hasiuk was an Assistant Public Defender in Philadelphia.

EVAN R. HOEY, an associate of the Firm, focuses his practice on securities litigation. Mr. Hoey received his law degree from Temple University Beasley School of Law, where he graduated *cum laude*, and graduated *summa cum laude* from Arizona State University. He is licensed to practice in Pennsylvania and is admitted to practice before the United States District Court for the Eastern District of Pennsylvania.

SUFEI HU, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. She received her J.D. from Villanova University School of Law, where she was a member of the Moot Court Board. Ms. Hu received her undergraduate degree from Haverford College in Political Science, with honors. She is licensed to practice law in Pennsylvania and New Jersey, and is admitted to the United States District Court of the Eastern District of Pennsylvania. Prior to joining the Firm, Ms. Hu worked in pharmaceutical, anti-trust, and securities law.

JORDAN JACOBSON, an associate of the Firm, concentrates her practice in securities litigation. Ms. Jacobson received her law degree from Georgetown University in 2014 and her undergraduate degrees in history and political science from Arizona State University in 2011. Prior to joining the Firm, Ms. Jacobson clerked for the honorable Deborah J. Saltzman, United States Bankruptcy Judge, in the Central District of California. Ms. Jacobson was also previously an associate at O'Melveny & Myers LLP, and an attorney in the General Counsel's office of the Pension Benefit Guaranty Corporation in Washington, D.C. Ms. Jacobson is licensed to practice law in California and Virginia and will sit for the July 2020 Pennsylvania bar exam.

RAPHAEL JANOVE, an associate of the Firm represents investors and consumers in securities litigation and class actions. Mr. Janove started his career at Sullivan & Cromwell LLP in New York City, where he defended large financial institutions in antitrust class-actions, FINRA arbitrations, and government investigations. Most recently, he worked at a litigation boutique in Chicago, representing a major fossil-fuel refiner in nationwide global-warming nuisance lawsuits, defending one of the country's largest agricultural cooperatives in a billion dollar class action, and pursuing multimillion dollar claims on behalf of his clients in arbitrations before the International Chamber of Commerce and the London Maritime Arbitration Association.

In addition, Mr. Janove clerked for the Honorable Paul S. Diamond of the U.S. District Court of the Eastern District of Pennsylvania in Philadelphia, and for the Honorable Thomas L. Ambro of the U.S. Court of Appeals for the Third Circuit in Wilmington, Delaware.

During law school, Mr. Janove served as an Articles Editor on The University of Chicago Law Review and was a Kirkland & Ellis Scholar. At graduation, he received the Douglas Baird Prize in Commercial Law for his academic achievement in commercial and corporate law. Prior to law school, Mr. Janove taught English at a private school in Uijeongbu, South Korea.

MARGARET E. JULIANO, a staff attorney at the Firm, concentrates her practice in consumer fraud protection. She has a JD from Emory University School of Law, where she was Editor-in-Chief of the Emory Bankruptcy Developments Journal and a BA from Oberlin College. She is licensed to practice in Pennsylvania and New York, and previously practiced in the state and federal courts in Delaware.

Maggie has experience representing plaintiffs in consumer fraud cases concerning mold and other building envelop issues. She also represented manufacturers and distributors in mass tort and product liability cases. She clerked for Judge Walrath of the US Bankruptcy Court for the District of Delaware.

NATALIE LESSER, an associate of the Firm, concentrates her practice in the area of consumer protection. Ms. Lesser received her law degree from the University of Pittsburgh School of Law in 2010 and her undergraduate degree in English from the State University of New York at Albany in 2007. While attending Pitt Law, Ms. Lesser served as Editor in Chief of the University of Pittsburgh Law Review. Ms. Lesser is licensed to practice law in Pennsylvania and New Jersey.

Prior to Joining Kessler Topaz, Ms. Lesser was an associate with Akin Gump Strauss Hauer & Feld LLP, where she worked on a number of complex commercial litigation cases, including defending allegations of securities fraud and violations of ERISA for improper calculation and processing of insurance benefits.

JOSHUA A. LEVIN, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. Mr. Levin received his law degree from Widener University School of Law, and earned his undergraduate degree from The Pennsylvania State University. Mr. Levin is licensed to practice in Pennsylvania and New Jersey. Prior to joining Kessler Topaz, he worked in pharmaceutical litigation.

JOHN J. McCULLOUGH, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. In 2012, Mr. McCullough passed the CPA Exam. Mr. McCullough earned his Juris Doctor degree from Temple University School of Law, and his undergraduate degree from Temple University. Mr. McCullough is licensed to practice in Pennsylvania.

LAUREN M. MCGINLEY, an associate of the Firm, concentrates her practice in the areas of securities and consumer protection. Ms. McGinley received her undergraduate degree from Temple University in 2013 and her law degree from Drexel University, Thomas R. Kline School of Law in 2017. While at Drexel, Ms. McGinley received the Dean's Scholar for Excellence in Civil Procedure in 2015.

Prior to joining the Firm, Ms. McGinley clerked for the honorable Judge Alia Moses in the Western District of Texas from September 2017-August 2019.

STEVEN D. McLAIN, a staff attorney of the Firm, concentrates his practice in mergers and acquisition litigation and stockholder derivative litigation. He received his law degree from George Mason University School of Law, and his undergraduate degree from the University of Virginia. Mr. McLain is licensed to practice in Virginia. Prior to joining Kessler, Topaz, he practiced with an insurance defense firm in Virginia.

STEFANIE J. MENZANO, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. Ms. Menzano received her law degree from Drexel University School of Law in 2012 and her undergraduate degree in Political Science from Loyola University Maryland. Ms. Menzano is licensed to practice law in Pennsylvania and New Jersey.

Prior to joining Kessler Topaz, Ms. Menzano was a fact witness for the Institute for Justice. During law school, Ms. Menzano served as a case worker for the Pennsylvania Innocence Project and as a judicial intern under the Honorable Judge Mark Sandson in the Superior Court of New Jersey, Atlantic County.

JONATHAN F. NEUMANN, an associate of the Firm, concentrates his practice in the area of securities litigation and fiduciary matters. Mr. Neumann earned his Juris Doctor degree from Temple University Beasley School of Law, where he was an editor for the Temple International and Comparative Law Journal and a member of the Moot Court Honor Society. Mr. Neumann earned his undergraduate degree from the University of Delaware. Mr. Neumann is licensed to practice in Pennsylvania and New York. Prior to joining the Firm, Mr. Neumann served as a law clerk to the Honorable Douglas E. Arpert of the United States District Court for the District of New Jersey.

Mr. Neumann has represented institutional investors in obtaining substantial recoveries in numerous cases, including *In re Bank of New York Mellon Corp. Foreign Exchange Transactions Litig.*, No. 12-md-02335 (S.D.N.Y.) (\$335 million settlement); *Policemen's Annuity and Benefit Fund of the City of Chicago, et al. v. Bank of America, NA, et al.*, No. 12-cv-02865 (S.D.N.Y.) (\$69 million settlement); *In re NII Holdings Sec. Litig.*, No. 14-cv-227 (E.D. Va.) (settled \$41.5 million).

ELAINE M. OLDENETTEL, a staff attorney of the Firm, concentrates her practice in consumer and ERISA litigation. She received her law degree from the University of Maryland School of Law and her undergraduate degree in International Studies from the University of Oregon. While attending law school, Ms. Oldenettel served as a law clerk for the Honorable Robert H. Hodges of the United States Court of Federal Claims and the Honorable Marcus Z. Shar of the Baltimore City Circuit Court. Ms. Oldenettel is licensed to practice in Pennsylvania and Virginia.

MELANIE A. RADER, an associate of the Firm, focuses her practice in securities litigation and consumer protection.

Prior to joining the Firm, Ms. Rader served as a judicial law clerk to the Hon. Linda K. Caracappa, United States Magistrate Judge for the Eastern District of Pennsylvania. Ms. Rader received her Juris Doctorate from Temple University Beasley School of Law in 2018, and is a graduate of Gettysburg College, where she received her Bachelor of Arts in Economics. While in law school, Ms. Rader was a judicial intern to the Hon. Petrese B. Tucker, United States District Court Judge for the Eastern District of Pennsylvania.

ALLYSON M. ROSSEEL, a staff attorney of the Firm, concentrates her practice at Kessler Topaz in the area of securities litigation. She received her law degree from Widener University School of Law, and earned her B.A. in Political Science from Widener University. Ms. Rosseel is licensed to practice law in Pennsylvania and New Jersey. Prior to joining the Firm, Ms. Rosseel was employed as general counsel for a boutique insurance consultancy/brokerage focused on life insurance sales, premium finance and structured settlements.

KARRISA J. SAUDER, an associate of the Firm, concentrates her practice on new matter development with a focus on analyzing securities, consumer, and antitrust class action lawsuits, as well as direct (or opt-out) actions. Prior to joining the firm, Karissa was an associate with Berger Montague, where she litigated complex antitrust class action lawsuits, and served as a judicial law clerk to the Honorable Eduardo C. Robreno, United States District Judge for the Eastern District of Pennsylvania. Karissa received her law degree from Harvard Law School in 2014 and her undergraduate degree from Eastern Mennonite University in 2010. While in law school, Karissa served as Managing Editor of the Harvard Law Review.

MICHAEL J. SECHRIST, a staff attorney at the Firm, concentrates his practice in the area of securities litigation. Mr. Sechrist received his law degree from Widener University School of Law in 2005 and his undergraduate degree in Biology from Lycoming College in 1998. Mr. Sechrist is licensed to practice law in Pennsylvania. Prior to joining Kessler Topaz, Mr. Sechrist worked in pharmaceutical litigation.

PENG SHAO, an associate of the Firm, focuses his practice in complex securities litigation and consumer protection. Peng is a graduate of UC Davis School of Law. During law school, Mr. Shao served various leadership roles for UC Davis School of Law's Business Law Journal, Intellectual Property Law Association, and Immigration Law Clinic. Mr. Shao also represented UC Davis in various Moot Court competitions and brought a case before the Ninth Circuit Court of Appeals. Mr. Shao received his B.S. in Biology with honors from University of Kentucky, and is published in The Journal of BioChemistry.

IGOR SIKAVICA, a staff attorney of the Firm, practices in the area of corporate governance litigation, with a focus on transactional and derivative cases. Mr. Sikavica received his J.D. from the Loyola University Chicago School of Law and his LL.B. from the University of Belgrade Faculty Of Law. Mr. Sikavica is licensed to practice in Pennsylvania. Mr. Sikavica's licenses to practice law in Illinois and the former Yugoslavia are no longer active.

Prior to joining Kessler Topaz, Mr. Sikavica has represented clients in complex commercial, civil and criminal matters before trial and appellate courts in the United States and the former Yugoslavia. Also, Mr. Sikavica has represented clients before international courts and tribunals, including – the International Criminal Tribunal for the Former Yugoslavia (ICTY), European Court of Human Rights and the UN Committee Against Torture.

MELISSA J. STARKS, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. Ms. Starks earned her Juris Doctor degree from Temple University--Beasley School of Law, her LLM from Temple University--Beasley School of Law, and her undergraduate degree from Lincoln University. Ms. Starks is licensed to practice in Pennsylvania.

MICHAEL P. STEINBRECHER, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. Mr. Steinbrecher earned his Juris Doctor from Temple University James E. Beasley School of Law, and received his Bachelors of Arts in Marketing from Temple University. Mr. Steinbrecher is licensed to practice in Pennsylvania and New Jersey. Prior to joining Kessler Topaz, he worked in pharmaceutical litigation.

JULIE SWERDLOFF, a staff attorney of the Firm, concentrates her practice in the areas of consumer protection, antitrust, and whistleblower litigation. She received her law degree from Widener University School of Law, and her undergraduate degree in Real Estate and Business Law from The Pennsylvania State University. She is licensed to practice law in Pennsylvania and New Jersey and has been admitted to practice before the United States District Courts for the Eastern District of Pennsylvania and the District of New Jersey.

While attending law school, Ms. Swerdloff interned as a judicial clerk for the Honorable James R. Melinson of the United States District Court for the Eastern District of Pennsylvania. Prior to joining Kessler Topaz, Ms. Swerdloff managed major environmental claims litigation for a Philadelphia-based insurance company, and was an associate at a general practice firm in Montgomery County, PA. At Kessler Topaz, she has assisted the Firm in obtaining meaningful recoveries on behalf of clients in securities fraud litigation, including the historic Tyco case (*In re Tyco International, Ltd. Sec. Litig.*, No. 02-1335-B (D.N.H. 2002) (settled -- \$3.2 billion)), federal and state wage and hour litigation (*In re FootLocker Inc. Fair Labor Standards Act (FLSA) and Wage and Hour Litig.*, No. 11-mdl-02235 (E.D. Pa. 2007) (settled – \$7.15 million)), and numerous shareholder derivative actions relating to the backdating of stock options.

BRIAN W. THOMER, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. Mr. Thomer received his Juris Doctor degree from Temple University Beasley School of Law, and his undergraduate degree from Widener University. Mr. Thomer is licensed to practice in Pennsylvania.

ALEXANDRA H. TOMICH, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. She received her law degree from Temple Law School and her undergraduate degree from Columbia University with a B.A. in English. She is licensed to practice law in Pennsylvania.

Prior to joining Kessler Topaz, she worked as an associate at Trujillo, Rodriguez, and Richards, LLC in Philadelphia. Ms. Tomich volunteers as an advocate for children through the Support Center for Child Advocates in Philadelphia and at Philadelphia VIP.

JACQUELINE A. TRIEBL, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. Ms. Triebel received her law degree, cum laude, from Widener University School of Law in 2007 and her undergraduate degree in English from The Pennsylvania State University in 1990. Ms. Triebel is licensed to practice law in Pennsylvania and New Jersey.

KURT WEILER, a staff attorney of the Firm, concentrates his practice in the area of securities litigation. He received his law degree from Duquesne University School of Law, where he was a member of the Moot Court Board and McArdle Wall Honoree, and received his undergraduate degree from the University of Pennsylvania. Mr. Weiler is licensed to practice law in Pennsylvania.

Prior to joining Kessler Topaz, Mr. Weiler was associate corporate counsel for a Philadelphia-based mortgage company, where he specialized in the area of foreclosures and bankruptcy.

CHRISTOPHER M. WINDOVER, an associate of the Firm, concentrates his practice in the areas of shareholder derivative actions and mergers and acquisitions litigation. Mr. Windover received his law degree from Rutgers University School of Law, *cum laude*, and received his undergraduate degree from

Villanova University. He is licensed to practice in the Commonwealth of Pennsylvania and New Jersey. Prior to joining the Firm, Mr. Windover practiced litigation at a mid-sized law firm in Philadelphia.

ANNE M. ZANESKI*, a staff attorney of the Firm, concentrates her practice in the area of securities litigation. Ms. Zaneski received her J.D. from Brooklyn Law School where she was a recipient of the CALI Award of Excellence, and her B.A. from Wellesley College. She is licensed to practice law in New York and Pennsylvania.

Prior to joining the Firm, she was an associate with a boutique securities litigation law firm in New York City and served as a legal counsel with the New York City Economic Development Corporation in the areas of bond financing and complex litigation.

* Admitted as Anne M. Zaniewski in Pennsylvania.

PROFESSIONALS

WILLIAM MONKS, CPA, CFF, CVA, Director of Investigative Services at Kessler Topaz Meltzer & Check, LLP (“Kessler Topaz”), brings nearly 30 years of white collar investigative experience as a Special Agent of the Federal Bureau of Investigation (FBI) and “Big Four” Forensic Accountant. As the Director, he leads the Firm’s Investigative Services Department, a group of highly trained professionals dedicated to investigating fraud, misrepresentation and other acts of malfeasance resulting in harm to institutional and individual investors, as well as other stakeholders.

William’s recent experience includes being the corporate investigations practice leader for a global forensic accounting firm, which involved widespread investigations into procurement fraud, asset misappropriation, financial statement misrepresentation, and violations of the Foreign Corrupt Practices Act (FCPA).

While at the FBI, William worked on sophisticated white collar forensic matters involving securities and other frauds, bribery, and corruption. He also initiated and managed fraud investigations of entities in the manufacturing, transportation, energy, and sanitation industries. During his 25 year FBI career, William also conducted dozens of construction company procurement fraud and commercial bribery investigations, which were recognized as a “Best Practice” to be modeled by FBI offices nationwide.

William also served as an Undercover Agent for the FBI on long term successful operations targeting organizations and individuals such as the KGB, Russian Organized Crime, Italian Organized Crime, and numerous federal, state and local politicians. Each matter ended successfully and resulted in commendations from the FBI and related agencies.

William has also been recognized by the FBI, DOJ, and IRS on numerous occasions for leading multi-agency teams charged with investigating high level fraud, bribery, and corruption investigations. His considerable experience includes the performance of over 10,000 interviews incident to white collar criminal and civil matters. His skills in interviewing and detecting deception in sensitive financial investigations have been a featured part of training for numerous law enforcement agencies (including the FBI), private sector companies, law firms and accounting firms.

Among the numerous government awards William has received over his distinguished career is a personal commendation from FBI Director Louis Freeh for outstanding work in the prosecution of the West New York Police Department, the largest police corruption investigation in New Jersey history.

William regards his work at Kessler Topaz as an opportunity to continue the public service that has been the focus of his professional life. Experience has shown and William believes, one person with conviction can make all the difference. William looks forward to providing assistance to any aggrieved party, investor, consumer, whistleblower, or other witness with information relative to a securities fraud, consumer protection, corporate governance, qui-tam, anti-trust, shareholder derivative, merger & acquisition or other matter.

Education

Pace University: Bachelor of Business Administration (cum laude)

Florida Atlantic University: Master's in Forensic Accounting (cum laude)

BRAM HENDRIKS, European Client Relations Manager at Kessler Topaz Meltzer & Check, LLP (“Kessler Topaz”), guides European institutional investors through the intricacies of U.S. class action litigation as well as securities litigation in Europe and Asia. His experience with securities litigation allows him to translate complex document and discovery requirements into straightforward, practical action. For shareholders who want to effect change without litigation, Bram advises on corporate governance issues and strategies for active investment.

Bram has been involved in some of the highest-profile U.S. securities class actions of the last 20 years. Before joining Kessler Topaz, he handled securities litigation and policy development for NN Group N.V., a publicly-traded financial services company with approximately EUR 197 billion in assets under management. He previously oversaw corporate governance activities for a leading Amsterdam pension fund manager with a portfolio of more than 4,000 corporate holdings.

A globally-respected investor advocate, Bram has co-chaired the International Corporate Governance Network Shareholder Rights Committee since 2009. In that capacity, he works with investors from more than 50 countries to advance public policies that give institutional investors a voice in decision-making. He is a sought-after speaker, panelist and author on corporate governance and responsible investment policies. Based in the Netherlands, Bram is available to meet with clients personally and provide hands-on-assistance when needed.

Education

University of Amsterdam, MSc International Finance, specialization Law & Finance, 2010

Maastricht Graduate School of Governance, MSc in Public Policy and Human Development, specialization WTO law, 2006
Tilburg University, Public Administration and administrative law B.A., 2004

EXHIBIT 28

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF BRADFORD B. LEAR
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Bradford B. Lear, declare as follows:

2 1. I am a partner at the law firm of LEAR WERTS LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
9 with years in practice, most recent hourly rates reported to the Court during the pendency of this
10 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
11 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
12 and trial experience of each professional can be found, to the extent available, in the firm resume
13 attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other professionals
15 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
16 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020 is 63.10 hours. The total lodestar for my firm is \$42,592.50.

23 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
24 ("expenses") totaling \$0.00, which were necessary in relation to this litigation and submitted,
25 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
26 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
27 litigation are reflected in the books and records of my firm. These books and records are prepared

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1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd
5 day of August, 2020, at Columbia, Missouri.

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8 BRADFORD B. LEAR

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EXHIBIT A

Lear Werts LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Lear, Bradford B.	Partner (19 years)	\$ 675.00	49.80	\$ 33,615.00
Werts, Todd C.	Partner (19 years)	\$ 675.00	13.30	\$ 8,977.50
Sowers, Sander C.	Associate (15 years)	\$ 575.00	0.00	\$ -
Jones, Megan L.	Paralegal	\$ 125.00	0.00	\$ -
TOTAL			63.10	\$ 42,592.50

EXHIBIT B

EXHIBIT B**Lear Werts LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ -
05. Postage	\$ -
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ -
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ -
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ -
18. Taxi/Car Service/Other Ground Transport	\$ -
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ -
21. Travel-Hotel	\$ -
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ -
25. Assessments	\$ -
TOTAL	\$ -

EXHIBIT C



FIRM RESUME

Founded in 2003, the Columbia, Missouri law firm Lear Werts LLP represents individuals in serious employment, personal injury, workers' compensation, and other complex litigation matters. Many of Lear Werts' cases involve Missouri plaintiffs. But Lear Werts has also developed a nationwide wage and hour class and collective action practice where the firm's attorneys help workers recover unpaid wages, overtime, and related damages. Additionally, the firm has a consumer class action practice.

The firm takes a collaborative approach to litigation. By design, Lear Werts only takes on a limited number of cases and each case is handled by a least two, if not three of the firm's attorneys. Further, Lear Werts frequently handles cases in co-counsel arrangements with law firms from around both Missouri and nationwide. Lear Werts has found that these sorts of multi-firm litigation teams often promote an efficient resolution to complex matters by building in an intrinsic level of review and accountability.

In addition to providing superior legal services, the lawyers at Lear Werts are each active in the legal community and are frequently asked to speak or write on a variety of legal topics. Lear Werts attorneys are also active in their non-legal communities as well. The following pages offer details about the firm's recent class action experience as well as information on each of the attorneys at Lear Werts LLP, including each lawyers' publications, speaking engagements, media appearances, court admissions, education, professional associations, and community activities.



FIRM DOSSIER OF COMPLEX LITIGATION MATTERS

RESOLVED

In re DIRECTV Wage & Hour Litigation (various federal courts and arbitration fora). Lear Werts served as co-lead counsel on a case involving more than 2,000 satellite installation technicians paid under an allegedly illegal piece rate pay model. This case spanned nine years of intensive litigation across forty different federal district court, five circuit courts of appeals, and a certiorari petition to the United States Supreme Court. Brad Lear supervised the extensive briefing in these various appeals and in the approximately 45 separate summary judgment motions filed. Todd Werts lead the charge coordinating extensive electronic discovery and in taking 120 of the over 650 depositions taken in the case. These cases have resolved with the exception certain California claims.

Witt v. CACH, LLC, 1316-CV 07 031 (Cir. Ct. Jackson County, Missouri)

Lear Werts was lead counsel in this FDCPA class action case challenging a debt collector's failure to report to the three major credit reporting bureaus that certain debts being collected were disputed by the consumer. Following robust pre-certification motion practice, this case settled on a classwide basis.

Quigley v. National Asset Recovery Services, Inc., 4:13-cv-0031-RWS (E.D. Mo.)

Lear Werts was lead counsel in this FLSA collective and Missouri state law, Rule 23 class action case challenging the timekeeping and overtime calculation practices of a customer service call center. Following an agreed conditional certification, this matter settled on a classwide basis.

Blume v. International Services, Inc., 4:12-CV-165-DDN (E.D. Mo.)

Lear Werts was lead counsel on this nationwide FLSA collective action alleging that the defendant misclassified certain employees as exempt from the overtime requirements of the FLSA. The case settled on a classwide basis.

Reese v. WIS Holding Corp., 1304-04232 (Ct. of Com. Pl. Philadelphia, Pa.)

Lear Werts was co-lead counsel in this statewide Pennsylvania class action alleging that the defendants' timekeeping policies violated Pennsylvania's state wage and hour statutes and regulations. A proposed classwide settlement of this case is currently pending.

Barrett V. Hy-Vee, Inc., Case No. 4:12-CV-00480-SMR-RAW (N.D. Iowa)

Lear Werts was co-lead counsel from this 24-individual-plaintiff mass action that grew out of the *Adams v. Hy-Vee* matter. This case alleges that the plaintiffs were improperly classified as "exempt" under the FLSA. The case has settled.

Stewart v. Vion, et al., 4:11-cv-0671-BCW (W.D. Mo.)

Lear Werts was co-lead counsel in this statewide Fair Debt Collection Practices Act case challenging the defendants' use of allegedly misleading dunning letters. This case has settled on a classwide basis.

Adams v. Hy-Vee, Inc., Case No. 4:11-cv-449-DW (W.D. Mo.)

Lear Werts was co-lead counsel in this nationwide collective action alleging that the defendant failed to properly classify certain assistant managers and that it improperly paid other employees under the fluctuating workweek method. This case was settled.

Nobles v. State Farm Mut Ins. Co., Case No. 2:10-cv-04175-NKL (W.D. Mo.)

Lear Werts was co-lead counsel in this nationwide wage and hour case challenging the defendants' "exception hourly" timekeeping system that is used for all of the defendants' non-exempt employees who work outside of the State of California. The case has settled.

Berte v. WIS Holding Corp., 07cv1932 L(NLS) (S.D. Cal.)

Lear Werts was co-lead counsel of this nationwide FLSA collective action involving approximately 4,300 current and former inventory accounting Associates from around the country (other than California) challenging the defendants' timekeeping policies. This case settled.

Sharpe v. APAC Customer Services, Inc, Case No. 3:09-cv-00329 (W.D. Wis.)

Lear Werts was co-lead counsel in this nationwide wage and hour case involving approximately 15,000 call center workers from around the country. In January, 2010, the Court issued an order conditionally certifying the case as a collective action. Thereafter, the case was resolved on a class-wide basis through voluntary mediation.

Stephenson v. Information Providers, Inc., Case No. 0:08-cv-04619 (D. Minn.)

Lear Werts was co-lead counsel in this nationwide wage and hour case. This case challenged the defendant's classification of certain employees as exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA"). Lear Werts obtained an order granting partial summary judgment on the issue of liability. The case was then certified to proceed as a collective action. The case settled through continued negotiations following two mediations.

Rumble, et al v. Ted's Trash Service, Inc., Case No. 0916-CV03051 (Cir. Ct. of Jackson County, Missouri)

Lear Werts was sole lead counsel in this Missouri Minimum Wage Law class action case challenging the defendant's classification of certain employees as exempt from Missouri's overtime requirements. Lear Werts was approved as class counsel in this settled class action.

Oddson v. Swift Inc., Case No. 1:09-cv-03034 (D. Colo.)

Lear Werts was co-lead counsel in this nationwide wage and hour case. This case challenged the defendant's classification of certain employees as exempt from the overtime requirements of the FLSA. After securing an agreement to voluntarily send notice to the class, this case settled after early assessment mediation.

McClellan v. CenturyTel et al, Case No. 3:08-cv-00865 (E.D. La.)

Lear Werts was co-lead counsel in a nationwide FLSA case where the firm represented a collective of approximately 2,800 call center workers. The case was resolved through a court-approved class-wide settlement.

Chavez v. WIS Holding Corp., 07cv1932 L(NLS) (S.D. Cal.)

Lear Werts was co-lead counsel of this wage and hour case alleging violations of the FLSA and the California Labor Code. The case was broken into two parts: (1) for California workers and (2) for others across the country (*see Berte v. WIS Holding Corp., supra*). The California portion of the case was settled on a Rule 23 class action basis involving approximately 16,650 current and former inventory counting associates.

Schleipfer v. Mitek, Inc., Case No. 1:06-cv-00109 (E.D. Mo.)

Lear Werts was sole counsel in a nationwide collective action alleging that the defendant improperly misclassified certain categories of employees as exempt from the FLSA. In a case of first impression in the U.S. District Court for the Eastern District of Missouri, Lear Werts obtained conditional certification for a collective of approximately 350 employees. After protracted litigation, the parties reached a confidential settlement.

PENDING

***Giannoulis v. DIRECTV, LLC*, Case No. BC596668 (Super. Ct. of Calif, Los Angeles County)**

Lear Werts is co-lead counsel in this California statewide FLSA class action case challenging the defendant's piece-rate pay practice for certain satellite television installation technicians classified as "independent contractors" and who are not subject to binding arbitration agreements. This case is currently pending.

***In re American Medical Collection Agency, Inc. Customer Data Security Breach Litigation*, 2:19-md-02904-MCA-MAH (D.N.J.)**

Todd Werts has been appointed to the Plaintiffs' Leadership Structure as part of the Bankruptcy Liaison Committee. This cases consolidates data breach lawsuits filed around the country against certain medical laboratories, including Quest Diagnostics and LabCorp, based on a data breach impacting millions of patient records at the collection agency commonly used by such labs. Discovery is pending in this case.

***Houston v. Curators of the University of Missouri d/b/a MU Healthcare*, 19BA-CV03205 (Cir. Ct. of Boone County, Missouri)**

Lear Werts is lead counsel in this putative state-wide data breach class action case arising from MU Health Care's well-publicized data breach in mid-2019. Initial discovery and motion practice is ongoing.

***Little v. Advantage Nursing Services, Inc.*, Case No. 19BA-CV04771 (Cir. Ct. of Boone County, Missouri)**

Lear Werts is co-lead counsel in this putative state-wide wage and hour case challenging the defendant's alleged practice of paying nurses' overtime hours through a separate company to avoid overtime pay. Discovery is ongoing.

***Johanson, et al. v. Business Training Library, LLC d/b/a BizLibrary*, Case No. 19SL-CC05022 (Cir. Ct. of St. Louis County, Missouri)**

Lear Werts is lead counsel in this putative state-wide wage and hour case challenging the defendant's classification of certain lead-generating employees as exempt from the overtime requirement of the Missouri Minimum Wage Law. Discovery is ongoing.

***Dames v. Mercy Hospitals East Communities*, 19AB-CC00264 (Cir. Ct. of Franklin County, Missouri)**

Lear Werts is lead counsel in this putative state-wide class action challenging the hospitals practice of refusing to submit emergency room and hospital bills to a patient's health insurance when there is potential third-party liability. The defendant's responsive motion to dismiss is pending.

Harris v. Lester E. Cox Medical Centers, 2031-CC00164 (Cir. Ct. of Greene County, Missouri)

Lear Werts is lead counsel in this putative state-wide class action challenging the hospitals practice of refusing to submit emergency room and hospital bills to a patient's health insurance when there is potential third-party liability. The parties are awaiting the defendant's initial responsive pleading.

In re Zantac (Ranitidine) Products Liability Litigation, 9:20-md-02924-RLR (S.D. Fla.) Lear Werts filed a Complaint alleging a putative class of Missouri consumers under the Missouri Merchandising Practices Act asserting claims based on the allegedly fraudulent marketing of the popular stomach medication, Zantac. This case has been consolidated along with thousands of claims against the designers, makers, and distributors of Zantac alleging similar harms, personal injury, and seeking medical monitoring for future injuries. These cases were recently consolidated. Brad Lear has been appointed to the Leadership Development Committee and is actively working with Leadership Council on the litigation..

BRADFORD B. LEAR

Brad Lear's practice primarily involves representing individuals in lawsuits filed in various state and federal courts. He focuses on complex insurance and employment cases including representing groups of employees in collective and class actions. Brad strives to master the important details of each of his cases while maintaining a "big picture" point of view that allows him to seek and obtain positive resolution of the issues facing his clients.

Brad has successfully represented clients in cases involving wage and hour disputes - including claims under the FLSA for unpaid overtime - and other employment matters including claims of gender, racial, religious, and disability discrimination. Brad also maintains a robust insurance law practice, handling cases involving serious injury and wrongful death claims as well as claims for vexatious refusal to pay insurance proceeds due under life, accident, and long-term care insurance.

Brad is an active member of several professional and charitable organizations where he enjoys participating in community service work - particularly that involves educating young people.

Publications & Speaking Engagements

- University of Missouri School of Law, Innovation and Technology in the Practice of Law (2020)
- 2016 Missouri Bar Solo & Small Firm Conference, Significant Seven: Important Changes to the Federal Discovery Rules
- Missouri Bar, How to Start and Build a Successful Law Practice, Should I Fly Solo or Work with Others (2013)
- 2013 Missouri Bar Solo & Small Firm Conference, What to Do When You're Removed to Federal Court
- 2012 Missouri Bar Solo & Small Firm Conference, Litigating the Class Action Case
- 2012 Missouri Association of Trial Attorneys Convention, Emergency Response Team Panel Discussion Member
- 2008 Missouri Employment Law Institute, Wage & Hour Update
- University of Missouri School of Law, Law Practice Management (2008)
- MOBAR CLE: CONTRACTS, Contract Interpretation (2007)
- University of Missouri School of Law, Securities Arbitration (2003)

In the Media

- "Ex State Farm worker alleges labor violations", Columbia Daily Tribune
- "Two ex-tax preparers sue H&R Block", Columbia Daily Tribune
- "Boys State adopts Missouri Plan for judges; change draws praise", The Daily Star-Journal (June 30, 2009)
- Hickman Students Ready for National Law Debate Contest, Columbia Daily Tribune (May 7, 2009)
- Judge qualifies suit as possible class action, St. Louis Daily Record (Sept. 5, 2007)
- Cons of Columbia, VOX Magazine (Nov. 29, 2007)
- Making the Case for Dispute Resolution, Columbia Daily Tribune (Nov. 29, 2003)

BRADFORD B. LEAR, cont'd

Admitted to Practice

- Missouri State Courts
- Illinois State Courts
- U.S. Court of Appeals, Eighth Circuit
- U.S. District Court - Eastern District of Missouri
- U.S. District Court - Western District of Missouri
- U.S. District Court - Southern District of Illinois

Admitted to Practice, cont'd

- U.S. District Court - Northern District of Illinois
- U.S. District Court - District of Colorado

Admitted to Practice Pro Hac Vice

- U.S. District Court - Southern District of California
- U.S. District Court - Eastern District of Louisiana
- U.S. District Court - Western District of Louisiana
- U.S. District Court - Southern District of Illinois
- U.S. District Court - Western District of Wisconsin

Education

- University of Missouri - Columbia, J.D.
- Missouri Law Review
 - Order of the Coif
 - Order of Barristers

Professional Associations

- Missouri Bar Association
 - Federal Practice Subcommittee
- Missouri Association of Trial Attorneys
 - Emergency Disaster Response Team
- American Association for Justice

Community Involvement

- Missouri Boys State
 - Board of Directors
 - Dean of Law School - (2001-2011)
- Hickman High School Mock Trial Team
 - Coach - 2004 to 2009
 - National Champion, 2008 American Mock Trial Invitational
 - Missouri State Champion, 2009
- Chipping in for Charity Golf Tournament
 - Planning Committee, 2007 to present

TODD C. WERTS

Todd Werts' practice primarily involves representing individuals in claims filed in state and federal courts as well as various administrative agencies. He focuses on wage & hour, employment, and consumer protection cases. Todd works closely with each of his clients to tailor a resolution that meets that specific client's unique needs. Todd also is mindful that individuals may not be aware of the various legal implications of their situation and, therefore, meets individually with each prospective client to listen to their story and present a clear explanation of the client's options.

Todd is a frequent speaker on injury and employment law issues. He is an active member of the Missouri Bar, the Boone County Bar Association, and the Missouri Association of Trial Attorneys where he serves on a number of committees including the MATA Amicus Committee.

Publications & Speaking Engagements

- *Ostermeier, et al v. Prime Properties Investments, Inc.*, et al. No. WD82432, Brief of the Missouri Association of Trial Attorneys as Amicus Curiae Supporting Appellant, Missouri Court of Appeals, Western District
- 2019 Missouri Bar Solo & Small Firm Conference, An Ounce of Prevention: Avoiding Unintended Consequences from Filing Bankruptcy
- 2019 Missouri Bar Solo & Small Firm Conference, #MeToo: Sexual Discrimination Issues Involving Small Town Clients
- *Civil Jury Trials Face New Barrage of Offensives*, The Missouri Trial Attorney (Spring 2019 at 31)
- Class Actions, Mass Torts, and other Aggregate Litigation, Presentation to the Boone County Bar Association (2019)
- 2018 Missouri Association of Trial Attorneys Annual Convention, Technology in the Courtroom
- 2018 Missouri Bar Solo & Small Firm Conference, From the Flintstones to the Jetsons: Moving to Video Conference Depositions
- *Griffits v. Old Republic Ins. Co., et al*, No. SC96740, Brief of the Missouri Association of Trial Attorneys as Amicus Curiae Supporting Appellant, Supreme Court of Missouri
- *Coventry Health Care of Missouri, Inc. v. Jodie Nevils*, No. 16-149, Brief of the Missouri Association of Trial Attorneys as Amicus Curiae Supporting Respondent, U.S. Supreme Court
- The Paperless Law Office, Presentation to the Springfield [MO] Metropolitan Bar Association (2017)
- 2014 Missouri Association of Trial Attorneys Annual Convention, Forms for Function: Letters and Questionnaires You Need
- 2014 Missouri Bar Solo & Small Firm Conference, A Solo's Guide to Preparing Your Client for Deposition
- 2013 AAJ Summer Convention, Attorney Fees in Wage and Hour Cases: Fee Applications in Federal Wage and Hour Cases after *Perdue*, Publication Only
- *Templemire v. W&M Welding, Inc.*, Case No. SC 93132, Brief of Amicus Curiae Missouri Association of Trial Attorneys in Support of Appellant (2013)
- *Volkswagen Group of Am., Inc. v. Berry, et al*, SC 92770, Brief of Amicus Curiae Missouri Association of Trial Attorneys in Support of Respondents (2012)

TODD C. WERTS, cont'd

- 2012 Missouri Bar Solo & Small Firm Conference, What Every Solo & Small Firm Lawyer Needs to Know About Employment Law
- 2011 Missouri Bar Solo & Small Firm Conference, Workers' Compensation - Compare and Contrast with PI Cases (Medical Claims and Liens)
- 2009 Annual Workers' Compensation Institute: Healthcare Provider Applications for Direct Payment
- Sterling CLE Programs, Compensation Issues Under the FLSA/Wage and Hour Laws (2009)
- Sterling CLE Programs, ADA Update (2009)
- University of Missouri School of Law, Guest Lecturer, Law Practice Management Class (2007-2008)
- Nuts and Bolts of Missouri Practice, Employment Termination in Missouri (2007)
- MOBAR CLE: CONTRACTS, Contract Interpretation (2007)

In the Media

- Lawsuit filed over MU Health data breach, Columbia Daily Tribune, Interview with Pat Pratt (Aug. 8, 2019)
- Class action lawsuit filed against MU Health Care after information hacked, KOMU (Aug. 8, 2019)
- Former Greene County jail employees sue county, claim they were underpaid, KY3, Interview with Kara Strickland (July 26, 2019)
- How to confront age discrimination in the workplace, Missourian, Interview with Siena Debolt (Mar. 21, 2019)
- In Focus: Equal Pay. It's Complicated., Columbia Business Times, Interview with David Morrison (Feb. 27, 2019)
- \$1.5 million dollar drunk driving case gets hearing in Missouri Supreme Court, MissouriNet, Interview with Jason Taylor (Mar. 20, 2018) (regarding *Griffits v. Old Republic Ins.*)
- Sales Contracts, Missouri Bar SoundByte (June 20, 2008)
- New Online Complaint Form [for the Missouri Human Rights Commission], KOMU TV-8 (Oct. 23, 2007)
- New Clinic Aims to Aid Workers with Injuries, Columbia Daily Tribune (Mar. 3, 2006)

Admitted to Practice

- Missouri State Courts
- Kansas State Courts
- U.S. District Court - Western District of Missouri
- U.S. District Court - District of Kansas
- U.S. District Court - Eastern District of Missouri
- U.S. District Court - District of Colorado
- U.S. District Court - Northern District of Illinois (general and trial bar)
- U.S. District Court - Eastern District of Arkansas
- U.S. District Court - Eastern District of Wisconsin
- U.S. District Court - Eastern District of Michigan
- U.S. District Court - District of North Dakota
- U.S. Court of Appeals, 9th Circuit

TODD C. WERTS, cont'd

- U.S. Court of Appeals, 11th Circuit
- U.S. Tax Court

Admitted to Practice Pro Hac Vice

- U.S. District Court - Southern District of California
- U.S. District Court - Eastern District of Louisiana
- U.S. District Court - Western District of Louisiana
- U.S. District Court - District of Minnesota
- U.S. District Court - Western District of Wisconsin
- U.S. District Court — Northern District of Oklahoma
- U.S. District Court — Northern District of California
- U.S. District Court — District of New Hampshire
- U.S. District Court — District of Massachusetts
- U.S. District Court — District of Connecticut
- U.S. District Court — Southern District of New York
- U.S. District Court — Middle District of Pennsylvania
- U.S. District Court — Eastern District of Pennsylvania
- U.S. District Court — District of New Jersey
- U.S. District Court — District of Maryland
- U.S. District Court — Southern District of Ohio
- U.S. District Court — Southern District of Indiana
- U.S. District Court — Western District of Kentucky
- U.S. District Court — Western District of Tennessee
- U.S. District Court — Middle District of North Carolina
- U.S. District Court — District of South Carolina
- U.S. District Court — Northern District of Florida
- U.S. District Court — Northern District of Georgia
- U.S. District Court — Northern District of Alabama
- U.S. District Court — Southern District of Mississippi
- U.S. District Court — Southern District of Texas
- U.S. District Court — District of New Mexico
- U.S. District Court — District of Arizona

Education

- University of Missouri - Columbia, J.D
- University of Missouri - Columbia, B.S., Mathematics
 - Missouri Environmental Law & Policy Review
 - Order of Barristers

TODD C. WERTS, cont'd

Professional Associations

- Missouri Bar Association
 - Lawyer Referral Service Committee
 - Federal Practice Subcommittee

- Missouri Association of Trial Attorneys
 - Board of Governors
 - Amicus Committee

- American Association for Justice

- Boone County Bar Association
 - Secretary (2009-2010)

Community Involvement

- Chipping in for Charity Golf Tournament
 - Planning Committee, 2007 to present

- Acacia Lodge No. 602, A.F. & A.M

- Arabian Horse Association, Member
 - Central States Arabian Horse Association, volunteer

SANDER C. SOWERS

Sander Sowers is experienced in representing people in a variety of types of litigation. His practice includes representing individuals in serious personal injury, workers' compensation, mass torts cases, wage and hour (overtime) cases, and other collective and class action cases.

Sander is a part of many professional associations and community activities. Sander was elected by his peers to serve on the Missouri Bar Association Board of Governors as the District 15 representative. Prior to serving on the Board of Governors, Sander was likewise elected by his peers to serve on the Missouri Bar Association Young Lawyers' Section Council as the District 5 representative and ultimately served as the Chair of the Young Lawyers' Section. Sander received the Dr. Warren Solomon Civic Virtue Award in 2016 for his involvement with the Missouri Bar Association's citizen education program. Sander is also an active member of the Boone County Bar Association and has served as the Young Lawyers Committee Chairperson and currently serves as the Community Involvement Committee Chairperson. For his work in organizing the Boone County Bar Association's annual charity golf tournament, Sander received the Outstanding Service Award in 2015. Sander also serves on the board of directors of the Missouri Lawyer Trust Account Foundation. Sander was involved in the Columbia Chapter of Rotaract and previously served on the board of directors of the Family Counseling Center of Missouri.

When not practicing law, Sander enjoys many hobbies, including golf, water sports, and following the University of Missouri basketball and football teams.

Speaking Engagements

- Moderator for panel discussion, View from the Bench - Perspectives and Advice from Young Judges Especially for the Young Lawyer, Missouri Bar Annual Meeting (2017)
- Third year law student Professionalism Program - New Lawyer Challenges, University of Missouri School of Law (2016)
- Missouri Bar Annual Meeting, Stepping Up to the Bar: Resources for Success in Your Legal Career (2013)
- Daughters of the American Revolution, Eldon, Missouri Chapter, Missouri's Non-Partisan Court Plan (2012)
- Cooper County Democrats, Missouri's Non-Partisan Court Plan (2011)
- Daughters of the American Revolution, Hannah Cole Chapter, Missouri's Non-Partisan Court Plan (2010)
- University of Missouri College of Agriculture, Dr. Stephen Matthews' Agricultural Law class, general practice of law (2007)

Admitted to Practice

- Missouri State Courts
- U.S. District Court - Western District of Missouri
- U.S. District Court - Eastern District of Missouri

SANDER C. SOWERS, cont'd

Education

- Saint Louis University, J.D.
 - Saint Louis University Law Journal
- University of Missouri - Columbia, B.S.

Professional Associations

- Missouri Bar Association
 - . Young Lawyers Section Council, District 5 Representative, 2009 to present
- Missouri Association of Trial Attorneys
- Boone County Bar Association
 - Young Lawyers Committee, Chair, 2008 to present
 - Jim Butcher Memorial Picnic Committee, 2008 to present

Community Involvement

- Chipping in for Charity Golf Tournament
 - Chair, 2008 to present
- Family Counseling Center of Missouri, Inc.
 - Board of Directors, 2011 to 2012
 - Advisory Committee, 2012 to present
- Rotaract, Columbia Chapter 2007 to 2011

MEGAN JONES

Megan Jones is a paralegal at Lear Werts LLP. Megan concluded her bachelor's degree in Paralegal Studies from William Woods University in 2012. Thereafter, she began working with Lear Werts LLP where she handles the majority of the firm's document management, data entry, logistics, and other organizational work.

EXHIBIT 29

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF ROSEMARY M.
RIVAS IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Rosemary M. Rivas, declare as follows:

2 1. I am the Managing Partner for the San Francisco office for the law firm of LEVI &
3 KORSINSKY, LLP.

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
6 appointed to the Plaintiffs' Executive Committee. My firm also represents Plaintiffs and proposed
7 Class Representatives Romeo James Alba and Zoe Taylor.

8 3. In my role on the Plaintiffs' Executive Committee, I ensured that only work
9 assigned by Co-Lead Plaintiffs' Counsel was performed and that it was done efficiently and
10 effectively without duplicative efforts. Among other things, I was responsible for performing
11 discovery work relating to Defendant's marketing, and specifically worked on developing and
12 drafting document requests and subpoenas. My firm was also charged with performing document
13 review, which took place over four months. Finally, my firm also worked on the preparation and
14 filing of the complaint in the related case titled, *Naylor v. Apple, Inc.*, Case No. 19-cv-04421.

15 4. With regard to Plaintiffs Alba and Taylor, my firm assisted them with, among other
16 things, their obligations to: (a) preserve evidence related to the case; (b) provide information
17 necessary for the Initial Disclosures; (c) search both electronic and hard copy records for
18 information responsive to Defendant's document requests; (d) and responding to Defendant's
19 discovery requests. My firm also participated in preparing and defending Plaintiff Alba's
20 deposition.

21 5. The individuals of my firm who worked on this matter are listed in Exhibit A, along
22 with years in practice, most recent hourly rates reported to the Court during the pendency of this
23 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
24 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
25 and trial experience of each professional can be found, to the extent available, in the firm resume
26 attached hereto as Exhibit C.

27 6. The detailed descriptions of the time spent by the attorneys and other professionals
28 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and

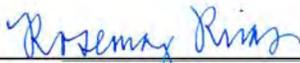
1 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs’
2 Executive Committee and Co-Lead Counsel pursuant to the Court’s July 3, 2018 Case
3 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
4 time records are available for the Court’s review should the Court desire such records.

5 7. The total number of hours expended on this litigation by my firm, as approved by
6 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
7 consolidation through July 31, 2020 is 883.75 hours. The total lodestar for my firm is \$354,270.75.

8 8. Attached hereto as Exhibit B is an itemized description of expenses/charges
9 (“expenses”) totaling \$25,774.56, which were necessary in relation to this litigation and submitted,
10 vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel
11 pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this
12 litigation are reflected in the books and records of my firm. These books and records are prepared
13 from expense vouchers, check records, and other documents and are an accurate record of the
14 expenses.

15 9. Attached hereto as Exhibit C is the firm resume for my firm.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th
17 day of August, 2020, at San Francisco, California.

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20 _____
Rosemary M. Rivas

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EXHIBIT A

Levi & Korsinsky, LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Rivas, Rosemary M.	Partner (19 years)	\$ 975.00	36.80	\$ 35,880.00
Mah, Rosanne L.	Associate (13 years)	\$ 700.00	53.00	\$ 37,100.00
Rao, Silpa	Associate (4 years)	\$ 350.00	529.70	\$ 185,395.00
Maccarone, Courtney	Associate (7 years)	\$ 675.00	10.00	\$ 6,750.00
Roberts, Quentin	Associate (5 years)	\$ 425.00	5.90	\$ 2,507.50
Hunter, Pamela	Project Attorney (20 years)	\$ 350.00	56.00	\$ 19,600.00
Grubnik, Tatyana	Project Attorney (18 years)	\$ 350.00	53.00	\$ 18,550.00
Ekechuku, Steven	Project Attorney (8 years)	\$ 350.00	54.50	\$ 19,075.00
Suarez, Jose	Project Attorney (20 years)	\$ 350.00	81.50	\$ 28,525.00
Bigelow, Emily	Paralegal (13 years)	\$ 265.00	1.10	\$ 291.50
Tash, Jenn	Paralegal (3 years)	\$ 265.00	2.25	\$ 596.25
TOTAL			883.75	\$ 354,270.25

EXHIBIT B

EXHIBIT B**Levi & Korsinsky, LLP**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	\$ 400.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$ 68.46
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	\$ 268.60
22. Travel-Rental Car	
23. Service Fees (for Naylor complaint)	\$ 37.50
24. Miscellaneous	
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,774.56

EXHIBIT C

LEVI&KORSINSKY LLP

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New York, NY 10006
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Washington, D.C. 20007
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LEVI&KORSINSKY LLP

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ABOUT THE FIRM

Levi & Korsinsky, LLP is a national law firm with decades of combined experience litigating complex securities, class, and consumer actions in state and federal courts throughout the country. Our main office is located in New York City and we also maintain offices in Connecticut, California, and Washington, D.C.

We represent the interests of aggrieved shareholders in class action and derivative litigation through the vigorous prosecution of corporations that have committed securities fraud and boards of directors who have breached their fiduciary duties. We have served as Lead and Co-Lead Counsel in many precedent-setting litigations, recovered millions of dollars for shareholders via securities fraud lawsuits, and obtained fair value, multi-billion dollar settlements in merger transactions.

We also represent clients in high-stakes consumer class actions against some of the largest corporations in America. Our legal team has a long and successful track record of litigating high-stakes, resource-intensive cases and consistently achieving results for our clients.

Our attorneys are highly skilled and experienced in the field of securities class action litigation. They bring a vast breadth of knowledge and skill to the table and, as a result, are frequently appointed Lead Counsel in complex shareholder and consumer litigations in various jurisdictions. We are able to allocate substantial resources to each case, reviewing public documents, interviewing witnesses, and consulting with experts concerning issues particular to each case. Our attorneys are supported by exceptionally qualified professionals including financial experts, investigators, and administrative staff, as well as cutting-edge technology and e-discovery systems. Consequently, we are able to quickly mobilize and produce excellent litigation results. Our ability to try cases, and win them, results in substantially better recoveries than our peers.

We do not shy away from uphill battles – indeed, we routinely take on complex and challenging cases, and we prosecute them with integrity, determination, and professionalism.

“...a model for how [the] great legal profession should conduct itself.”

Justice Timothy S. Driscoll in *Grossman v. State Bancorp, Inc.*,
Index No. 600469/2011 (N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)

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PRACTICE AREAS

Securities Fraud Class Actions

According to Lex Machina's second annual Securities Litigation Report, Levi & Korsinsky was named the Top Securities Firm for the period of January 2017 and June 30, 2018, with 266 lawsuits filed during that period. Law360.com dubbed the Firm one of the "busiest securities firms" in what is "on track to be one of the busiest [years] for federal securities litigation." Our firm has been appointed Lead Counsel in a significant number of class actions filed in both federal and state courts across the country.

In *In re Tesla Inc. Securities Litigation*, 18-cv-04865-EMC (N.D. Cal), the firm is sole Lead Counsel representing the class of Tesla investors who were injured as a result of Elon Musk's "funding secured" tweet of August 7, 2018. The case has survived defendants' motion to dismiss and is now in discovery. It is set for trial in March 2022. Damages are estimated as exceeding \$2 billion.

In *In re U.S. Steel Consolidated Cases*, 17-559-CB (W.D. Pa.) the firm is sole Lead Counsel representing U.S. Steel investors who were harmed by U.S. Steel's misrepresentations regarding the maintenance of its manufacturing facilities. Defendants' motion to dismiss has been denied and the class of investors certified by the District Court. The class action case is now in discovery. Damages are estimated as exceeding \$1 billion.

In *Ford v. TD Ameritrade Holding Corporation*, 14-cv-396 (D. Neb.), the Firm was appointed Lead Counsel representing customers harmed by securities fraud scheme that has netted TD Ameritrade well over a billion dollars at their expense since the beginning of the class period at the cost of the execution quality of their orders. After defeating a motion to dismiss, we achieved certification of the class using cutting edge data analysis techniques to precisely measure damages incurred by the millions of class members.

In *Rougier v. Applied Optoelectronics, Inc.*, 17-cv-2399 (S.D. Tex.) the Firm is sole Lead Counsel and has prevailed on a Motion to Dismiss and Motion for Class Certification. The class action case is well into discovery and estimated damages exceed \$1 billion.

In *In re Avon Products Inc. Securities Litigation*, 1:19-cv-01420-MKV (S.D.N.Y.) the Firm is Lead Counsel and prevailed on a motion to dismiss. The class action case is well into discovery spanning Europe and Latin America.

We have been appointed Lead or Co-Lead Counsel in the following securities class actions:

- *In re eHealth Inc. Sec. Litig.*, 20-cv-02395-JST (N.D.Cal. Jun. 24, 2020)
- *Mehdi v. Karyopharm Therapeutics Inc.*, 19-cv-11972-NMG (D. Mass. Apr. 29, 2020)
- *Brown v. Opera Ltd.*, 20-cv-00674-JGK (S.D.N.Y. Apr. 17, 2020)
- *In re Dropbox Sec. Litig.*, 19-cv—06348-BLF (N.D.Cal. Jan. 16, 2020)
- *Chen v. Yunji Inc.*, 19-cv-6403-LDH-SMG (E.D.N.Y. Feb. 3, 2020)
- *Zhang v. Valaris plc*, 19-cv-7816-NRB (S.D.N.Y. Dec. 23, 2019)
- *In re Sundial Growers Inc. Sec. Litig.*, 19-cv-08913-ALC (S.D.N.Y. Dec. 20, 2019)
- *Costanzo v. DXC Technology Co.*, 19-cv-05794-BLF (N.D.Cal. Nov. 20, 2019)
- *Ferraro Family Foundation, Inc. et al., v. Corcept Therapeutics Incorporated*, 19-cv-1372-LHK (N.D.Cal. Oct. 7, 2019)
- *Roberts v. Bloom Energy Corp.*, 19-cv-02935-HSG (N.D.Cal. Sep. 3, 2019)
- *Scheller v. Nutanix Inc.*, 19-cv-01651-WHO (N.D. Cal. Jul. 10, 2019)

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- *Luo v. Sogou Inc.*, 1:19-cv-00230-JPO (S.D.N.Y. Apr. 2, 2019)
- *Jakobsen v. Aphria Inc.*, 18-cv-11376-GBD (S.D.N.Y. Mar. 27, 2019)
- *Chew v. MoneyGram International, Inc.*, 1:18-cv-07537 (E.D. Ill. Feb. 12, 2019)
- *Johnson v. Costco Wholesale Corp.*, 18-cv-01611-TSZ (W.D.Wash. Jan. 30, 2019)
- *Tung v. Dycom Industries, Inc.*, 9:18-cv-81448-RLR (S.D. Fla. Jan. 11, 2019)
- *Guyer v. MGT Capital Investments, Inc.*, 1:18-cv-09228-LAP (S.D.N.Y. Jan. 9, 2019)
- *In re Adient plc Sec. Litig.*, 1:18-CV-09116 (S.D.N.Y. Dec. 21, 2018)
- *Church VI v. Glencore PLC*, 18-cv-11477 (SDW)(CLW) (D.N.J. Dec. 12, 2018)
- *In re Tesla Inc. Sec. Litig.*, 3:18-cv-04865-EMC (N.D. Cal. Nov. 27, 2018)
- *In re Helios and Matheson Analytics, Inc. Sec. Litig.*, 1:18-cv-06965-JGK (S.D.N.Y. Nov. 16, 2018)
- *In re Prothena Corp. plc Sec. Litig.*, 1:18-cv-06425 (S.D.N.Y. Oct. 31, 2018)
- *Pierrelouis v. Gogo Inc.*, 18-cv-04473 (N.D. Ill. Oct. 10, 2018)
- *Balestra v. Cloud With Me Ltd.*, 2:18-cv-00804-LPL (W.D. Pa. Oct. 18, 2018)
- *Pierrelouis v. Gogo Inc.*, 1:18-cv-04473 (N.D. Ill. Oct. 10, 2018)
- *In re Restoration Robotics, Inc. Sec. Litig.*, 5:18-cv-03712-EJD (N.D. Cal. Oct. 2, 2018)
- *Richmond v. Mercury Systems, Inc.*, 1:18-cv-11434-IT (D. Mass. Sept. 27, 2018)
- *Balestra v. Giga Watt, Inc.*, 2:18-cv-00103-SMJ (E.D. Wash. June 28, 2018)
- *Chandler v. Ulta Beauty, Inc.*, 1:18-cv-01577 (N.D. Ill. June 26, 2018)
- *In re Longfin Corp. Sec. Litig.*, 1:18-cv-2933 (S.D.N.Y. June 25, 2018)
- *Chahal v. Credit Suisse Group AG*, 1:18-cv-02268-AT (S.D.N.Y. June 21, 2018)
- *In re Bitconnect Sec. Litig.*, 9:18-cv-80086-DMM (S.D. Fla. June 19, 2018)
- *In re Aqua Metals Sec. Litig.*, 4:17-cv-07142-HSG (N.D. Cal. May 23, 2018)
- *Davy v. Paragon Coin, Inc.*, 4:18-cv-00671-JSW (N.D. Cal. May 10, 2018)
- *Rensel v. Centra Tech, Inc.*, 17-cv-24500-JLK (S.D. Fla. Apr. 11, 2018)
- *Cullinan v. Cemtrex, Inc.* 2:17-cv-01067 (E.D.N.Y. Mar. 3, 2018)
- *Emerson v. Genocea Biosciences, Inc.*, 1:17-cv-12137 (D. Mass. Feb. 2, 2018)
- *In re Navient Corporation Sec. Litig.*, 1:17-cv-08373-RBK-AMD (D.N.J. Feb. 2, 2018)
- *Abouzied v. Applied Optoelectronics, Inc.*, 4:17-cv-2399 (S.D. Tex. Jan. 22, 2018)
- *Huang v. Depomed, Inc.*, 3:17-cv-04830-JST (N.D. Cal. Dec. 8, 2017)
- *In re Regulus Therapeutics Inc. Sec. Litig.*, 3:17-cv-00182-BTM-RBB (D. Mass. Oct. 26, 2017)
- *Murphy III v. JBS S.A.*, 1:17-cv-03084-ILG-RER (E.D.N.Y. Oct. 10, 2017)
- *Goldsmith v. Weibo Corporation*, 2:17-cv-04728-SRC-CLW (D.N.J. Sept. 28, 2017)
- *In re U.S. Steel Consolidated Cases*, Civil Action No. 17-559-CB (W.D. Pa. Aug. 16, 2017)
- *Hinshaw v. Neurotrope, Inc.*, 1:17-cv-03718-LGS (S.D.N.Y. Aug. 10, 2017)
- *Ohren v. Amyris, Inc.*, 3:17-cv-002210-WHO (N.D. Cal. Aug. 8, 2017)
- *Beezley v. Fenix Parts, Inc.*, 2:17-cv-00233 (D.N.J. June 28, 2017)
- *M & M Hart Living Trust v. Global Eagle Entertainment, Inc.*, 2:17-cv-01479 (C.D. Cal. June 26, 2017)
- *Maurer v. Argos Therapeutics, Inc.*, 1:17-cv-00216 (M.D.N.C. June 23, 2017)

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- *Ruedelstei v. U.S. Concrete, Inc.*, 4:17-cv-266 (N.D. Tex. June 22, 2017)
- *In re Aratana Therapeutics, Inc. Sec. Litig.*, 1:17-cv-880 (S.D.N.Y. June 6, 2017)
- *In re Insys Therapeutics, Inc.*, 1:17-cv-1954 (S.D.N.Y. May 31, 2017)
- *Clevlen v. Anthera Pharmaceuticals, Inc.*, 3:17-cv-00715 (N.D. Cal. May 18, 2017)
- *In re Agile Therapeutics, Inc. Sec. Litig.*, 3:17-cv-00119-AET-LHG (D.N.J. May 15, 2017)
- *Roper v. SITO Mobile Ltd.*, 2:17-cv-01106-ES-MAH (D.N.J. May 8, 2017)
- *In re Illumina, Inc. Sec. Litig.*, 3:16-cv-03044-L-KSC (S.D. Cal. Mar. 30, 2017)
- *Michael Gregory v ProNAi*, 1:16-cv-08703-PAE (Mass. Sup. Ct. Feb. 1, 2017)
- *In re PTC Therapeutics, Inc.*, 2:16-cv-01224-KM-MAH (D.N.J. Nov. 14, 2016)
- *Wilbush v. Ambac Financial Group, Inc.*, Civ. No. 1:16-cv-05076 RMB (S.D.N.Y. Oct. 11, 2016)
- *The TransEnterix Investor Group v. TransEnterix, Inc.*, 5:16-cv-00313-D (E.D.N.C. Aug. 30, 2016)
- *Gormley v. magicJack VocalTec Ltd.*, 1:16-cv-01869-VM (S.D.N.Y. July 12, 2016)
- *Azar v. Blount Int'l Inc.*, Civ. No. 3:16-cv-00483-SI (D. Or. July 1, 2016)
- *Plumley v. Sempra Energy*, 3:16-cv-00512-BEN-RBB (S.D. Cal. June 6, 2016)
- *Francisco v. Abengoa, S.A.*, 1:15-cv-06279-ER (S.D.N.Y. May 24, 2016)
- *Harrington v. Tetrphase Pharmaceuticals, Inc.*, Civ. No. 1:16-cv-10133-LTS (D. Mass. May 13, 2016)
- *De Vito v. Liquid Holdings Group, Inc.*, 2:15-cv-06969-KM-JBC (D.N.J. Apr. 7, 2016)
- *In re OvaScience Inc. Stockholder Litig.*, C.A. No. 15-3087-BLS2 (Mass. Super. Ct. Apr. 2, 2016)
- *Ford v. Natural Health Trends Corp.*, 2:16-cv-00255-TJH-AFM (C.D. Cal. Mar. 29, 2016)
- *Levin v. Resource Capital Corp.*, 1:15-cv-07081-LLS (S.D.N.Y. Nov. 24, 2015)
- *Martin v. Altisource Residential Corp.*, 1:15-cv-00024 (D.V.I. Oct. 7, 2015)
- *Paggos v. Resonant, Inc.*, 2:15-cv-01970 SJO (VBKx) (C.D. Cal. Aug. 7, 2015)
- *Fragala v. 500.com Ltd.*, 2:15-cv-01463-MMM (C.D. Cal. July 7, 2015)
- *Stevens v. Quiksilver Inc.*, 8:15-cv-00516-JVS-JCGx. (C.D. Cal. June 26, 2015)
- *In re Ocean Power Technologies, Inc. Sec. Litig.*, 14-3799 (FLW) (LHG) (D.N.J. Mar. 17, 2015)
- *In re Energy Recovery Inc. Sec. Litig.*, 3:15-cv-00265 (N.D. Cal. Jan. 20, 2015)
- *Klein v. TD Ameritrade Holding Corp.*, 3:14-cv-05738 (D. Neb. Dec. 2, 2014)
- *In re China Commercial Credit Sec. Litig.*, 1:15-cv-00557 (ALC) (D.N.J. Oct. 31, 2014)
- *In re Violin Memory, Inc. Sec. Litig.*, 4:13-cv-05486-YGR (N.D. Cal. Feb. 26, 2014)
- *Berry v. Klor, Inc.*, 4:13-cv-02443 (S.D. Tex. Nov. 25, 2013)
- *In re OCZ Technology Group, Inc. Sec. Litig.*, 3:12-cv-05265-RS (N.D. Cal. Jan. 4, 2013)
- *In re Digital Domain Media Group, Inc. Sec. Litig.*, 12-CIV-14333 (JEM) (S.D. Fla. Sept. 20, 2012)
- *Zaghian v. THQ, Inc.*, 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

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Derivative, Corporate Governance & Executive Compensation

We protect shareholders by enforcing the obligations of corporate fiduciaries. We are a leader in achieving important corporate governance reforms for the benefit of shareholders. Our efforts include the prosecution of derivative actions in courts around the country, making pre-litigation demands on corporate boards to investigate misconduct and taking remedial action for the benefit of shareholders. In situations where a company's board responds to a demand by commencing its own investigation, we frequently work with the board's counsel to assist with and monitor the investigation, ensuring that the investigation is thorough and conducted in an appropriate manner.

We also have successfully prosecuted derivative and class action cases to hold corporate executives and board members accountable for various abuses and to help preserve corporate assets through long-lasting and meaningful corporate governance changes, thus ensuring that prior misconduct does not reoccur. We have extensive experience challenging executive compensation, recapturing assets for the benefit of companies and their shareholders. In addition, we have secured corporate governance changes to ensure that executive compensation is consistent with shareholder-approved compensation plans, company performance, and federal securities laws.

In *In re Google Inc. Class C Shareholder Litigation*, C.A. No. 7469-CS (Del. Ch.), we challenged a stock recapitalization transaction to create a new class of nonvoting shares and strengthen the corporate control of the Google founders. We helped achieve an agreement that provided an adjustment payment to existing shareholders harmed by the transaction as well as providing enhanced board scrutiny of the Google founders' ability to transfer stock. Ultimately, Google's shareholders received payments of \$522 million and total net benefits estimated as exceeding \$3 billion.

In *In re Activision, Inc. Shareholder Derivative Litigation*, No. 06-cv-04771-MRP (JTLX) (C.D. Cal.), we were Co-Lead Counsel and challenged executive compensation related to the dating of options. This effort resulted in the recovery of more than \$24 million in excessive compensation and expenses, as well as the implementation of substantial corporate governance changes.

In *Pfeiffer v. Toll* (Toll Brothers Derivative Litigation), C.A. No. 4140-VCL (Del. Ch.), we prevailed in defeating defendants' motion to dismiss in a case seeking disgorgement of profits that company insiders reaped through a pattern of insider-trading. After extensive discovery, we secured a settlement returning \$16.25 million in cash to the company, including a significant contribution from the individuals who traded on inside information.

In *Rux v. Meyer*, C.A. No. 11577-CB (Del. Ch.), we challenged the re-purchase by Sirius XM of its stock from its controlling stockholder, Liberty Media, at an inflated, above-market price. After defeating a motion to dismiss and discovery, we obtained a settlement where SiriusXM recovered \$8.25 million, a substantial percentage of its over-payment.

In *In re EZCorp Inc. Consulting Agreement Derivative Litig.*, C.A. 9962-VCL, (Del. Ch.), we challenged lucrative consulting agreements between EZCorp and its controlling stockholders. After surviving multiple motions to dismiss, we obtained a settlement where EZCorp was repaid \$6.5 million it had paid in consulting fees, or approximately 33% of the total at issue and the consulting agreements were discontinued.

In *Scherer v. Lu*, (Diodes Incorporated), No. 13-358-GMS, 2014 U.S. Dist. LEXIS 196440 (D. Del.), we secured the cancellation of \$4.9 million worth of stock options granted to the company's CEO in violation of a shareholder-approved plan, and obtained additional disclosures to enable shareholders to cast a fully-informed vote on the adoption of a new compensation plan at the company's annual meeting.

In *MacCormack v. Groupon, Inc.*, C.A. No. 13-940-GMS (D. Del.), we caused the cancellation of \$2.3 million

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worth of restricted stock units granted to a company executive in violation of a shareholder-approved plan, as well as the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan; we also obtained additional material disclosures to shareholders in connection with a shareholder vote on amendments to the plan.

In *Edwards v. Benson*, (Headwaters Incorporated), (D. Utah), we caused the cancellation of \$3.2 million worth of stock appreciation rights granted to the company's CEO in violation of a shareholder-approved plan and the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan.

In *Pfeiffer v. Begley*, (DeVry, Inc.), (Cir. Ct. DuPage Cty., Ill.), we secured the cancellation of \$2.1 million worth of stock options granted to the company's CEO in 2008-2012 in violation of a shareholder-approved incentive plan.

In *Basch v. Healy* (D. Del.), we obtained a cash payment to the company to compensate for equity awards issued to officers in violation of the company's compensation plan and caused significant changes in the company's compensation policies and procedures designed to ensure that future compensation decisions are made consistent with the company's plans, charters and policies. We also impacted the board's creation of a new compensation plan and obtained additional disclosures to stockholders concerning the board's administration of the company's plan and the excess compensation.

In *Kleba v. Dees*, C.A. 3-1-13 (Tenn. Cir. Ct. Knox Cty.), we recovered approximately \$9 million in excess compensation given to insiders and the cancellation of millions of shares of stock options issued in violation of a shareholder-approved compensation plan. In addition, we obtained the adoption of formal corporate governance procedures designed to ensure that future compensation decisions are made independently and consistent with the plan.

In *Lopez v. Nudelman*, (CTI BioPharma Corp.), 14-2-18941-9 SEA (Wash. Super. Ct. King Cnty.), we recovered approximately \$3.5 million in excess compensation given to directors and obtained the adoption of a cap on director compensation, as well as other formal corporate governance procedures designed to implement best practices with regard to director and executive compensation.

In *In re i2 Technologies, Inc. Shareholder Litigation*, C.A. No. 4003-CC (Del. Ch.), as Counsel for the Lead Plaintiff, we challenged the fairness of certain asset sales made by the company and secured a \$4 million recovery.

In *In re Corinthian Colleges, Inc. Shareholder Derivative Litigation*, 8:06cv777-AHS (C.D. Cal.), we were Co-Lead Counsel and achieved a \$2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

In *Pfeiffer v. Alpert* (*Beazer Homes Derivative Litigation*), C.A. No. 10-cv-1063-PD (D. Del.), we successfully challenged certain aspects of the company's executive compensation structure, ultimately forcing the company to improve its compensation practices.

In *In re Cincinnati Bell, Inc., Derivative Litigation*, Case No. A1105305 (Ohio, Hamilton Cty.), we achieved significant corporate governance changes and enhancements related to the company's compensation policies and practices in order to better align executive compensation with company performance. Reforms included the formation of an entirely independent compensation committee with staggered terms and term limits for service.

In *Woodford v. Mizel* (*M.D.C. Holdings, Inc.*), 1:2011cv00879 (D. Del.), we challenged excessive executive compensation, ultimately obtaining millions of dollars in reductions of that compensation, as well as corporate governance enhancements designed to implement best practices with regard to executive compensation and increased shareholder input.

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In *In re Restoration Robotics, Inc. Sec. Litig.*, 5:18-cv-03712-EJD (N.D. Cal. 2018), the Firm is sole Lead Counsel and has prevailed on a Motion to Dismiss. The class action is in the early stages of discovery and shareholders stand to recover damages in connection with an Initial Public Offering.

In *Stein v. U.S. Xpress Enterprises, Inc., et al.*, 1:19-cv-98-HSM (E.D. Tenn. Jul. 18, 2020) the Firm is sole Lead Counsel and has prevailed on a Motion to Dismiss. The class action is in the early stages of discovery and shareholders stand to recover damages in connection with an Initial Public Offering.

Mergers & Acquisitions

We have achieved an impressive record in obtaining injunctive relief for shareholders and are one of the premier law firms engaged in mergers & acquisitions and takeover litigation, where we strive to maximize shareholder value. In these cases, we regularly fight to obtain settlements that enable the submission of competing buyout bid proposals, thereby increasing consideration for shareholders.

We have litigated landmark cases that have altered the landscape of mergers & acquisitions law and resulted in multi-million dollar awards to aggrieved shareholders.

In *In re CNX Gas Corp. Shareholder Litigation*, 4 A.3d 397 (Del. Ch. 2010), as Plaintiffs' Executive Committee Counsel, we obtained a landmark ruling from the Delaware Chancery Court that set forth a unified standard for assessing the rights of shareholders in the context of freeze-out transactions and ultimately led to a common fund recovery of over \$42.7 million for the company's shareholders.

In *Chen v. Howard-Anderson*, C.A. No 5878-VCL (Del. Ch. 2010), we represented shareholders in challenging the merger between Occam Networks, Inc. and Calix, Inc., obtaining a preliminary injunction against the merger after showing that the proxy statement by which the shareholders were solicited to vote for the merger was materially false and misleading. Post-closing, we took the case to trial and recovered an additional \$35 million for the shareholders.

In *In re Sauer-Danfoss Stockholder Litig.*, C.A. No. 8396 (Del. Ch.), as one of plaintiffs' co-lead counsel, we recovered a \$10 million common fund settlement in connection with a controlling stockholder merger transaction.

In *In re Yongye International, Inc. Shareholders' Litigation*, Consolidated Case No.: A-12-670468-B (District Court, Clark County, Nevada), as one of plaintiffs' co-lead counsel, we recovered a \$6 million common fund settlement in connection with a management-led buyout of minority stockholders in a China-based company incorporated under Nevada law.

In *In re Great Wolf Resorts, Inc. Shareholder Litigation*, C.A. No. 7328-VCN (Del. Ch. 2012), we achieved tremendous results for shareholders, including partial responsibility for a \$93 million (57%) increase in merger consideration and the waiver of several "don't-ask-don't-waive" standstill agreements that were restricting certain potential bidders from making a topping bid for the company.

In *In re Talecris Biotherapeutics Holdings Shareholder Litigation*, C.A. No. 5614-VCL (Del. Ch. 2010), we served as counsel for one of the Lead Plaintiffs, achieving a settlement that increased the merger consideration to Talecris shareholders by an additional 500,000 shares of the acquiring company's stock and providing shareholders with appraisal rights.

In *In re Minerva Group LP v. Mod-Pac Corp.*, Index No. 800621/2013 (N.Y. Sup. Ct. Erie Cty. 2013), we obtained a settlement in which defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share, representing a recovery of \$2.4 million for shareholders.

In *Stephen J. Dannis v. J.D. Nichols*, C.A. No. 13-CI-00452 (Ky. Cir. Ct. Jefferson Cty. 2014), as Co-Lead Counsel, we obtained a 23% increase in the merger consideration (from \$7.50 to \$9.25 per unit) for shareholders of NTS Realty Holdings Limited Partnership. The total benefit of \$7.4 million was achieved after

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two years of hard-fought litigation, challenging the fairness of the going-private, squeeze-out merger by NTS's controlling unitholder and Chairman, Defendant Jack Nichols. The unitholders bringing the action alleged that Nichols' proposed transaction grossly undervalued NTS's units. The 23% increase in consideration was a remarkable result given that on October 18, 2013, the Special Committee appointed by the Board of Directors had terminated the existing merger agreement with Nichols. Through counsel's tenacious efforts the transaction was resurrected and improved.

In *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. 2012), Vice Chancellor Sam Glasscock, III of the Delaware Chancery Court partially granted shareholders' motion for preliminary injunction and ordered that defendants correct a material misrepresentation in the proxy statement related to the acquisition of Parlux Fragrances, Inc. by Perfumania Holding, Inc.

In *Forgo v. Health Grades, Inc.*, C.A. No. 5716-VCS (Del. Ch. 2010), as Co-Lead Counsel, our attorneys established that defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required under *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). We secured an agreement with defendants to take numerous steps to seek a superior offer for the company, including making key modifications to the merger agreement, creating an independent committee to evaluate potential offers, extending the tender offer period, and issuing a "Fort Howard" release affirmatively stating that the company would participate in good faith discussions with any party making a bona fide acquisition proposal.

In *In re Pamrapo Bancorp Shareholder Litigation*, Docket C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), we defeated defendants' motion to dismiss shareholders' class action claims for money damages arising from the sale of Pamrapo Bancorp to BCB Bancorp at an allegedly unfair price through an unfair process. We then survived a motion for summary judgment, ultimately securing a settlement recovering \$1.95 million for the Class plus the Class's legal fees and expenses up to \$1 million (representing an increase in consideration of 15-23% for the members of the Class). The case.

In *In re Complete Genomics, Inc. Shareholder Litigation*, C.A. No. 7888-VCL (Del. Ch. 2012), we obtained preliminary injunctions of corporate merger and acquisition transactions, and Plaintiffs successfully enjoined a "don't-ask-don't-waive" standstill agreement.

In *In re Integrated Silicon Solution, Inc. Stockholder Litigation*, Lead Case No. 115CV279142 (Super. Ct. Santa Clara, CA 2015), we won an injunction requiring corrective disclosures concerning "don't-ask-don't-waive" standstill agreements and certain financial advisor conflicts of interests, and contributed to the integrity of a post-agreement bidding contest that led to an increase in consideration from \$19.25 to \$23 per share, a bump of almost 25 percent.

In *In re Bluegreen Corp. Shareholder Litigation*, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cty., FL), as Co-Lead Counsel, we achieved a common fund recovery of \$36.5 million for minority shareholders in connection with a management-led buyout, increasing gross consideration to shareholders in connection with the transaction by 25% after three years of intense litigation.

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Consumer Litigation

Levi & Korsinsky works hard to protect consumers by holding corporations accountable for defective products, false and misleading advertising, unfair or deceptive business practices, antitrust violations, and privacy right violations.

Our litigation and class action expertise combined with our in-depth understanding of federal and state laws enable us to fight for consumers who have been aggrieved by deceptive and unfair business practices and who purchased defective products, including automobiles, appliances, electronic goods, and other consumer products. The Firm also represents consumers in cases involving data breaches and privacy right violations. The Firm's attorneys have received a number of leadership appointments in consumer class action cases, including multidistrict litigation ("MDL"). Recently, Law.com identified the Firm as one of the top firms with MDL leadership appointments in the article titled, "There Are New Faces Leading MDLs. And They Aren't All Men" (July 6, 2020). Representative settled and ongoing cases include:

In NV Security, Inc. v. Fluke Networks, Case No. CV05-4217 GW (SSx) (C.D. Cal. 2005), we negotiated a settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery. We benefited the consumer class by obtaining the following relief: free repair of the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

In Re: Apple Inc. Device Performance Litig., Case No. 5:18-md-02827-EJD (N.D. Cal.): Plaintiffs' Executive Committee Counsel in proposed nationwide class action alleging that Apple purposefully throttled iPhone; Apple has agreed to pay up to \$500 million in cash (proposed settlement pending).

In Re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig., Case No. 3:18-md-02828 (D. Or.): Co-Lead Interim Class Counsel in proposed nationwide class action alleging that Intel manufactured and sold defective central processing units that allowed unauthorized access to consumer stored confidential information.

In Re: ZF-TRW Airbag Control Units Products Liability Litig., Case No. 2:19-mi-02905-JAK-FFM (C.D. Cal.): Plaintiffs' Steering Committee Counsel in proposed nationwide class action alleging that defendant auto manufacturers sold vehicles with defective airbags.

In Re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litig., Case No. 17-md-02785 (D. Kan.): Plaintiffs' Executive Committee Counsel in action alleging that Mylan and Pfizer violated antitrust laws and committed other violations relating to the sale of EpiPens. Nationwide class and multi-state classes certified.

Sung, et al. v. Schurman Retail Group, Case No. 17-cv-02760-LB (N.D. Cal.): Co-Lead Class Counsel in nationwide class action alleging unauthorized disclosure of employee financial information; obtained final approval of nationwide class action settlement providing credit monitoring and identity theft restoration services through 2022 and cash payments of up to \$400.

Scott, et al. v. JPMorgan Chase Bank, N.A., Case No. 1:17-cv-00249 (D.D.C.): Co-Lead Class Counsel in nationwide class action settlement of claims alleging improper fees deducted from payments awarded to jurors; 100% direct refund of improper fees collected.

In Re: Citrix Data Breach Litig., Case No. 19-cv-61350-RKA (S.D. Fla.): Interim Class Counsel in action alleging company failed to implement reasonable security measures to protect employee financial information; common fund settlement of \$2.25 million pending.

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NV Security, Inc. v. Fluke Networks, Case No. CV05-4217 GW (SSx) (C.D. Cal. 2005): Settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery; benefits included free repair of the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

Bustos v. Vonage America, Inc., Case No. 06 Civ. 2308 (HAA) (D.N.J. 2006): Common fund settlement of \$1.75 million on behalf of class members who purchased Vonage Fax Service in an action alleging that Vonage made false and misleading statements in the marketing, advertising, and sale of Vonage Fax Service by failing to inform consumers that the protocol defendant used for the Vonage Fax Service was unreliable and unsuitable for facsimile communications.

Masterson v. Canon U.S.A., Case No. BC340740 (Cal. Super. Ct. L.A. Cty. 2006): Settlement providing refunds to Cannon SD camera purchasers for certain broken LCD repair charges and important changes to the product warranty.

“The quality of the representation... has been extremely high, not just in terms of the favorable outcome in terms of the substance of the settlement, but in terms of the diligence and the hard work that has gone into producing that outcome.”

The Honorable Joseph F. Bianco, in *Landes v. Sony Mobile Communications*,
17-cv-02264-JFB-SIL (E.D.N.Y. Dec. 1, 2017)

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OUR ATTORNEYS

Managing Partners

Eduard Korsinsky

For more than 20 years Eduard Korsinsky has represented clients in securities cases, derivative actions, consumer fraud, and complex commercial matters. He has been named a New York “Super Lawyer” by Thomson Reuters and is recognized as one of the country’s leading practitioners in class and derivative matters. Mr. Korsinsky also has served as an editor of the American Bar Association’s Securities Litigation Section’s newsletter and is a member of the American Bar Association’s Derivative Suits Subcommittee.

Cases which he has litigated include:

- *E-Trade Financial Corp. Sec. Litig.*, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery
- *In re Activision, Inc. S’holder Derivative Litig.*, No. 06-cv-04771-MRP (JTLX)(C.D. Cal. 2006), recovered \$24 million in excess compensation
- *Corinthian Colleges, Inc., S’holder Derivative Litig.*, SACV-06-0777-AHS (C.D. Cal. 2009), obtained re-pricing of executive stock options providing more than \$2 million in benefits to the company
- *Pfeiffer v. Toll, C.A. No. 4140-VCL* (Del. Ch. 2010), \$16.25 million in insider trading profits recovered
- *In re Net2Phone, Inc. S’holder Litig.*, Case No. 1467-N (Del. Ch. 2005), obtained increase in tender offer price from \$1.70 per share to \$2.05 per share
- *In re Pamrapo Bancorp S’holder Litig.*, C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), obtained supplemental disclosures following the filing of a motion for preliminary injunction, pursued case post-closing, defeated motion for summary judgment, and obtained an increase in consideration of between 15-23% for the members of the Class
- *In re Google Inc. Class C S’holder Litig.*, C.A. No. 19786 (Del. Ch. 2012), obtained payment ladder indemnifying investors up to \$8 billion in losses stemming from trading discounts expected to affect the new stock
- *Woodford v. M.D.C. Holdings, Inc.*, 1:2011cv00879 (D. Del. 2012), one of a few successful challenges to say on pay voting, recovered millions of dollars in reductions to compensation
- *i2 Technologies, Inc. S’holder Litig.*, C.A. No. 4003-CC (Del. Ch. 2008), \$4 million recovered, challenging fairness of certain asset sales made by the company
- *Pfeiffer v. Alpert (Beazer Homes)*, C.A. No. 10-cv-1063-PD (D. Del. 2011), obtained substantial revisions to an unlawful executive compensation structure
- *In re NCS Healthcare, Inc. Sec. Litig.*, C.A. CA 19786, (Del. Ch. 2002), case settled for approximately \$100 million
- *Paraschos v. YBM Magnex Int’l, Inc.*, No. 98-CV-6444 (E.D. Pa.), United States and Canadian cases settled for \$85 million Canadian

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Education

- New York University School of Law, LL.M. Master of Law(s) Taxation (1997)
- Brooklyn Law School, J.D. (1995)
- Brooklyn College, B.S., Accounting, *summa cum laude* (1992)

Admissions

- New York (1996)
- New Jersey (1996)
- United States District Court for the Southern District of New York (1998)
- United States District Court for the Eastern District of New York (1998)
- United States Court of Appeals for the Second Circuit (2006)
- United States Court of Appeals for the Third Circuit (2010)
- United States District Court for the Northern District of New York (2011)
- United States District Court of New Jersey (2012)
- United States Court of Appeals for the Sixth Circuit (2013)

Publications

- Delaware Court Dismisses Compensation Case Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- SDNY Questions SEC Settlement Practices in Citigroup Settlement, ABA Section of Securities Litigation News & Developments (Nov. 7, 2011)
- New York Court Dismisses Shareholder Suit Against Goldman Sachs, ABA Section of Securities Litigation News & Developments (Oct. 31, 2011)

Joseph E. Levi

Joseph E. Levi is a central figure in shaping and managing the Firm's securities litigation practice. Mr. Levi has been lead or co-lead in dozens of cases involving the enforcement of shareholder rights in the context of mergers & acquisitions and securities fraud. In addition to his involvement in class action litigation, he has represented numerous patent holders in enforcing their patent rights in areas including computer hardware, software, communications, and information processing, and has been instrumental in obtaining substantial awards and settlements.

Mr. Levi and the attorneys achieved success on behalf of the former shareholders of Occam Networks, Inc. in litigation challenging the Company's merger with Calix, Inc., obtaining a preliminary injunction against the merger due to material representations and omissions in the proxy statement by which the shareholders were solicited to vote. See *Chen v. Howard-Anderson*, No. 5878-VCL (Del. Ch. Jan. 24, 2011). Vigorous litigation efforts continued to trial, recovering \$35 million for the shareholders.

Another victory for Mr. Levi and the attorneys was in litigation challenging the acquisition of Health Grades, Inc. by affiliates of Vestar Capital Partners, L.P., where it was successfully demonstrated to the Delaware Court of Chancery that the defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required by *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). See *Weigard v. Hicks*, No. 5732-VCS (Del. Ch. Sept. 3, 2010). This ruling was used to reach a favorable settlement in which defendants agreed to a host of measures designed to

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increase the likelihood of superior bid. Vice Chancellor Strine “applaud[ed]” the litigation team for their preparation and the extraordinary high-quality of the briefing. He and the attorneys also played a prominent role in the matter of *In re CNX Gas Corp. Shareholders Litigation*, C.A. No. 5377-VCL (Del. Ch. 2010), in which plaintiffs recovered a common fund of over \$42.7 million for stockholders.

Education

- Brooklyn Law School, J.D., magna cum laude (1995)
- Polytechnic University, B.S., summa cum laude (1984); M.S. (1986)

Admissions

- New York (1996)
- New Jersey (1996)
- United States Patent and Trademark Office (1997)
- United States District Court for the Southern District of New York (1997)
- United States District Court for the Eastern District of New York (1997)

“[The court] appreciated very much the quality of the argument..., the obvious preparation that went into it, and the ability of counsel...”

Vice Chancellor Sam Glasscock, III in *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. Apr. 5, 2012)

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Partners

Nicholas I. Porritt

Nicholas Porritt prosecutes securities class actions, shareholder class actions, derivative actions, and mergers and acquisitions litigation. He has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. Mr. Porritt has helped recover hundreds of millions of dollars on behalf of shareholders. He was one of the Lead Counsel in *In re Google Inc. Class C Shareholder Litigation*, C.A. No. 7469-CS (Del. Ch.) that resulted in a payment of \$522 million to shareholders and overall benefit of over \$3 billion to Google's minority shareholders. He was one of the lead counsel in *Chen v. Howard-Anderson*, No. 5878-VCL (Del. Ch.) that settled during trial resulting in a \$35 million payment to the former shareholders of Occam Networks, Inc., one of the largest quasi-appraisal recoveries for shareholders. Amongst other cases, he is currently lead counsel in *In re Tesla, Inc. Securities Litigation*, No. 3:18-cv-04865-EMC (N.D. Cal.), representing Tesla investors who were harmed by Elon Musk's "funding secured" tweet from August 7, 2018 as well as lead counsel in *Ford v. TD Ameritrade Holding Corp.*, No. 14-cv-396 (D. Neb.), representing TD Ameritrade customers harmed by its improper routing of their orders. Both cases involve over \$1 billion in estimated damages.

Some of Mr. Porritt's recent cases include:

- *In re Bridgestone Inv. Corp.*, 789 Fed. App'x 13 (9th Cir. 2019)
- *Zaghian v. Farrell*, 675 Fed. Appx. 718, (9th Cir. 2017)
- *SEC v. Cuban*, 620 F.3d 551 (5th Cir. 2010)
- *Cozzarelli v. Inspire Pharmaceuticals, Inc.*, 549 F.3d 618 (4th Cir. 2008)
- *Teachers' Retirement System of Louisiana v. Hunter*, 477 F.3d 162 (4th Cir. 2007)
- *In re Tesla, Inc. Sec. Litig.*, 2020 WL 1873441 (N.D. Cal. Apr. 15, 2020)
- *In re Navient Corp. Sec. Litig.*, 2019 WL 7288881 (D.N.J. Dec. 30, 2019)
- *In re Clovis Oncology, Inc. Deriv. Litig.*, 2019 WL 4850188 (Del. Ch. Oct. 1, 2019)
- *Martin v. Altisource Residential Corp.*, 2019 WL 2762923 (D.V.I. July 2, 2019)
- *Klein v. TD Ameritrade Holding Corp.*, 327 F.R.D. 283 (D. Neb. 2018)
- *Beezley v. Fenix Parts, Inc.*, 2018 WL 3454490 (N.D. Ill. July 13, 2018)
- *In re PTC Therapeutics Sec. Litig.*, 2017 WL 3705801 (D.N.J. Aug. 28, 2017)
- *Gormley v. magicJack VocalTec Ltd.*, 220 F. Supp. 3d 510 (S.D.N.Y. 2016)
- *Carlton v. Cannon*, 184 F. Supp. 3d 428 (S.D. Tex. 2016)
- *Zola v. TD Ameritrade, Inc.*, 172 F. Supp. 3d 1055 (D. Neb. 2016)
- *In re Energy Recovery Sec. Litig.*, 2016 WL 324150 (N.D. Cal. Jan. 27, 2016)
- *In re EZCorp Inc. Consulting Agreement Deriv. Litig.*, 2016 WL 301245 (Del. Ch. Jan. 25, 2016)
- *In re Violin Memory Sec. Litig.*, 2014 WL 5525946 (N.D. Cal. Oct. 31, 2014)
- *Garnitschnig v. Horovitz*, 48 F. Supp. 3d 820 (D. Md. 2014)

Mr. Porritt was selected by Lawdragon as one of the 500 leading plaintiff lawyers in financial litigation and was selected to the 2020 DC Super Lawyers list published by Thomson Reuters.

Mr. Porritt speaks frequently on current topics relating to securities laws and derivative actions, including presentations on behalf of the Council for Institutional Investors, Nasdaq, and the Practising Law Institute. He currently serves as co-chair of the American Bar Association Sub-Committee on Derivative Actions.

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Before joining the Firm, Mr. Porritt practiced as a partner at Akin Gump Strauss Hauer & Feld LLP and prior to that was a partner at Wilson Sonsini Goodrich & Rosati PC. Mr. Porritt formerly practiced as a Barrister and Solicitor in Wellington, New Zealand and is a Solicitor of the Senior Courts of England & Wales.

Education

- University of Chicago Law School, J.D., With Honors (1996)
- University of Chicago Law School, LL.M. (1993)
- Victoria University of Wellington, LL.B. (Hons.), With First Class Honors, Senior Scholarship (1990)

Admissions

- New York (1997)
- District of Columbia (1998)
- United States District Court for the District of Columbia (1999)
- United States District Court for the Southern District of New York (2004)
- United States Court of Appeals for the Fourth Circuit (2004)
- United States Court of Appeals for the District of Columbia Circuit (2006)
- United States Supreme Court (2006)
- United States District Court for the District of Maryland (2007)
- United States District Court for the Eastern District of New York (2012)
- United States Court of Appeals for the Second Circuit (2014)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States Court of Appeals for the Eleventh Circuit (2017)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2019)

Publications

- “Current Trends in Securities Litigation: How Companies and Counsel Should Respond,” *Inside the Minds Recent Developments in Securities Law* (Aspatore Press 2010)

Rosemary M. Rivas

The Firm’s Consumer Litigation Group is led by Rosemary M. Rivas, who manages the Firm’s San Francisco office. She has dedicated her legal career to representing consumers in complex, class action litigation in various areas including defective products and automobiles, data breach and privacy rights, false and misleading advertising, and unfair business practices, among others. Ms. Rivas has been influential in recovering millions of dollars and changes to corporate practices on behalf of consumers. In a highly competitive application process, Judge Charles R. Breyer appointed Ms. Rivas to the Plaintiffs’ Steering Committee in *In re: Volkswagen “Clean Diesel” MDL*, Case No. 15-MDL-2672-CRB (JSC), which resulted in unprecedented settlements exceeding \$15 billion dollars.

Currently, Ms. Rivas is Co-Lead Counsel in the action titled *Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig.*, Case No. 3:18-md-02828-SI, involving allegations that Intel sold CPUs that were

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defective and allowed unauthorized access to confidential information. Ms. Rivas is also currently a member of the Plaintiffs' Steering Committee in the action titled *In re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litig.*, Case No. 2:17-md-02785 (D. Kan.) involving unlawful monopoly claims in the market for epinephrine injection pens.

Ms. Rivas' work has resulted in important monetary and injunctive settlements in a number of class action cases, such as:

- *Sung v. Schuman Fine Papers*, Case No. 17-cv-02760 (N.D. Cal.) (Co-Lead Class Counsel): nationwide class action settlement of claims for unauthorized disclosure of W2s; eligible class members could recover up to \$500 and implementation of training and changes to practices for the protection of employee personal and financial information
- *Scott v. JPMorgan Chase Bank, N.A.*, Case No. 1:17-cv-00249 (D.D.C.) (Co-Lead Class Counsel): nationwide class action settlement of claims alleging improper fees to payments awarded to jurors; 100% direct refund of improper fees collected
- *Lilly v. ConAgra Foods*, 743 F.3d 662 (9th Cir. 2014) (Class Counsel): claims that food manufacturer violated food regulations by failing to list total sodium on salt of sunflower seeds product were not preempted by federal law; class action injunctive relief settlement for change in product labels
- *Petersen v. CJ America, Inc.*, Case No. 3:14-cv-02570 (S.D. Cal.) (Co-Lead Class Counsel): nationwide class action involving false advertising claims; \$1.5 million common fund and changes to product labeling
- *Lilly v. Jamba Juice*, Case No. 13-cv-02998 (N.D. Cal.) (Co-Lead Class Counsel): class action injunctive relief settlement; change in product labels
- *In re Carrier IQ, Inc., Consumer Privacy Litig.*, Case No. 3:12-md-02330 (N.D. Cal.) (Executive Committee): nationwide class action settlement involving data privacy; \$9 million settlement and changes to corporate practices
- *Pappas v. Naked Juice*, Case No. 2:11-cv-08276 (C.D. Cal.) (Co-Lead Class Counsel): nationwide class action settlement for \$9 million and changes to the company's testing procedures and product labels
- *Garcia v. Allergan, Inc.*, Case No. 09-cv-7088 PSG (C.D. Cal.) (Co-Lead Class Counsel): nationwide class action settlement of false advertising and unfair business practice claims; \$7.75 million settlement and changes to the company's training procedures
- *Rodriguez v. West Publishing Corp.*, 563 F.3d 948 (9th Cir. 2009): nationwide class action settlement of antitrust claims in bar review market; \$49 million and dissolution of allegedly illegal market allocation agreement
- *Lima v. Gateway*, Case No. SACV-09-1366 (C.D. Cal.) (Co-Lead Class Counsel): nationwide class action involving defective monitor; \$195 cash refund for each monitor purchased

She has also been instrumental in obtaining favorable appellate decisions on behalf of consumers in the areas of false advertising, federal preemption, and arbitration, such as:

- *Lilly v. ConAgra Foods, Inc.*, 743 F.3d 662 (9th Cir. 2014)
- *In re Sony PS3 "Other OS" Litig.*, 551 Fed. App. 916 (9th Cir. 2014)

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- *Probst v. Superior Court (Health Net of California)*, 2012 Cal. LEXIS 4476 (Ct. Appeal, 1st Dist., May 9, 2012)

Ms. Rivas is a recipient of the 2018 California Lawyer Attorney of the Year (CLAY) Award. The CLAY award was presented to her by the Daily Journal for her work in the Volkswagen litigation. The CLAY awards are given annually to outstanding California practitioners “whose extraordinary work and cases had a major impact on the law.”

In 2019 Ms. Rivas was selected as a Super Lawyer. From 2009-2011, Ms. Rivas was selected as a Rising Star by Law & Politics Magazine, which recognizes the best lawyers 40 years old or under or in practice for 10 years or less. In 2015, Bay Area Legal Aid presented her with the Guardian of Justice award, for her work achievements in the law and her role in helping direct cy près funds to ensure equal access to the civil justice system. As a recognized leader in consumer class actions, Ms. Rivas is regularly invited to speak at conferences concerning class action litigation, including the following:

- *Class Action Law Forum 2020 – Review of Key Class Action Decisions*, March 2020 (Western Alliance Bank in collaboration with University of San Diego School of Law)
- *Nationwide Settlement Classes – The Impact of the Hyundai/Kia Litigation*, 2018 (National Consumer Law Center’s Consumer Rights Litigation Conference and Class Action Symposium)
- *One Class Action Or 50? Choice of Law Considerations as Potential Impediment to Nationwide Class Action Settlements*, 2018 (5th Annual Western Regional CLE Program on Class Actions and Mass Torts)
- *The Right Approach to Effective Claims*, 2018 (Beard Group - Class Action Money & Ethics)
- *False Advertising Class Actions: A Practitioner’s Guide to Class Certification, Damages and Trial*, 2017 (The Bar Association of San Francisco)
- *Section 17200: The Fertility of Man’s Invention*, 2016 (The Bar Association of San Francisco)
- *Food Labeling and False Advertising Class Actions*, 2015 (The Bar Association of San Francisco)
- *Data Privacy Law 101: U.S. Data Privacy and Security Laws 2015* (The Bar Association of San Francisco)
- *Effective Consumer Privacy Enforcement*, 2011 (Berkeley Law and The Samuelson Law, Technology & Public Policy Clinic)
- *Class Actions: New Developments & Approaches for Strategic Response*, 2013 (American Bar Association)

Previously, Ms. Rivas served as a Board Member and Diversity Director of the Barristers Club of the San Francisco Bar Association. Ms. Rivas is fluent in Spanish.

Education

- University of California, Hastings College of Law, J.D. (2000)
- San Francisco State University, B.A., Political Science (1997)

Admissions

- United States Court of Appeals for the Ninth Circuit (2001)
- United States District Court for the Northern District of California (2001)
- United States District Court for the Central District of California (2002)

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- United States District Court for the Eastern District of California (2005)
- United States District Court for the Southern District of California (2005)

Donald J. Enright

During his 23 years as a litigator and trial lawyer, Mr. Enright has handled matters in the fields of securities, commodities, consumer fraud and commercial litigation, with a particular emphasis on shareholder M&A and securities fraud class action litigation. He has been named as one of the leading financial litigators in the nation by Lawdragon, as a Washington, DC "Super Lawyer" by Thomson Reuters, and as one of the city's "Top Lawyers" by *Washingtonian* magazine.

Mr. Enright has shown a track record of achieving victories in federal trials and appeals, including:

- *Nathenson v. Zonagen, Inc.*, 267 F. 3d 400, 413 (5th Cir. 2001)
- *SEC v. Butler*, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005)
- *Belizan v. Hershon*, 434 F. 3d 579 (D.C. Cir. 2006)

Most recently, as Co-Lead Counsel in *In re Bluegreen Corp. Shareholder Litigation*, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cnty., Fla.), Mr. Enright achieved a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders. Similarly, in *In re CNX Gas Corp. Shareholders Litigation*, C.A. No. 53377-VCL (Del. Ch. 2010), in which Levi & Korsinsky served upon plaintiffs' Executive Committee, Mr. Enright helped obtain the recovery of a common fund of over \$42.7 million for stockholders.

Mr. Enright has also played a leadership role in numerous securities and shareholder class actions from inception to conclusion. Most recently, he has served as lead counsel in several cryptocurrency-related securities class actions. His leadership has produced multi-million-dollar recoveries in shareholder class actions involving such companies as:

- Allied Irish Banks PLC
- Iridium World Communications, Ltd.
- En Pointe Technologies, Inc.
- PriceSmart, Inc.
- Polk Audio, Inc.
- Meade Instruments Corp.
- Xicor, Inc.
- Streamlogic Corp.
- Interbank Funding Corp.
- Riggs National Corp.
- UTStarcom, Inc.
- Manugistics Group, Inc.

Mr. Enright also has a successful track record of obtaining injunctive relief in connection with shareholder M&A litigation, having won preliminary injunctions or other injunctive relief in the cases of:

- *In re Portec Rail Products, Inc. S'holder Litig.*, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- *In re Craftmade International, Inc. S'holder Litig.*, C.A. No. 6950-VCL (Del. Ch. 2011)
- *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. 2012)
- *In re Complete Genomics, Inc. S'holder Litig.*, C.A. No. 7888-VCL (Del. Ch. 2012)

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- *In re Integrated Silicon Solution, Inc. Stockholder Litig.*, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Mr. Enright has also demonstrated considerable success in obtaining deal price increases for shareholders in M&A litigation. As Co-Lead Counsel in the matter of *In re Great Wolf Resorts, Inc. Shareholder Litigation*, C.A. No. 7328-VCN (Del. Ch. 2012), Mr. Enright was partially responsible for a \$93 million (57%) increase in merger consideration and waiver of several “don’t-ask-don’t-waive” standstill agreements that were precluding certain potential bidders from making a topping bid for the company.

Similarly, Mr. Enright served as Co-Lead Counsel in the case of *Berger v. Life Sciences Research, Inc.*, No. SOM-C-12006-09 (NJ Sup. Ct. 2009), which caused a significant increase in the transaction price from \$7.50 to \$8.50 per share, representing additional consideration for shareholders of approximately \$11.5 million.

Mr. Enright also served as Co-Lead Counsel in *Minerva Group, LP v. Keane*, Index No. 800621/2013 (NY Sup. Ct. of Erie Cnty.) and obtained a settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share.

The courts have consistently recognized and praised the quality of Mr. Enright’s work. In *In re Interbank Funding Corp. Securities Litigation* (D.D.C. 02-1490), Judge Bates of the United States District Court for the District of Columbia observed that Mr. Enright had “...skillfully, efficiently, and zealously represented the class, and... worked relentlessly throughout the course of the case.”

Similarly, in *Freeland v. Iridium World Communications, LTD*, (D.D.C. 99-1002), Judge Nanette Laughrey stated that Mr. Enright had done “an outstanding job” in connection with the recovery of \$43.1 million for the shareholder class.

And, in the matter of *Osieczanek v. Thomas Properties Group*, C.A. No. 9029-VCG (Del. Ch. 2013), Vice Chancellor Sam Glasscock of the Chancery Court of Delaware observed that “it’s always a pleasure to have counsel [like Mr. Enright] who are articulate and exuberant in presenting their position,” and that Mr. Enright’s prosecution of a merger case was “wholesome” and served as “a model of . . . plaintiffs’ litigation in the merger arena.”

Education

- George Washington University School of Law, J.D. (1996), where he was a Member Editor of The George Washington University Journal of International Law and Economics from 1994 to 1996
- Drew University, B.A., Political Science and Economics, *cum laude* (1993)

Admissions

- Maryland (1996)
- New Jersey (1996)
- United States District Court for the District of Maryland (1997)
- United States District Court for the District of New Jersey (1997)
- District of Columbia (1999)
- United States Court of Appeals for the Fourth Circuit (1999)
- United States Court of Appeals for the Fifth Circuit (1999)
- United States District Court for the District of Columbia (1999)
- United States Court of Appeals for the District of Columbia (2004)
- United States Court of Appeals for the Second Circuit (2005)
- United States Court of Appeals for the Third Circuit (2006)

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- United States District Court for the District of Colorado (2017)

Publications

- “SEC Enforcement Actions and Investigations in Private and Public Offerings,” Securities: Public and Private Offerings, Second Edition, West Publishing 2007
- “Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?” J. Tax’n & Reg. Fin. Inst. September/October 2007, Page 5

Shannon L. Hopkins

Shannon L. Hopkins manages the Firm’s Connecticut office. She was selected in 2013 as a New York “Super Lawyer” by Thomson Reuters. For more than a decade Ms. Hopkins has been prosecuting a wide range of complex class action matters in securities fraud, mergers and acquisitions, and consumer fraud litigation on behalf of individuals and large institutional clients. Ms. Hopkins has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million dollar settlements on behalf of shareholders, including:

- *In re Force Protection, Inc. S’holder Litig.*, C.A. No. A-11-651336-B (D. Nev. 2015), \$11 million shareholder recovery
- *Craig Telke v. New Frontier Media, Inc.*, C.A. No. 1:12-cv-02941-JLK (D. Co. 2015), \$2.25 million shareholder recovery
- *Shona Investments v. Callisto Pharmaceuticals, Inc.*, C.A. No. 652783/2012 (NY Sup. Ct. 2015), shareholder recovery of \$2.5 million and increase in exchange ratio from 0.1700 to 0.1799
- *E-Trade Financial Corp. S’holder Litig.*, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery for the shareholder class
- *In re Cogent, Inc. S’holder Litig.*, C.A. No. 5780-VCP (Del. Ch. 2010), \$1.9 million shareholder recovery and corrective disclosures relating to the Merger
- *In re CMS Energy Sec. Litig.*, Civil No. 02 CV 72004 (GCS) (E.D. Mich. Sept. 6, 2007), \$200 million recovery
- *In re Sears, Roebuck and Co. Sec. Litig.*, No. 02-cv-07527 (N.D. Ill. Jan. 8, 2007), \$200 million recovery
- *In re El Paso Electric Co. Sec. Litig.*, C.A. No. 3:03-cv-00004-DB (W.D. Tex. Sept. 15, 2005), \$10 million recovery
- *In re Novastar Fin. Sec. Litig.*, 4:04-cv-00330-ODS (W.D. Mo. Apr. 14, 2009), \$7.25 million recovery

The quality of Ms. Hopkin’s work has been noted by courts. In *In re Health Grades, Inc. Shareholder Litigation*, C.A. No. 5716-VCS (Del. Ch. 2010), where Ms. Hopkins was significantly involved with the briefing of the preliminary injunction motion, then Vice Chancellor Strine “applaud[ed]” Co-Lead Counsel for their preparation and the extraordinary high-quality of the briefing.

In addition to her legal practice, Ms. Hopkins is a Certified Public Accountant (1998 Massachusetts). Prior to becoming an attorney, Ms. Hopkins was a senior auditor with PricewaterhouseCoopers LLP, where she led audit engagements for large publicly held companies in a variety of industries.

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Education

- Suffolk University Law School, J.D., magna cum laude (2003), where she served on the Journal for High Technology and as Vice Magister of the Phi Delta Phi International Honors Fraternity
- Bryant University, B.S.B.A., Accounting and Finance, cum laude (1995), where she was elected to the Beta Gamma Sigma Honor Society

Admissions

- Massachusetts (2003)
- United States District Court for the District of Massachusetts (2004)
- New York (2004)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the District of Colorado (2004)
- United States Court of Appeals for the First Circuit (2008)
- United States Court of Appeals for the Third Circuit (2010)
- Connecticut (2013)

Publications

- "Cybercrime Convention: A Positive Beginning to a Long Road Ahead," 2 J. High Tech. L. 101 (2003)

In appointing the Firm Lead Counsel, the Honorable Gary Allen Feess noted our "significant prior experience in securities litigation and complex class actions."

Zaghian v. THQ, Inc., 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)

Gregory Mark Nespole

Gregory Mark Nespole is a Partner of the Firm, having been previously a member of the management committee of one of the oldest firms in New York, as well as chair of that firm's investor protection practice. He specializes in complex class actions, derivative actions, and transactional litigation representing institutional investors such as public and labor pension funds, labor health and welfare benefit funds, and private institutions. Prior to practicing law, Mr. Nespole was a strategist on an arbitrage desk and an associate in a major international investment bank where he worked on structuring private placements and conducting transactional due diligence.

For over twenty years, Mr. Nespole has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million-dollar settlements on behalf of shareholders, including:

- Served as co-chair of a Madoff Related Litigation Task Force that recovered over several hundred million dollars for wronged investors;

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- Obtained a \$90 million award on behalf of a publicly listed company against a global bank arising out of fraudulently marketed auction rated securities;
- Successfully obtained multi-million-dollar securities litigation recoveries and/or corporate governance reforms from Cablevision, JP Morgan, American Pharmaceutical Partners, Sepracor, and MBIA, among many others.

Mr. Nespole's peers have elected him a "Super Lawyer" in the class action field annually since 2009. He is active in his community as a youth sports coach.

Education

- Brooklyn Law School, J.D. (1993)
- Bates College, B.A. (1989)

Admissions

- New York (1994)
- United States District Court for the Southern District of New York (1994)
- United States District Court for the Eastern District of New York (1994)
- United States Court of Appeals for the Second Circuit (1994)
- United States Court of Appeals for the Fourth Circuit (1994)
- United States Court of Appeals for the Fifth Circuit (1994)
- United States District Court for the Northern District of New York (2018)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2020)

Daniel Tepper

Daniel Tepper is a Partner of the Firm with extensive experience in shareholder derivative suits, class actions and complex commercial litigation. Before he joined Levi & Korsinsky, Mr. Tepper was a partner in one of the oldest law firms in New York. He is an active member of the CPLR Committee of the New York State Bar Association and was an early member of its Electronic Discovery Committee. Mr. Tepper was selected as a New York "Super Lawyer" in 2016 – 2019.

Some of the notable matters where Mr. Tepper had a leading role include:

- *Siegmund v. Bian*, Case No. 16-62506 (S.D. Fla.), achieving an estimated recovery of \$29.93 per share on behalf of a class of public shareholders of Linkwell Corp. who were forced to sell their stock at \$0.88 per share.
- *In re Platinum-Beechwood Litigation*, Case No. 18-06658 (S.D.N.Y.), achieved dismissal on behalf of an individual investor in Platinum Partners-affiliated investment fund.
- *Lakatamia Shipping Co. Ltd. v. Nobu Su*, Index No. 654860/2016 (Sup. Ct., N.Y. Co. 2016), achieved dismissal on suit attempting to domesticate a \$40 million UK judgment in New York State.
- *Zelouf Int'l Corp. v. Zelouf*, 45 Misc.3d 1205(A) (Sup.Ct. N.Y. Co., 2014), representing the plaintiff in an appraisal proceeding triggered by freeze-out merger of closely-held corporation. Achieved a

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\$10 million verdict after eleven day trial, with the Court rejecting a discount for lack of marketability.

- *Sacher v. Beacon Assocs. Mgmt. Corp.*, 114 A.D.3d 655 (2d Dep't 2014), affirming denial of defendants' motion to dismiss shareholder derivative suit by Madoff feeder fund against fund's auditor for accounting malpractice.
- *In re Belzberg*, 95 A.D.3d 713 (1st Dep't 2012), compelling a non-signatory to arbitrate brokerage agreement dispute arising under doctrine of direct benefits estoppel.
- *Estate of DeLeo*, Case No. 353758/A (Surrog. Ct., Nassau Co. 2011), achieving a full plaintiff's verdict after a seven day trial which restored a multi-million dollar family business to its rightful owner.
- *CMIA Partners Equity Ltd. v. O'Neill*, 2010 NY Slip Op 52068(U) (Sup. Ct. N.Y. Co., 2010). Representing the independent directors of a Cayman Islands investment fund, won a dismissal on the pleadings in the first New York state case examining shareholder derivative suits under Cayman Islands law.
- *Hecht v. Andover Assocs. Mgmt. Corp.*, 27 Misc 3d 1202(A) (Sup. Ct. Nassau Co., 2010), aff'd, 114 A.D.3d 638 (2d Dep't 2014). Participated in a \$213 million global settlement in the first Madoff-related feeder fund in the country to defeat a motion to dismiss.

Education

- New York University School of Law (JD, 2000)
- The University of Texas at Austin (BA with Honors, 1997), National Merit Scholar

Admissions

- Massachusetts (retired)
- New York (2002)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Western District of New York (2019)

Elizabeth K. Tripodi

Elizabeth K. Tripodi focuses her practice on shareholder M&A litigation, representing shareholders of public companies impacted by mergers, acquisitions, tender offers, and other change-in-control transactions. Ms. Tripodi has been named as a Washington, DC "Super Lawyer" and was selected as a "Rising Star" by Thomson Reuters for several consecutive years.

Ms. Tripodi has played a lead role in obtaining monetary recoveries for shareholders in M&A litigation:

- *In re Bluegreen Corp. S'holder Litig.*, Case No. 502011CA018111 (Circuit Ct. for Palm Beach Cty., FL), creation of a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders
- *In re Cybex International S'holder Litig*, Index No. 653794/2012 (N.Y. Sup. Ct. 2014), recovery of \$1.8 million common fund, which represented an 8% increase in stockholder consideration in connection with management-led cash-out merger
- *In re Great Wolf Resorts, Inc. S'holder Litig*, C.A. No. 7328-VCN (Del. Ch. 2012), where there was a

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\$93 million (57%) increase in merger consideration

- *Minerva Group, LP v. Keane*, Index No. 800621/2013 (N.Y. Sup. Ct. 2013), settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share

Ms. Tripodi has played a key role in obtaining injunctive relief while representing shareholders in connection with M&A litigation, including obtaining preliminary injunctions or other injunctive relief in the following actions:

- *In re Portec Rail Products, Inc. S'holder Litig*, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- *In re Craftmade International, Inc. S'holder Litig*, C.A. No. 6950-VCL (Del. Ch. 2011)
- *Dias v. Purches*, C.A. No. 7199-VCG (Del. Ch. 2012)
- *In re Complete Genomics, Inc. S'holder Litig*, C.A. No. 7888-VCL (Del. Ch. 2012)
- *In re Integrated Silicon Solution, Inc. Stockholder Litig.*, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Prior to joining Levi & Korsinsky, Ms. Tripodi was a member of the litigation team that served as Lead Counsel in, and was responsible for, the successful prosecution of numerous class actions, including: *Rudolph v. UTStarcom* (stock option backdating litigation obtaining a \$9.5 million settlement); *Grecian v. Meade Instruments* (stock option backdating litigation obtaining a \$3.5 million settlement).

Education

- American University Washington College of Law, *cum laude* (2006), where she served as Editor in Chief of the Business Law Brief, was a member of the National Environmental Moot Court team, and interned for Environmental Enforcement Section at the Department of Justice
- Davidson College, B.A., Art History (2000)

Admissions

- Virginia (2006)
- District of Columbia (2008)
- United States District Court for the Eastern District of Virginia (2006)
- United States District Court for the District of Columbia (2010)

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Adam M. Apton

Adam M. Apton focuses his practice on investor protection. He represents institutional investors and high net worth individuals in securities fraud, corporate governance, and shareholder rights litigation. Prior to joining the firm, Mr. Apton defended corporate clients against complex mass tort, commercial, and products liability lawsuits. Thomson Reuters has selected Mr. Apton to the Super Lawyers Washington, DC "Rising Stars" list every year since 2016, a distinction given to only the top 2.5% of lawyers.

Mr. Apton's past representations and successes include:

- *In re Tesla, Inc. Securities Litigation*, No. 3:18-cv-04865-EMC (N.D. Cal.) (lead counsel in class action representing Tesla investors who were harmed by Elon Musk's "funding secured" tweet from August 7, 2018)
- *In re Navient Corp. Securities Litigation*, 17-8373 (RBK/AMD) (D.N.J.) (lead counsel in class action against leading provider of student loans for alleged false and misleading statements about compliance with consumer protection laws)
- *In re Prothena Corporation Plc Securities Litigation*, 1:18-cv-06425-ALC (S.D.N.Y.) (\$15.75 million settlement fund against international drug company for false statements about development of lead biopharmaceutical product)
- *Martin v. Altisource Residential Corporation, et al.*, 15-00024 (AET) (GWC) (D.V.I.) (\$15.5 million settlement fund against residential mortgage company for false statements about compliance with consumer regulations and corporate governance protocols)
- *Levin v. Resource Capital Corp., et al.*, 1:15-cv-07081-LLS (S.D.N.Y.) (\$9.5 million settlement in class action over fraudulent statements about toxic mezzanine loan assets)
- *Rux v. Meyer (Sirius XM Holdings Inc.)*, No. 11577 (Del. Ch.) (recovery of \$8.25 million against SiriusXM's Board of Directors for engaging in harmful related-party transactions with controlling stockholder, John. C. Malone and Liberty Media Corp.)

Education

- New York Law School, J.D., *cum laude* (2009), where he served as Articles Editor of the New York Law School Law Review and interned for the New York State Supreme Court, Commercial Division
- University of Minnesota, B.A., Entrepreneurial Management & Psychology, With Distinction (2006)

Admissions

- New York (2010)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)
- District of Columbia (2013)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States Court of Appeals for the Second Circuit (2016)
- United States Court of Appeals for the Third Circuit (2016)
- California (2017)

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- United States District Court for the Northern District of California (2017)
- United States District Court for the Central District of California (2017)
- United States District Court for the Southern District of California (2017)

Publications

- "Pleading Section 11 Liability for Secondary Offerings" *American Bar Association: Practice Points* (Jan. 4, 2017)
- "Second Circuit Rules in *Indiana Public Retirement System v. SAIC, Inc.*" *American Bar Association: Practice Points* (Apr. 4, 2016)
- "Second Circuit Applies Omnicare to Statements of Opinion in *Sanofi*" *American Bar Association: Practice Points* (Mar. 30, 2016)
- "Second Circuit Rules in *Acticon AG v. China North*" *American Bar Association: Practice Points* (Sept. 14, 2015)

Of Counsel

Andrew E. Lencyk

Andrew E. Lencyk is Of Counsel to the Firm. Prior to joining the Firm, Mr. Lencyk was a partner in an established boutique firm in New York specializing in securities litigation. He was graduated magna cum laude from Fordham College, New York, with a B.A. in Economics and History, where he was a member of the College's Honors Program, and was elected to Phi Beta Kappa. Mr. Lencyk received his J.D. from Fordham University School of Law, where he was a member of the Fordham Urban Law Journal. He was named to the 2013, 2014, 2015, 2016, 2017, 2018 and 2019 Super Lawyers[®], New York Metro Edition.

Mr. Lencyk has co-authored the following articles for the Practising Law Institute's Accountants' Liability Handbooks:

- *Liability in Forecast and Projection Engagements: Impact of Luce v. Edelstein*
- *An Accountant's Duty to Disclose Internal Control Weaknesses*
- *Whistle-blowing: An Accountants' Duty to Disclose A Client's Illegal Acts*
- *Pleading Motions under the Private Securities Litigation Reform Act of 1995*
- *Discovery Issues in Cases Involving Auditors (co-authored and appeared in the 2002 PLI Handbook on Accountants' Liability After Enron.)*

In addition, he co-authored the following article for the Association of the Bar of the City of New York, Corporate & Securities Law Updates:

- *Safe Harbor Provisions for Forward-Looking Statements (co-authored and published by the Association of the Bar of the City of New York, Corporate & Securities Law Updates, Vol. II, May 12, 2000)*

Cases in which Mr. Lencyk actively represented plaintiffs include:

- *In re Community Psychiatric Centers Securities Litigation, SA CV-91-533-AHS (Eex) (C.D. Cal.)* and *McGann v. Ernst & Young, SA CV-93-0814-AHS (Eex) (C.D. Cal.)* (recovery of \$54.5 million against company and its outside auditors)

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-
- *In re Danskin Securities Litigation*, Master File No. 92 CIV. 8753 (JSM) (S.D.N.Y.);
 - *In re JWP Securities Litigation*, Master File No. 92 Civ. 5815 (WCC) (S.D.N.Y.) (class recovery of approximately \$36 million)
 - *In re Porta Systems Securities Litigation*, Master File No. 93 Civ. 1453 (TCP) (E.D.N.Y.);
 - *In re Leslie Fay Cos. Securities Litigation*, No. 92 Civ. 8036 (S.D.N.Y.)(\$35 million recovery)
 - *Berke v. Presstek, Inc.*, Civ. No. 96-347-M (MDL Docket No. 1140) (D.N.H.) (\$22 million recovery)
 - *In re Micro Focus Securities Litigation*, No. C-01-01352-SBA-WDB (N.D. Cal.)
 - *Dusek v. Mattel, Inc., et al.*, CV99-10864 MRP (C.D. Cal.) (\$122 million global settlement)
 - *In re Sonus Networks, Inc. Securities Litigation-II*, No. 06-CV-10040 (MLW) (D. Mass.)
 - *In re AIG ERISA Litigation*, No. 04 Civ. 9387 (JES) (S.D.N.Y.) (\$24.2 million recovery)
 - *In re Mutual Funds Investment Litigation*, MDL No. 1586 (D. Md.)
 - *In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner*, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md.)
 - *In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter*, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md.)
 - *In re AIG ERISA Litigation II*, No. 08 Civ. 5722 (LTS) (S.D.N.Y.) (\$40 million recovery); and
 - *Flynn v. Sientra, Inc.*, CV-15-07548 SJO (RAOx) (C.D. Cal.) (\$10.9 million recovery) (co-lead counsel)
Court decisions in which Mr. Lencyk played an active role on behalf of plaintiffs include:
 - *Pub. Empls' Ret. Sys. of Miss. v. TreeHouse Foods*, 2018 U.S. Dist. LEXIS 22717 (N.D. Ill. Feb. 12, 2018) (denying defendants' motion to dismiss in its entirety)
 - *Flynn v. Sientra, Inc.*, 2016 U.S. Dist. LEXIS 83409 (C.D. Cal. June 9, 2016) (denying in substantial part defendants' motions to dismiss Section 10(b), Section 11 and 12(b)(2) claims), motion for reconsideration denied, slip op. (C.D. Cal. Aug 12, 2016)
 - *In re Principal U.S. Property Account ERISA Litigation*, 274 F.R.D. 649 (S.D. Iowa 2011) (denying defendants' motion to dismiss)
 - *In re AIG ERISA Litigation II*, No. 08 Civ. 5722(LTS), 2011 U.S. Dist. LEXIS 35717 (S.D.N.Y. May 31, 2011) (denying in substantial part defendants' motions to dismiss), renewed motion to dismiss denied, slip op. (S.D.N.Y. June 26, 2014)
 - *In re Mutual Funds Investment Litigation*, 384 F. Supp. 2d 845 (D. Md. 2005) (denying in substantial part defendants' motions to dismiss), *In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner*, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md. Nov. 3, 2005) (denying in substantial part defendants' motions to dismiss), and *In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter*, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md. June 27, 2008) (same)
 - *In re AIG ERISA Litigation*, No. 04 Civ. 9387 (JES) (S.D.N.Y. Dec. 12, 2006) (denying defendants' motions to dismiss in their entirety)
 - *Dusek v. Mattel, Inc., et al.*, CV99-10864 MRP (C.D. Cal. Dec. 17, 2001) (denying defendants' motions to dismiss Section 14(a) complaint in their entirety)
-

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- *In re Micro Focus Sec. Litig.*, Case No. C-00-20055 SW (N.D. Cal. Dec. 20, 2000) (denying motion to dismiss Section 11 complaint);
- *Zuckerman v. FoxMeyer Health Corp.*, 4 F. Supp.2d 618 (N.D. Tex. 1998) (denying defendants' motion to dismiss in its entirety in one of the first cases decided in the Fifth Circuit under the Private Securities Litigation Reform Act of 1995)
- *In re U.S. Liquids Securities Litigation*, Master File No. H-99-2785 (S.D. Tex. Jan. 23, 2001) (denying motion to dismiss Section 11 claims)
- *Sands Point Partners, L.P., et al. v. Pediatrix Medical Group, Inc., et al.*, Case No. 99-6181-CIV-Zloch (S.D. Fla. June 6, 2000) (denying defendants' motion to dismiss in its entirety)
- *Berke v. Presstek, Inc.*, Civ. No. 96-347-M (MDL Docket No. 1140) (D.N.H. Mar. 30, 1999) (denying defendants' motion to dismiss)
- *Chalverus v. Pegasystems, Inc.*, 59 F. Supp. 2d 226 (D. Mass. 1999) (denying defendants' motion to dismiss);
- *Danis v. USN Communications, Inc.*, 73 F. Supp. 2d 923 (N.D. Ill. 1999) (denying defendants' motion to dismiss)
- *In re JWP Inc. Securities Litigation*, 928 F. Supp. 1239 (S.D.N.Y. 1996) (denying defendants' motion for summary judgment);
- *In re Danskin Securities Litigation*, Master File No. 92 CIV. 8753 (JSM) (S.D.N.Y. Feb. 23, 1994) (denying corporate and underwriter defendants' motions to dismiss in all respects)
- *In re UCAR International Inc., Securities Litigation*, No. 3:98cv600 (JBA) (D. Conn.) (Case settled during pendency of defendants' motion to dismiss).

Education:

- Fordham University School of Law, J.D. (1992)
- Fordham College, B.A. magna cum laude, 1988)

Admissions

- New York (1993)
- Connecticut (1992)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States Court of Appeals for the Second Circuit (2015)

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Associates

Stephanie A. Bartone

Stephanie A. Bartone practices in all areas of the firm, with a focus on securities fraud litigation. Prior to joining the firm, Ms. Bartone worked for the Connecticut Judicial System where she assisted state court judges in civil and family matters. Ms. Bartone also previously worked for a firm specializing in civil litigation and criminal defense at the state and federal level. While attending The University of Connecticut School of Law, Ms. Bartone was the Symposium Editor of the *Connecticut Law Review*.

Education

- The University of Connecticut School of Law, J.D. (2012)
- The University of New Hampshire, B.A. summa cum laude (2008) Psychology and Justice Studies

Admissions

- Connecticut (2012)
- Massachusetts (2012)
- United States District Court for the District of Colorado (2013)
- United States District Court for the District of Connecticut (2015)
- United States District Court for the District of Massachusetts (2016)
- United States Court of Appeals for the Third Circuit (2020)

Jordan A. Cafritz

Jordan Cafritz is an Associate with the Firm's Washington, D.C. office. While attending law school at American University he was an active member of the American University Business Law Review and worked as a Rule 16 attorney in the Criminal Justice Defense Clinic. After graduating from law school, Mr. Cafritz clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

Education

- American University Washington College of Law, J.D. (2014)
- University of Wisconsin-Madison, B.A., Economics & History (2010)

Admissions

- Maryland (2014)
- District of Columbia (2018)

"I think you've done a superb job and I really appreciate the way this case was handled."

The Honorable Ronald B. Rubin in *Teoh v. Ferrantino*, C.A. No. 356627
(Cir. Ct. for Montgomery Cnty., MD 2012)

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Michael Keating

Michael Keating is an Associate with the Firm's Stamford office focusing on federal securities litigation. Mr. Keating previously interned with the Division of Enforcement for the Securities and Exchange Commission while attending law school.

Education:

- University of Connecticut School of Law, J.D. (2019)
- University of Connecticut, B.A Psychology (2014)

Admissions:

- Connecticut
-

Vice Chancellor Sam Glasscock, III said "it's always a pleasure to have counsel who are articulate and exuberant..." and referred to our approach to merger litigation as "wholesome" and "a model of... plaintiffs' litigation in the merger arena."

Ocieczanek v. Thomas Properties Group, C.A. No. 9029-VCG (Del. Ch. May 15, 2014)

Alexander Krot

Education

- The George Washington University, B.B.A., Finance and International Business (2003)
- American University Washington College of Law, J.D. (2010)
- Georgetown University Law Center, LL.M., Securities and Financial Regulation, With Distinction (2011)
- American University, Kogod School of Business, M.B.A. (2012)

Admissions

- Maryland (2011)
 - District of Columbia (2014)
 - United States District Court for the District of Colorado (2015)
 - United States Court of Appeals for the Tenth Circuit (2016)
 - United States District Court for the Eastern District of Wisconsin (2017)
 - United States Court of Appeals for the Third Circuit (2018)
-

Then Vice Chancellor Leo E. Strine, Jr. praised the Firms' "exceedingly measured and logical" argument

Forgo v. Health Grades, Inc., C.A. No. 5716-VCS (Del. Ch. Sept. 3, 2010)

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Courtney E. Maccarone

Courtney E. Maccarone focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, Ms. Maccarone was an associate at a boutique firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. Maccarone served as the Executive Symposium Editor of the *Brooklyn Journal of International Law* and was a member of the Moot Court Honor Society. Her note, "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights" was published in the Spring 2011 edition of the *Brooklyn Journal of International Law*.

Ms. Maccarone also gained experience in law school as an intern to the Honorable Martin Glenn of the Southern District of New York Bankruptcy Court and as a law clerk at a New York City-based class action firm. Ms. Maccarone has been recognized as a Super Lawyer "Rising Star" for the New York Metro area for the past six consecutive years.

Education

- Brooklyn Law School, J.D., magna cum laude (2011), where she served as the Executive Symposium Editor of the *Brooklyn Journal of International Law* and was a member of the Moot Court Honor Society
- New York University, B.A., magna cum laude (2008)

Admissions

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

Publications

- "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights," published in the Spring 2011 edition of the *Brooklyn Journal of International Law*

Rosanne L. Mah

Rosanne L. Mah is an Associate in Levi & Korsinsky, LLP's San Francisco office. She represents consumers in complex class action litigation involving deceptive or misleading practices, false advertising, and data/privacy issues.

Education

- University of San Francisco, School of Law, J.D. (2005)
- University of California at Santa Cruz, B.A., Politics and Environmental Studies (1995)

Admissions

- United States District Court for the Northern District of California (2007)
- United States District Court for the Eastern District of California (2007)
- United States District Court for the Central District of California (2017)

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Adam C. McCall

Adam C. McCall is an Associate with the Firm. Prior to joining Levi & Korsinsky, Mr. McCall was a Summer Analyst at Moelis & Company and an intern at Fortress Investment Group. While attending the Georgetown University Law Center, he was an extern at the Securities and Exchange Commission's Division of Corporate Finance.

Education

- Georgetown University Law Center, LL.M., Securities and Financial Regulation (2015)
- California Western School of Law, J.D., cum laude (2013)
- Santa Clara University, Certificate of Advanced Accounting Proficiency (2010)
- University of Southern California, B.A., Economics (2008)

Admissions

- California (2014)
- United States District Court for the Central District of California (2015)
- United States District Court for the Eastern District of California (2015)
- United States District Court for the Northern District of California (2015)
- United States District Court for the Southern District of California (2015)
- United States Court of Appeals for the Ninth Circuit (2016)
- District of Columbia (2017)

Melissa Muller

Melissa Muller is an Associate with the Firm's New York Office focusing on federal securities litigation. Ms. Muller previously worked as a paralegal for the New York office while attending law school.

Education

- New York Law School, J.D., Dean's Scholar Award, member of the Dean's Leadership Council (2018)
- John Jay College of Criminal Justice, B.A. (2013), magna cum laude

Admissions

- New York (2019)
- United States District Court for the Southern District of New York (2020)

Zachary Ness

Mr. Ness is an Associate with the Firm in the Washington, D.C. office, where he focuses his practice on financial litigation, including class action litigation relating to corporate governance, securities, cryptocurrencies, and initial coin offerings. During law school, he was an honors intern for the Trading and Markets Division of the U.S. Securities and Exchange Commission, where he practiced in the offices of Trading Practices and Market Supervision. In addition, he was a judicial intern for the Superior Court of the District of Columbia, and a research assistant tasked with examining modern constitutional privacy law issues.

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Education

- Georgetown University Law Center, J.D. (2019)
- Rutgers University (New Brunswick) (2016), *summa cum laude*

Admissions

- District of Columbia (2020)

Publications

- "A Fighting Chance: Ensuring Choice of Representation," 31 GEO. J. LEGAL ETHICS 781 (2018)

Gregory M. Potrepka

Gregory M. Potrepka is an Associate in Levi & Korsinsky's Connecticut office. Mr. Potrepka is an experienced lawyer having litigated cases in State, Federal, and Tribal courts, at both the trial and appellate levels. While in law school, Mr. Potrepka clerked in the Civil Division of the United States Attorney's Office for the District of Columbia.

Education

- University of Connecticut School of Law, J.D. (2015)
- University of Connecticut Department of Public Policy, M.P.A. (2015)
- University of Connecticut, B.A., Political Science (2010)

Admissions

- Connecticut (2015)
- Mashantucket Pequot Tribal Court (2015)
- United States District Court for the District of Connecticut (2016)
- United States District Court for the Southern District of New York (2018)
- United States District Court for the Eastern District of New York (2018)

Andrew Rocco

Andrew Rocco is an Associate with the Firm in the Connecticut office. As a law student, he interned for the Office of the Attorney General for the State of Connecticut in the Employment Rights Department and served as the Editor-in-Chief of the Quinnipiac Probate Law Journal.

Education

- Quinnipiac University School of Law, J.D., *summa cum laude* (2017)
- Champlain College, B.A., Legal Studies, *summa cum laude* (2014)

Admissions

- Connecticut

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Brian Stewart

Brian Stewart is an Associate with the Firm practicing in the Washington, D.C. office. Prior to joining the firm, Mr. Stewart was an associate at a small litigation firm in Washington D.C. and a regulatory analyst at the Financial Industry Regulatory Authority (FINRA). During law school, he interned for the Enforcement Divisions of the SEC and CFPB.

Education

- American University Washington College of Law, J.D. (2012)
- University of Washington, B.S., Economics and Mathematics (2008)

Admissions

- Maryland (2012)
- District of Columbia (2014)

Sebastian Tornatore

Sebastian Tornatore is an Associate in the Connecticut office where he focuses on representing shareholders in federal securities actions. While at the University of Connecticut School of Law, Mr. Tornatore served as an Executive Editor of the *Connecticut Law Review* and as a member of the Connecticut Moot Court Board. Prior to joining the Firm, Mr. Tornatore worked for the Connecticut Judicial System, where he gained significant experience assisting various state judges.

Education

- University of Connecticut School of Law, J.D. (2012)
- Boston College, B.A. (2008)

Admissions

- Massachusetts (2012)
- Connecticut (2012)
- New York (2014)
- United States District Court for the District of Connecticut (2014)
- United States District Court for the Southern District of New York (2016)
- United States District Court for the District of Massachusetts (2016)
- United States District Court for the Eastern District of New York (2018)

EXHIBIT 30

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF CHARLES E.
SCHAFFER IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Charles E. Schaffer, declare as follows:

2 1. I am a partner at the law firm of LEVIN SEDRAN & BERMAN.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee and as Co-Chair of the Third-Party Discovery
6 Committee. In that role, I was responsible for coordinating all third party discovery propounded
7 on behalf of the Plaintiffs and the Class consistent with the requirements of the Federal Rules of
8 Civil Procedure and applicable local rules, including the pursuit of documents, depositions, and
9 any motion practice related to third-party discovery. Throughout the litigation of the case I
10 oversaw all work performed by the attorneys and paralegals of my firm including but not limited
11 to performing the following work related to third party discovery:

12 - investigating and researching over forty third parties targeted to be subpoenaed such as
13 retailers (including big box stores), authorized phone resellers, mobile/wireless carriers,
14 mobile phone repair facilities/shops, marketing/advertising agencies, bloggers, testing
15 laboratories, component part suppliers, component part manufacturers, phone assemblers,
16 insurers (related to replacement phones and batteries), governmental agencies (U.S. and
17 foreign investigations) and former employees;

18 - drafting third party subpoenas and document requests to be propounded on retailers
19 (including big box stores), authorized phone resellers, mobile/wireless carriers, mobile
20 phone repair facilities/shops, marketing/advertising agencies, bloggers, testing
21 laboratories, component part suppliers, component part manufacturers, phone assemblers,
22 insurers (related to replacement phones and batteries), governmental agencies (U.S. and
23 foreign investigations) and former employees;

24 - drafting Freedom of Information Act Request ("FOIA") directed to the United States
25 Department of Justice pertaining to its investigation concerning the degradation of battery
26 and system performance in certain Apple devices and statements made by Apple
27 concerning those issues;

28

1 - drafting requests for international judicial assistance pursuant to the Hauge Convention
2 for taking of evidence abroad related to the investigations of the degradation of battery and
3 system performance in certain Apple devices conducted by foreign governmental agencies
4 including but not limited to the Ministry of Justice of China and the Ministry of Foreign
5 Affairs for Italy and statements made by Apple concerning those issues;
6 - conducting legal research and responding to objections lodged by both Apple and third
7 parties to the subpoenas;
8 - meeting and conferring with Apple and third-party counsel regarding objections to the
9 subpoenas, narrowing scope and breadth of the subpoenas and document production;
10 - reviewing and analyzing documents produced by governmental entities and third parties
11 pursuant to the subpoenas;
12 - conducting legal research and lodging objections to third party subpoenas propounded
13 by Apple;
14 - meeting and conferring with Apple and third-party counsel regarding Plaintiffs'
15 objections to Apple's subpoenas and document production; and
16 - interfacing and coordinating with the Offensive Discovery and ESI Coordination
17 Committee, Marketing Discovery Committee, Device Development Discovery Committee,
18 Defensive Discovery Committee and Expert Committee related to discovery issues and evidence
19 to support Plaintiffs' liability and damage theories.

20 In addition, Levin, Sedran & Berman represented approximately 31 class representative
21 plaintiffs for 17 states and the District of Columbia which were included in the consolidated
22 amended complaints,¹ and as such, performed additional work at the direction of lead counsel and
23 chairs of the Offensive and Defense Discovery committees, including but not limited to the
24 following:

25
26
27 ¹ The states included Alabama, Arizona, Arkansas, Alaska, California, Connecticut, Illinois,
28 Louisiana, Maine, Maryland, Mississippi, Montana, North Carolina, Oklahoma, Pennsylvania,
South Carolina, and Texas.

- 1 - interviewing and vetting class members and plaintiffs for inclusion as class
- 2 representative plaintiffs in the consolidated amended complaints;
- 3 - drafting factual allegations for class representative plaintiffs selected for inclusion in
- 4 consolidated amended complaints;
- 5 - working with class representative plaintiffs to preserve electronically stored
- 6 information, batteries, I-phones, I-pads and related devices;
- 7 - drafting initial disclosures for class representative plaintiffs including obtaining
- 8 documents for production;
- 9 - canvassing/interviewing class representative plaintiffs and gathering information and
- 10 documents for opposition to motion to dismiss the consolidated amended complaints;
- 11 - working with class representative plaintiffs to arrange for Apple's testing of the I-
- 12 phones, I-pads and related devices;
- 13 - drafting responses to interrogatories and request for production of documents for class
- 14 representative plaintiffs;
- 15 - assembling, gathering and reviewing class representative plaintiffs' documents for
- 16 production in response to requests for production of documents;
- 17 - conducting document review of class representative plaintiffs' electronically stored
- 18 information to be produced in discovery;
- 19 - preparing class representative plaintiffs for undergoing a deposition;
- 20 - attending and defending class representative plaintiffs' deposition;
- 21 - gathering and assembling information and documents from class representative
- 22 plaintiffs and class members who experienced unexpected power-offs in preparation of
- 23 and use at mediation; and
- 24 - assisting class representative plaintiffs and class members with claims processing and
- 25 administration.
- 26
- 27
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1 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
2 with years in practice, most recent hourly rates reported to the Court during the pendency of this
3 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
4 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
5 and trial experience of each professional can be found, to the extent available, in the firm resume
6 attached hereto as Exhibit C.

7 4. The detailed descriptions of the time spent by the attorneys and other professionals
8 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
9 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
10 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
11 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
12 time records are available for the Court's review should the Court desire such records.

13 5. The total number of hours expended on this litigation by my firm, as approved by
14 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
15 consolidation through July 31, 2020 is 2,379.30 hours. The total lodestar for my firm is
16 \$1,532,077.50.

17 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
18 ("expenses") totaling \$45,196.27, which were necessary in relation to this litigation and submitted,
19 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
20 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining to this
21 litigation are reflected in the books and records of my firm. These books and records are prepared
22 from expense vouchers, check records, and other documents and are an accurate record of the
23 expenses.

24 7. Attached hereto as Exhibit C is the firm resume for my firm.

25 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
26 day of August 20, 2020, at Philadelphia, Pennsylvania.

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s/Charles E. Schaffer
Charles E. Schaffer

EXHIBIT A

EXHIBIT A

LEVIN SEDRAN & BERMAN LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Schaffer, Charles E.	Partner (25 years)	\$ 950	379.10	\$ 360,145.00
Levin, Daniel C.	Partner (23 years)	\$ 950	409.90	\$ 389,405.00
Magagna, David	Associate (9 years)	\$ 550	125.60	\$ 69,080.00
Elia, Nicholas	Associate (2 years)	\$ 500	488.60	\$ 244,300.00
Serianni, Nicola	Associate (14 years)	\$ 650	145.00	\$ 94,250.00
McLafferty, David P.	Staff/Project Attorney(29 years)	\$ 850	1.30	\$ 1,105.00
D'Andrea, Patricia	Paralegal	\$ 450	268.20	\$ 120,690.00
Rapone, James	Paralegal	\$ 450	33.30	\$ 14,985.00
Shub, Katelyn	Paralegal	\$ 450	14.60	\$ 6,570.00
Hesson, Cheryl	Paralegal	\$ 450	421.40	\$ 189,630.00
Guardiani, Danielle	Paralegal	\$ 450	3.00	\$ 1,350.00
Sentyz, Kyle	Paralegal	\$ 450	68.00	\$ 30,600.00
Longacre, Krystyna	Paralegal	\$ 450	6.00	\$ 2,700.00
Shrack, Thomas	Staff	\$ 475	15.30	\$ 7,267.50
TOTAL			2379.30	\$ 1,532,077.50

EXHIBIT B

EXHIBIT B

LEVIN SEDRAN & BERMAN LLP

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ 142.90
03. Outside Fax Charges	\$ 11.00
04. Delivery Services/Messengers	\$ 2,340.10
05. Postage	\$ 51.46
06. Court Fees	\$ -
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ 373.37
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 4,826.33
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol) and Tips	\$ 741.87
18. Taxi/Car Service/Other Ground Transport	\$ 878.53
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	\$ 7,176.40
21. Travel-Hotel	\$ 2,807.28
22. Travel-Rental Car	\$ -
23. Service Fees	\$ -
24. Miscellaneous	\$ 847.03
25. Assessments	\$ 25,000.00
TOTAL	\$ 45,196.27

EXHIBIT C

LEVIN SEDRAN & BERMAN
— ATTORNEYS AT LAW —

Levin Sedran & Berman LLP is a Philadelphia law firm with a national reputation for superior client service and results representing clients in cases pending both in the Philadelphia area and across the nation. Through almost 40 years of serving our clients, our attorneys have gained national recognition for their experience and skill and are frequently called upon to lead some of the largest class actions, mass torts, complex litigation and antitrust cases in the nation. Our stock-and-trade is the litigation of technically complex cases, usually pending before an assigned MDL court. We have been appointed lead counsel or to other leadership positions in hundreds of cases, including more than forty MDLs, and are presently serving or have served in such positions in several of the largest and technically complex class actions nationwide. We regularly appear in federal courts throughout the country. *See e.g., In re: Chinese-Manufactured Drywall Product Liab. Litig.*, MDL No. 2047 (E.D. La.) (Lead Counsel); *In re: Nat'l Football League Players' Concussion Injury Litig.*, MDL No. 2323 (E.D. Pa.) (Plaintiffs Steering Committee and Subclass Counsel for Settlement); *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.) (Special Counsel to the Plaintiffs' Fee and Cost Committee as well as having been on a discovery team); *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (Co-Lead Counsel); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D. Ca.) (Plaintiffs' Executive Committee); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Ca.) (Plaintiffs' Executive Committee); and *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (C.D. Or.) (Plaintiffs' Executive Committee to represent the interests of governmental entities). Our firm's philosophy from leading and prosecuting complex class actions for over three decades is to efficiently, vigorously and zealously prosecute the action on behalf of our clients and the class. We become experts in the facts of the case, law, and science and assemble a team committed to doing the same.

Our firm has earned rankings published in the U. S. News and World Report for Best Law Firms, as a Tier I law firm for class-actions, personal injury and mass tort cases. The firm was also named to THE NATIONAL LAW JOURNAL's insurance list of *America's Elite Trial Lawyers* in 2014. Members of the firm are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell's *Directory of Preeminent Attorneys*, "Best Lawyers in America", and the National Trial Lawyers Top 100 Trial Lawyers.

We have pioneered the use of class actions and mass actions in the United States with our work resulting not only in numerous record-breaking recoveries but also pioneering novel results over the nearly four decades we have been specializing in this practice area of the law. A few examples include:

- *In re: Asbestos School Litigation*, No. 83-0263 (E.D. Pa.) (Levin Sedran & Berman as member of Executive Committee and Lead Trial Counsel obtained a certification of a nationwide class and

settlement on behalf of school districts that included pioneering the 50-state analysis of the law to meet class certification requirements);

- *In re: Three Mile Island Litigation*, Civil Action No. 79-0432 (M.D. Pa.) (Levin Sedran & Berman as a member of Executive Committee that obtained a settlement that included the establishment of a medical monitoring fund);
- *In re: Diet Drug Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Levin Sedran & Berman as Liaison and Co-Lead Counsel obtained a \$6.75 billion-dollar settlement on behalf of consumers who ingested Fen-Phen);¹
- *In re: The Exxon Valdez*, No. 89-00095 (D. Alaska) (Levin Sedran & Berman as a member of the Trial and Discovery Committee and represented fishermen, native corporations, native villages, native claims and business claims in this mass tort involving the massive oil spill in Alaska. The firm's assistance in the litigation helped the Plaintiffs obtain a judgment of \$5 billion in punitive damages - at the time the largest punitive damage verdict in U.S. history. (Later reduced to \$507.5 million by the U.S. Supreme Court);
- *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.) (Levin Sedran & Berman as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall with a value that exceeds \$1 billion dollars);
- *In re: The Vioxx Product Liability Litigation*, MDL No. 1657 (E.D. La.) (As a member of the PSC and Plaintiffs' Negotiating Committee, Levin Sedran & Berman was instrumental in achieving a \$4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);
- *In re: Air Cargo Shipping Servs. Antitrust Litig.*, MDL No. 1775 (E.D. N.Y.) (As Co-Lead Counsel in the decade long air cargo antitrust litigation Levin Sedran & Berman obtained 28 inter-related settlements against air cargo service providers totaling \$1.2 billion dollars);
- *Galanti, et al. v. The Goodyear Tire and Rubber Co.* ("Entran II"), Civil Action No.: 03-209 (D.C. N.J.) (As a member of the Executive Committee Levin Sedran & Berman was instrumental in negotiating

¹ That prolix settlement has received favorable comments by academia. See Nagareda, R., "Autonomy, Peace, and 'Put' Options in the Mass Tort Class Action," 115 Harv.L.Rev. 747, 756 (2002).

and achieving the creation of a common fund in the amount of \$344 million); and

- *In re: National Football League Players' Concussion Injury Litigation*, MDL No. 2323 (E.D. Pa.) (Levin Sedran & Berman as Subclass Counsel working along with Lead Counsel obtained an uncapped settlement having a value that exceeds \$1 billion dollars on behalf of NFL football players).

Frequently, the firm was specifically recognized by a court that is presiding over a matter for its work product and success in handling technical complex class-action cases. Examples of courts favorably commenting on the quality of the firm's work include:

- In *In re: Three Mile Island Litigation*, 557 F. Supp. 96 (M.D. Pa. 1982) Judge Rambo favorably acknowledged the quality of the work of Levin Sedran & Berman in her opinion.
- In the *Lazy Oil Co. v. Witco Corp., et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs' Co-Lead Counsel) ("[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such, Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class Counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of the litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.")
- In *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. (1014) (E.D. Pa.) (Plaintiffs' Lead Counsel) ("the Court also finds that the standing and expertise of counsel for [plaintiffs] is noteworthy. First class counsel is of high caliber and most PLC members have extensive national experience and similar class-action litigation.")
- In *In re: Consumer Bags Antitrust Litigation*, Civil Action No. 77-1516 (E.D. Pa.) (Plaintiffs' Lead Counsel) ("Each of the firms and the individual lawyers in this case have extensive experience in large, complex antitrust and securities litigation." Furthermore, the Court notes that the quality of the legal services rendered was of the highest caliber.)
- In *In re: Diet Drugs Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel) (Court recognized "the

‘remarkable contribution’ from Levin Sedran & Berman in the creation of the largest nationwide personal injury settlement to date”)

- In *In re: Summers v. Abraham Lincoln Savings and Loan Association*, 66 F.R.D. 581, 589 (E.D. Pa.) (“There is no question that Plaintiff’s counsel is experienced in the conduct of the class action . . .”.)

We regularly prosecute multi-state consumer class actions involving technically complex issues in representing victims of defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. Aside from the cases cited above, reference is made to: *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) and *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D.Ca.).

Relating to data breach and privacy cases, the firm has served as a member of the Executive Committee in *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (\$39 million settlement value for plaintiff financial institutions), where they were instrumental in working with experts and discovery including establishing the proper standard of care and calculation of damages to all victims (consumer and financial institutions) and serve as Co-Lead Counsel in *Green v. Accolade, Inc.*, 2:18-cv-00274 (E.D. Pa.) (where an employer breached its employees’ PII information). The firm’s data breach litigation experience also includes its leadership roles in: *Kuss v. American Home Patient, Inc. et. al.*, 8:18 -cv-0248 (M.D. Fl.) (where laptops were stolen and patient’s medical information breached); *Abdelmessih v. Five Below, Inc.*, 2:19-cv-01487 (E.D. Pa.) (where retailer breached customers’ PII information stored electronically); *Bryd v. Aaron’s Inc.*, No. 11-101 (W.D. Pa.) (where defendant placed spyware on rental computers); *Peterson v. Aaron’s Inc.*, No. 1-14-cv-1919 (N.D. Ga.) (where defendant placed spyware on rental computers) and on the Executive Committee in *Harris, et. el. v. Lord and Taylor, LLC*, 18-cv-00521 (D.Del.) (where retailer breached customers’ PII information stored electronically); *Kyler, et al. v Saks Incorporated*, 18-cv-00360 (M.D. Tn.) (where retailer breached customers’ PII information stored electronically) and *In re: Carrier IQ, Inc., Consumer Privacy Litigation*, No. 12-md-1330 (N.D. Cal.) (where defendant placed software on mobile devices).

More recently the firm obtained certification of cases *inter alia* in *Helmer, et al. v. The Goodyear Tire and Rubber Co.* (“*Entran III*”), Civil Action No.: 12-00685 (D.C. Col.) (certification of a liability only class on behalf of purchasers of radiant floor heating and then tried the issue of liability to a jury); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH.) (certification of multi state class action on behalf of purchasers of Dial Complete Anti-Bacterial Soap); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL NO.: 2382 (E.D. MS.) (certification of a national class action on behalf of purchasers of wet/dry vacs) and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D.

Ca.) (certification of a multi-state class action including California on behalf of purchasers of bamboo flooring)

The firm willingly takes cases through years of discovery and motion practice and settles only if the case is positioned for consumers to obtain real and meaningful benefits and relief. And, unlike many class action firms, Levin Sedran & Berman also takes cases to trial. In lead roles and as members of litigation teams, Levin Sedran & Berman did so in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, *In re: The Exxon Valdez, Entran III and MDL - 2592 Xarelto Products Liability Litigation* (part of trial team of coordinated cases in the Philadelphia Mass Tort Program).

More specifics about many of the accomplishments of the attorneys of Levin Sedran & Berman are set forth below in the biographies of the individual attorneys of the firm.

THE FIRM'S PRINCIPAL LAWYERS

ARNOLD LEVIN

Founding Member



ARNOLD LEVIN graduated from Temple University, B.S., in 1961, with Honors and Temple Law School, LLB, in 1964. He was Articles Editor of the Temple Law Quarterly. He served as a Captain in the United States Army (MPC). He is a member of the Philadelphia, Pennsylvania, American and International Bar Associations. He is a member of the Philadelphia Trial Lawyers Association, Pennsylvania Trial Lawyers Association and the Association of Trial Lawyers of America. He is admitted to the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Middle District of Pennsylvania, the Third, Fourth, Fifth, Sixth, Seventh, Tenth and Eleventh Circuit Courts of Appeals and the United States Supreme Court. He has appeared pro hac vice in various federal and state courts throughout the United States. He has lectured on class actions, environmental, antitrust and tort litigation for the Pennsylvania Bar Institute, the Philadelphia Trial Lawyers Association, the Pennsylvania Trial Lawyers Association, The Association of Trial Lawyers of America, The Belli Seminars, the Philadelphia Bar Association, American Bar Association, the New York Law Journal Press, and the ABA-ALI London Presentations.

Mr. Levin is a past Chairman of the Commercial Litigation Section of the Association of Trial Lawyers of America and is co-chairman of the Antitrust Section of the Pennsylvania Trial Lawyers Association. He is a member of the Pennsylvania Trial Lawyers Consultation Committee, Class Action Section, a fellow of the Roscoe Pound Foundation and past Vice-Chairman of the Maritime Insurance Law Committee of the American Bar Association. He is also a fellow of the International Society of Barristers and chosen by his peers to be listed in Best Lawyers of America. He has been recognized as one of 500 leading lawyers in America by Law Dragon and The Legal 500 USA. U.S. News and World Report has designated Levin, Fishbein, Sedran & Berman as one of the top 22 national plaintiffs' firms in mass torts and complex litigation. In addition, he has been further recognized as one of the top 100 trial lawyers by The National Trial Lawyers Association. He was also named to the National Law Journal's Inaugural List of America's Elite Trial Lawyers. He also has an "av" rating in Martindale-Hubbell and is listed in Martindale-Hubbell's Register of Preeminent Lawyers.

Mr. Levin was on the Executive Committee as well as various other committees and Lead Trial Counsel in the case of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.), which was certified as a nationwide class action on behalf of all school districts. Mr. Levin was also on the Plaintiffs' Steering Committee in *In re: Copley Pharmaceutical, Inc., "Albuterol" Products Liability Litigation*, MDL 1013 (D. Wyoming); *In re: Norplant Contraceptive Products Liability Litigation*, MDL 1038 (E.D. Tex.); and *In re: Telectronics Pacing Systems, Inc., Accufix Atrial "J" Lead Products Liability Litigation*, MDL 1057 (S.D. Ohio).

Mr. Levin was appointed by the Honorable Sam J. Pointer as a member of the Plaintiffs' Steering Committee in the *Silicone Gel Breast Implants Products Liability Litigation*, Master File No. CV-92-P-10000-S, MDL 926 (N.D. Ala.). The Honorable Louis L. Bechtle appointed Mr. Levin as Co-Lead Counsel of the Plaintiffs' Legal Committee and Liaison Counsel in *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.). Mr. Levin also served as Co-Chair of the Plaintiffs' Management Committee, Liaison Counsel, and Class Counsel in *In re: Diet Drugs Litigation*, MDL 1203 (E.D. Pa.). He was also a member of a four lawyer Executive Committee in *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.) and is a member of a seven-person Steering Committee in *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.). He was Chair of the State Liaison Committee in *In re: Phenylpropanolamine (PPA) Products Liability Litigation*, MDL 1407 (W.D. Wash.); and is a member of the Plaintiffs' Steering Committee and Plaintiffs' Negotiating Committee in *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.) and the Court approved Medical Monitoring Committee in *In re: Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.). He is currently Plaintiffs' Lead Counsel, Class Counsel and Co-Chair of the Fee Committee in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.). He was Plaintiffs' Liaison Counsel in *In re: CertainTeed Corp. Roofing Shingles Products Liability Litigation*, MDL No. 1817 (E.D. Pa.). He is a member of the Plaintiffs' Steering Committee in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.) and was appointed as Subclass Counsel for Subclass 1 in the NFL Concussion Class Action Settlement. Mr. Levin is a member of the Plaintiffs' Steering Committee in *In re: Pool Products Distribution Market Antitrust Litigation*, MDL 2328 (E.D. La.); *In re: Testosterone Replacement Therapy Products Liability Litigation*, MDL 2545 (N.D. Ill.); *In re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, MDL 2342 (E.D. Pa.); and *In re: Yasmin and Yaz Marketing, Sales Practices and Relevant Products Liability Litigation*, MDL 2100 (S.D. Ill.). He is a member of Plaintiffs' Executive Committee in *In re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, MDL 2428 (D. Mass.). Mr. Levin was appointed by the Honorable Carl J. Barbier to serve as Special Counsel to the Plaintiffs' Fee and Cost Committee in the BP Oil Spill Litigation, *In re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, MDL 2179 (E.D. La.).

Mr. Levin was also a member of the Trial and Discovery Committees in the *Exxon Valdez Oil Spill Litigation*, No. 89-095 (D. Alaska). In addition, Mr. Levin was Lead Counsel in the prosecution of individual fishing permit holders, native corporations, native villages, native claims and business claims.

HOWARD J. SEDRAN

Founding Member (1982 through 2017)



HOWARD J. SEDRAN was a founding member of the firm from 1982 through December, 2017. Effective January, 2018, Mr. Sedran became Of-Counsel to the firm. Mr. Sedran graduated cum laude from the University of Miami School of Law in 1976. He was a law clerk to United States District Court Judge, C. Clyde Atkins, of the Southern District of Florida from 1976-1977. He is a member of the Florida, District of Columbia and Pennsylvania bars and is admitted to practice in various federal district and appellate courts. From 1977 to 1981, he was an associate at the Washington, D.C. firm of Howrey & Simon which specializes in antitrust and complex litigation. During that period he worked on the following antitrust class actions: *In re: Uranium Antitrust Litigation*; *In re: Fine Paper Antitrust Litigation*; *Bogosian v. Gulf Oil Corporation*; *FTC v. Exxon, et al.*; and *In re: Petroleum Products Antitrust Litigation*.

In 1982, Mr. Sedran joined the firm and has continued to practice in the areas of environmental, securities, antitrust and other complex litigation. Mr. Sedran also has extensive trial experience. In the area of environmental law, Mr. Sedran was responsible for the first certified “Superfund” class action.

As a result of his work in an environmental case in Missouri, Mr. Sedran was nominated to receive the Missouri Bar Foundation’s outstanding young trial lawyer’s award, the Lon Hocker Award.

Mr. Sedran has also actively participated in the following actions: *In re: Dun & Bradstreet Credit Services Customer Litigation*, Civil Action Nos. C-1-89-026, C-1-89-051, 89-2245, 89-3994, 89-408 (S.D. Ohio); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.); *Harold A. Andre, et al. v. Syntex Agribusiness, Inc., et al.*, Cause No. 832-05432 (Cir. Ct. of St. Louis, Mo.); *In re: Petro-Lewis Securities Litigation*, No. 84-C-326 (D. Colo.); *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013 (D.D.C.); *Jaroslawicz v. Engelhard Corp.*, No. 84-3641 (D. N.J.); *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: EPIC Limited Partnership Securities Litigation*, Nos. 85-5036, 85-5059 (E.D. Pa.); *Rowther v. Merrill Lynch, et al.*, No. 85-Civ-3146 (S.D.N.Y.); *In re: Hops Antitrust Litigation*, No. 84-4112 (E.D. Pa.); *In re: Rope Antitrust Litigation*, No. 85-0218 (M.D. Pa.); *In re: Asbestos School Litigation*, No. 83-0268 (E.D. Pa.); *In re: Catfish Antitrust Litigation*, MDL 928 (Plaintiffs’ Executive Committee); *In re: Carbon Dioxide Antitrust Litigation*, MDL 940 (N.D. Miss.) (Plaintiffs’ Executive Committee); *In re: Alcolac, Inc. Litigation*, No. CV490-261 (Marshall, Mo.); *In re: Clozapine Antitrust Litigation*, MDL 874 (N.D. Ill.) (Co-Lead Counsel); *In re: Infant Formula Antitrust Litigation*, MDL 878 (N.D. Fla.); *Cumberland Farms, Inc. v. Browning-Ferris Industries, Inc.*, Civil Action No. 87-3713 (E.D. Pa.); *In re: Airlines Antitrust Litigation*, MDL 861 (N.D. Ga.); *Lazy Oil, Inc. et al. v. Witco Corporation, et al.*, C.A. No. 94-110E (W.D. Pa.) (Plaintiffs’ Co-Lead Counsel); *In re: Nasdaq Market-Makers*

Antitrust Litigation, MDL 1023 (S.D.N.Y.) (Co-Chair Discovery); and *In re: Travel Agency Commission Antitrust Litigation*, Master File No. 4-95-107 (D. Minn.) (Co-Chair Discovery); *Erie Forge and Steel, Inc. v. Cyprus Minerals Co.*, C.A. No. 94-0404 (W.D. Pa.) (Plaintiffs' Executive Committee); *In re: Commercial Explosives Antitrust Litigation*, MDL 1093 (Plaintiffs' Co-Lead Counsel); *In re: Brand Name Prescription Drug Antitrust Litigation*, MDL 997; *In re: High Fructose Corn Syrup Antitrust Litigation*, MDL 1087; *In re: Carpet Antitrust Litigation*, MDL 1075; *In re: Graphite Electrodes Antitrust Litigation*, C.A. No 97-CV-4182 (E.D. Pa.) (Plaintiffs' Co-Lead Counsel); *In re: Flat Glass Antitrust Litigation*, MDL 1200 (Discovery Co-Chair); *In re: Commercial Tissue Products Antitrust Litigation*, MDL 1189; *In re: Thermal Fax Antitrust Litigation*, C.A. No. 96-C-0959 (E.D. Wisc.); *In re: Lysine Indirect Purchaser Antitrust Litigation*, (D. Minn.); *In re: Citric Acid Indirect Purchaser Antitrust Litigation*, C.A. No. 96-CV-009729 (Cir. Ct. Wisc.). Most recently, Mr. Sedran serves as one of the court-appointed Co-Lead Counsel in *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D. N.Y.).

In *Lazy Oil Co. v. Witco Corp., et. al., supra*, the District Court made the following comments concerning the work of Co-Lead Counsel:

[t]he Court notes that the class was represented by very competent attorneys of national repute as specialists in the area of complex litigation. As such Class Counsel brought considerable resources to the Plaintiffs' cause. The Court has had the opportunity to observe Class counsel first-hand during the course of this litigation and finds that these attorneys provided excellent representation to the Class. The Court specifically notes that, at every phase of this litigation, Class Counsel demonstrated professionalism, preparedness and diligence in pursuing their cause.

LAURENCE S. BERMAN

Founding Member



LAURENCE S. BERMAN, a founding member of the firm, was born in Philadelphia, Pennsylvania on January 17, 1953. He was admitted to the bar in 1977. He is admitted to practice before the U.S. Courts of Appeals for the Third, Fourth and Seventh Circuits; the U.S. District Court, Eastern District of Pennsylvania; and the Bar of Pennsylvania. He is a graduate of Temple University (B.B.A., magna cum laude, 1974, J.D. 1977). He is a member of the Beta Gamma Sigma Honor Society. Mr. Berman was the law clerk to the Honorable Charles R. Weiner, U.S. District Court for the Eastern District of Pennsylvania 1978-1980. Member: Philadelphia, Pennsylvania and American Bar Associations. In 1982, Mr. Berman joined the law firm of Levin & Fishbein as an associate and became a partner in 1985 when the firm name was changed to Levin, Fishbein, Sedran & Berman.

Mr. Berman has had extensive experience in litigating and managing complex litigation. In the early 1980's he became a member of the discovery, law and trial committees of *In re: Asbestos School Litigation*, Master File No. 83-0268 (E.D. Pa.). As a member of those committees, he drafted discovery and legal briefs that lead to the successful resolution of the case on behalf of a nationwide class of schools seeking recovery of damages for the costs and expenses they were required to expend to assess the presence of asbestos in school buildings and to remediate under newly enacted rules and regulations of the Environmental Protection Agency, promulgated in the 1970's. In connection with that litigation, he was one of the architects of approaching class certification issues for a nationwide class by the use of a "50" state analysis of the law, in order to demonstrate the similarity of laws and therefore the manageability of a nationwide class action. The "50" state approach has been followed in other cases.

During the early stages of his career, he litigated numerous environmental class/mass tort cases to successful conclusions. He successfully litigated a lead contamination case for the residents of a community in the Port Richmond area of Philadelphia, where he drafted the legal briefs and presented the oral argument to obtain class certification of a property damage and medical monitoring class against NL Industries and Anzon. That litigation produced a multi-million-dollar recovery for the residents in the class area. *Ursula Stiglich Wagner, et al. v. Anzon, Inc., et al.*, No. 4420, June Term, 1987 (C.C.P. Phila. Cty.)

Similarly, he represented homeowners located near Ashland, Kentucky for environmental pollution damage. This case involved representing approximately 700 individual clients for personal injury and medical monitoring relief that also resulted in a multi-million-dollar recovery for his clients.

Beginning in the 1990's Mr. Berman began his representation of victims of the Three Mile Island accident. The firm represented approximately 2,000 plaintiffs in that matter, and Mr. Berman was responsible for the legal briefing and experts in the case, along with addressing

Daubert issues. The presiding Court (Middle District of Pennsylvania) determined to conduct extensive *Daubert* hearings in Three Mile Island, resulting in approximately ten full weeks of in court live hearings, and thousands of pages of legal briefing. Ultimately the trial court determined that several of the expert witnesses offered by the plaintiffs did not meet the *Daubert* requirements, and an appeal was taken to the Third Circuit Court of Appeals, where Mr. Berman both briefed and argued the issues. The Third Circuit affirmed parts of the decision and remanded for further proceedings by the trial court. His representation of clients in the Three Mile Island litigation spanned well over a decade.

In 1989, Mr. Berman represented approximately 1,000 plaintiffs who suffered damages as a result of the Exxon Valdez oil spill. In that role, he managed the claims of each of his firm's clients and worked in the development of their expert evidence and claim materials. As a subset of that litigation, he handled the claims of the Native Opt-Out Settlement Class. This representation also spanned well over a decade.

Mr. Berman began his role in litigating *In re: Diet Drugs*, MDL 1203 (E.D. Pa.) in 1997 at the outset of that litigation. The *Diet Drugs* case is still active to this date. Mr. Berman's firm was appointed as Co-Lead Counsel, Co-Class Counsel and Liaison Counsel. The massive size of the *Diet Drugs* case required the commitment of three of the named partners to the case, Arnold Levin, Michael Fishbein and Mr. Berman, as well as a substantial commitment by partner Fred Longer. While Messrs. Levin and Fishbein were formally named as Co-Class counsel to the case, Mr. Berman had a *de facto* role as Co-Class Counsel and Co-Lead counsel for the case. Mr. Berman briefed many legal issues, argued issues in court, participated in discovery, appeared frequently before the Special Discovery Master, helped negotiate the settlement(s) and helped in the management of the oversight of both the AHP Settlement Trust that was created to oversee the Settlement and the Seventh Amendment Fund Administrator that was created to oversee the Seventh Amendment aspect of the Settlement. He also managed the claims of the firm's individual clients.

Although the *Diet Drugs* case remains active today, and still occupies some of Mr. Berman's time, over the recent years he became active in various other pharmaceutical cases. In particular, beginning in about 2010, he became active in *In re: Yaz/Yasmin/Ocella*, MDL 2100 (S. D. Ill.) where he was appointed as a member of the discovery and legal briefing committees. Mr. Berman worked with his partner Michael Weinkowitz as Co-Liaison Counsel in the parallel state court litigation pending in the Court of Common Pleas of Philadelphia.

As the *Yaz* case began to wind down, Mr. Berman became active in litigation Tylenol cases where he was appointed and remains currently Plaintiffs' Co-Lead and Liaison Counsel. *In re: Tylenol*, MDL 2436, (E.D. Pa.). As Plaintiffs' Co-Lead and Liaison Counsel, Mr. Berman has appeared in Court for the Plaintiffs at virtually all of the monthly status conferences, drafted numerous briefs, engaged in discovery, drafted numerous case management orders that were entered by the Court, argued motions and otherwise managed the case on behalf of the Plaintiffs.

Mr. Berman is also a *de facto* member of the executive committee of *In re: Granuflo*, MDL MDL2428 (D. Mass.). Mr. Berman's partner Arnold Levin was formally appointed to that case's Executive Committee for the Plaintiffs and Mr. Berman was appointed as a Co-Chair of the law and briefing committee. He has acted as a *de facto* member of the Executive Committee for the firm. In his role on the Law and Briefing Committee, he drafted numerous briefs for the case, including *Daubert* briefs, drafted various case management orders that were entered by the Court, and assisted in the negotiation of the global settlement including the drafting of the settlement documents and the allocation plan.

In *In re: Fosamax*, MDL 2243 (D.N.J.), Mr. Berman spearheaded the plaintiffs' position relating to privilege log issues as well as preemption and *in limine* issues raised in the bellwether case. Most recently, Mr. Berman was appointed to the Plaintiffs' Steering Committee by the Honorable Freda L. Wolfson in *In re: Johnson & Johnson Talcum Powder Products*, MDL 2738 (D. N.J.).

Mr. Berman has lectured about mass tort matters. He lectured about the Tylenol case at several seminars and is a member of the American Association of Justice (AAJ) litigation group for the case. He is also a member of various other AAJ litigation groups involving pharmaceutical products. Mr. Berman has been a frequent speaker for the Pennsylvania Bar Institute, Mealy's Publications and Harris Martin. His lectures have been accredited for providing CLE credit to the attendees. Mr. Berman has an A.V. Peer Review rating by Martindale-Hubbell and is an AAJ National College of Advocacy Advocate. He is also a member of The National Trial Lawyers, as well as a member of the American, Pennsylvania and Philadelphia Bar Associations and has been recognized as a Super Lawyer. His published works include "Class Actions in State and Federal Courts," Pennsylvania Bar Institute (Continuing Legal Education), November, 1997; "New Pennsylvania Rule of Civil Procedure 207.1," Pennsylvania Bar Institute (Continuing Legal Education), November, 2001, and membership on the Board of Editors, "Fen-Phen Litigation Strategist," Leader Publications, (1998).

FREDERICK S. LONGER*Member*

FREDERICK S. LONGER, a member of the firm, specializes in representing individuals who have been harmed by dangerous drugs, medical devices, other defective products and antitrust violations. Mr. Longer has extensive experience in prosecuting individual, complex and class action litigations in both state and federal courts across the country. Mr. Longer has been involved in the resolution of several of the largest settlements involving personal injuries including the \$6.75 billion settlement involving Diet Drugs and the \$4.85 billion settlement involving Vioxx. Mr. Longer was a member of the negotiating counsel responsible for the settlements in the *Chinese Drywall* litigation involving various suppliers and manufacturers of Chinese Drywall valued in excess of \$1 billion. Mr. Longer has a wealth of experience in mass torts and has frequently been the chairman or member of the Law and Briefing Committee in numerous multi-district litigations:

- *In re Zantac Products Liability Litigation*, MDL No. 2924 (S.D. Fla.);
- *In re Aqueous Film-Forming Foams Prod. Liab. Litigation*, MDL No. 2873 (D. S.C.);
- *In re Xarelto Products Liability Litigation*, MDL No. 2592 (E.D. La.);
- *In re: Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.); *In re: Rezulin Products Liability Litigation*, MDL No. 1348 (S.D.N.Y.);
- *In re: Vioxx Products Liability Litigation*, MDL 1657 (E.D. La.);
- *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL 1203 (E.D. Pa.).

He is a court-appointed member of the Plaintiffs' Steering Committee in *In re: Mirena Products Liability Litigation*, MDL 2434 (S.D.N.Y.); *In re: Xarelto Products Liability Litigation*, MDL No. 2592 (E.D. La.); and *In re Zantac Products Liability Litigation*, MDL No. 2924 (S.D. Fla.). Mr. Longer also assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re: National Football League Players' Concussion Litigation*, MDL No. 2323 (E.D. Pa.).

Mr. Longer has substantial trial experience and is one of the few lawyers in the country to have tried to verdict a client's claim involving Baycol in Philadelphia County Court of Common Pleas.

Mr. Longer, originally from Philadelphia, Pennsylvania, completed his undergraduate work at Carnegie Mellon University. He then attended the University Pittsburgh School of Law and was a Notes and Comments Editor for the University of Pittsburgh Law Review. Mr. Longer practiced for 3 years in Allegheny County with the law firm of Berger, Kapetan, Malakoff & Myers on complex litigation and civil rights matters, including *Kelly v. County of Allegheny*, No. 6D 84-

17962 (C.P. Allegheny County, PA). Thereafter, Mr. Longer joined the firm and is now a member in the firm.

Mr. Longer is a frequent lecturer and has presented numerous seminars on various legal topics for professional groups. Some of Mr. Longer's speaking engagements include: *COVID-19 Business Interruption Litigation - MDL and Outside Influences*, Harris Martin (May 14, 2020); *Impact of Ascertainability Consideration son Rule 23(b)(3)*, American Association for Justice (December 6, 2018); *Plaintiff Only Consumer Warranty Class Action Litigation Seminar*, American Association for Justice Education and the National Association of Consumer Advocate (June 3-4, 2014); *"No Injury" and "Overbroad" Class Actions After Comcast*, Glazer and Butler: *Implications for Certification-Navigating Complex Issues of Overbreadth and Damages in Consumer Product Cases*, Strafford Webinar (April 1, 2014); *Service of Process in China*, ABA Annual Conference (April 18-20, 2012); *Chinese Drywall Litigation Conference*, Harris Martin (October 20-21, 2011); *Current Issues in Multi-district Litigation Practice*, Harris Martin (September 26, 2011); *FDA Preemption: Is this the end?*, Mass Torts Made Perfect (May 2008). He has authored several articles including, *The Federal Judiciary's Super Magnet*, TRIAL (July 2009). He also contributed to Herbert J. Stern & Stephen A. Saltzburg, *TRYING CASES TO WIN: ANATOMY OF A TRIAL* (Aspen 1999).

Mr. Longer is a member of the American Bar Association, American Association for Justice, Pennsylvania and Philadelphia Association for Justice, the Pennsylvania Bar Association and the Philadelphia Bar Association. He is an active member of the Historical Society for the Eastern District of Pennsylvania. He is admitted to practice before the Supreme Court of Pennsylvania and the Supreme Court of New Jersey, the United States Supreme Court; the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Seventh and Ninth Circuits, and the United States District Courts for the Western and Eastern Districts of Pennsylvania, United States District Court Northern District of New York; United States District Court for the Western District of New York; United States District Court of New Jersey; United States District Court for District of Arizona; and the United States District Court District of Nebraska.

Mr. Longer has received Martindale-Hubbell's highest rating (AV) as a pre-eminent lawyer for his legal ability and ethical standards. He has also been recognized by his peers as a Super Lawyer since 2008.

CHARLES E. SCHAFFER

Member



CHARLES E. SCHAFFER, a member of the firm, born in Philadelphia, Pennsylvania, is a graduate of Villanova University, (B.S., *Magna Cum Laude*, 1989) and Widener University School of Law (J.D. 1995) and Temple University School of Law (LL.M. in Trial Advocacy, 1998). Mr. Schaffer served as a Corporal in the United States Marine Corps (USMC). He is admitted to practice before the Supreme Court of Pennsylvania, the Supreme Court of New Jersey, the United States District Court for the Eastern District of Pennsylvania; Western District of Pennsylvania; Middle District of Pennsylvania; Northern District of Illinois; Central District of Illinois; Northern District of New York; District of Colorado; Third Circuit Court of Appeals; and the Sixth Circuit Court of Appeals. He is also a member of the American Bar Association, Association of Trial Attorneys of America, Pennsylvania Association for Justice, Philadelphia Trial Lawyers Association, and the National Trial Lawyers Association.

With over 20 years of experience Mr. Schaffer is a nationally-recognized leader in complex litigation, having been appointed as Lead or Co-Lead counsel or as a PSC member on a regular basis by federal courts across the country. He is widely recognized for his ability to lead very complex litigation and his expertise in dealing with discovery, experts, damage models, and national and multi-state classes.

Mr. Schaffer's appointments in MDL litigation include *inter alia*: *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (D.S.C) (Plaintiffs' Steering Committee); *In re Hill's Pet Nutrition, Inc. Dog Food Products Liability Litigation*, MDL 2887 (D. Kan.) (Plaintiffs' Executive Committee); *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) (Appointed to Plaintiffs' Executive Committee to represent the interests of governmental entities); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.) (Plaintiffs' Executive Committee); *In re: Wells Fargo Insurance Marketing Sales Practices Litigation*, MDL No. 2797 (C.D. Cal.) (Plaintiffs' Executive Committee); *In re: JP Morgan Modification Litigation* MDL No.: 2290 (D. Mass.) (Plaintiffs' Co-Lead Counsel); *In re: IKO Roofing Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (Plaintiffs' Co-lead Counsel); *In re: HardiePlank Fiber Cement Siding Litigation*, MDL No.: 2359 (D. Minn.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (Plaintiffs' Executive Committee); *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D.N.J.) (Plaintiffs' Executive Committee); *In re: Pella Corporation Architect and Designer Series Windows Marketing Sales Practices and Product Liability Litigation*, MDL No.: 2514 (D.S.C.) (Plaintiffs' Executive Committee); *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No.: 2223 (N.D. Ill.) (Plaintiffs' Steering Committee); *In re: CitiMortgage, Inc. Home Affordable Modification Program ("HAMP")*, MDL No.: 2274 (C.D. Cal.) (Plaintiffs' Executive Committee); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Cal.) (Plaintiffs' Executive Committee); *In re: Dial Complete*

Marketing and Sales Practices Litigation, MDL No.: 2263 (D.N.H.) (Plaintiffs' Executive Committee); *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL No.: 2382 (E.D. Mo.) (Plaintiffs' Executive Committee); and *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D.N.H.) (Plaintiffs' Executive Committee).

Mr. Schaffer has also served in leadership positions in class actions which were not consolidated in an MDL. *E.g. In re Deva Concepts Products Liability Litigation*, Civil Action No. 1:20-CV-01234 (S.D.N.Y.) (Plaintiffs' Co-Lead Counsel); *Pollard v. Remington Arms Company*, Case No. 4:13-cv-00086-ODS (W.D. Mo.) (Co-Lead Counsel); *Davis v. SOH Distribution Company, Inc.*, Case No. 09-CV-237 (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Gwaizdowski v. County of Chester*, Civil Action No. 08-CV-4463 (E.D. Pa.); *Meneghin, v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (N.J. Super. Ct., Ocean County) (Plaintiffs' Co-Lead Counsel); *Johnson, et al. v. Walsh, et al*, PCCP April Term, 2008, No. 2012 (Phila. Com. Pl. 2008) (Plaintiffs' Co-Lead Counsel); *Gulbankian et. al. v. MW Manufacturers, Inc.*, Case No. 1:10-cv-10392-RWZ (D. Mass.) (Plaintiffs' Discovery and Settlement Committees); *Eliason, et al. v. Gentek Building Products, Inc., et al.*, Case No. 1:10-cv-2093 (N.D. Ohio) (Plaintiffs' Executive Committee); *Smith, et al. v. Volkswagon Group of America, Inc.*, Case No. 3:13-cv-00370-SMY-PMF (S.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *Melillo, et al. v. Building Products of Canada Corp.*, Civil Action No. 1:12-CV-00016-JGM (D. Vt.); *Vought, et al., v. Bank of America, et al.*, Civil Action No. 10-CV-2052 (C.D. Ill.) (Plaintiffs' Discovery and Settlement Committees); *United Desert Charities, et al. v. Sloan Valve, et al.*, Case No. 12-cv-06878 (C.D. Cal.) (Plaintiffs' Executive Committee); *Kowa, et. el. v. The Auto Club Group AKA AAA Chicago*, Case No. 1:11-cv-07476 (N.D. Ill.); *Weller v. HSBC Mortgage Services, Inc.*, No. 13-cv-00185 (D. Colo.); *Gilmour v. HSBC Bank, N.A.*, No. 13-cv-05896 (S.D.N.Y.); *Smith v. SunTrust Mortgage, Inc.*, No. SACH3-739-AG (C.D. Cal.); *George v. Uponor, Inc.*, Civil No. 12-249 ADM/JJK (D. Minn.); *Yarbrough v. Martin's Famous Pastry Shoppe, Inc.*, Civil No. 11-cv-02144-JEJ (M.D. Pa.) (Plaintiffs' Co-Lead Counsel); *Minor v. Congoleum Corporation*, Civil Action No.: 3:13-cv-07727-JAP-LHG (D.N.J.) (Plaintiffs' Co-Lead Counsel); and *In re: MF Global Holdings, Ltd. Investment Litigation*, Case No. 12-MD-2338 (S.D.NY).

In addition, Mr. Schaffer has served as member of litigation teams where Levin Sedran & Berman was appointed to leadership positions in, *inter alia. In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.); *In re: Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La.); *In re: Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); and *In re: Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.).

Currently, Mr. Schaffer is serving as co-lead counsel in *In re Deva Concepts Products Liability Litigation*, Civil Action No. 1:20-CV-01234 (S.D.N.Y.); a member of Plaintiffs' Steering Committee in *In re Aqueous Film-Forming Foams Products Liability Litigation*, MDL 2873 (D. S.C.), a member of Plaintiffs' Steering Committee in *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2838 (D. Or.), a member of Plaintiffs' Executive Committee in: *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.); a member of Plaintiffs' Steering Committee in *Herrera, et el. v. Wells Fargo*, Civil No. 8:18-cv-

00332 (C.D. Cal.); a member of Plaintiffs' Executive Committee in *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Litigation*, MDL 2382 (E.D. Mo.); a member of the Plaintiffs' Executive Committee in *Gold v. Lumber Liquidators, Inc.*, No. 3:14-cv-05373-TEH (N.D. Cal.) and is actively participating in a number of other class actions and mass tort actions across the United States in leadership positions.

Mr. Schaffer regularly prosecutes multi-state consumer class actions involving technically complex issues and has one of the best track records in the country when it comes to developing practical damages methodologies, obtaining prompt relief for consumers victimized by defective products and unfair or deceptive practices, as well as working cooperatively with others. Through smart, efficient, strategy and tailored creative problem-solving Mr. Schaffer and Levin Sedran & Berman have recovered billions of dollars for victims of defective products, environmental disasters and unfair or deceptive practices.

In this regard, Mr. Schaffer and his firm served as liaison counsel in *In re: CertainTeed Corporation Roofing Shingle Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.). That case involved claims on behalf of \$1.8 million homeowners who unknowingly purchased roofing shingles that were defectively designed and manufactured thereby causing premature and unreasonable deterioration, cracking, blistering, crumbling and leaking. Mr. Schaffer was instrumental in bringing about a settlement which was approved by the court and valued at between \$687 to \$815 million dollars. In addition, Mr. Schaffer served as Plaintiffs' Discovery and Settlement Committees in *In re: CertainTeed Siding Litigation*, MDL No.: 2270 (E.D. Pa.). That case involved claims on behalf of tens of thousands of homeowners who unknowingly purchased fiber cement siding that was defectively designed, manufactured thereby causing premature and unreasonable deterioration, cracking and water protrusion. Mr. Schaffer was instrumental in bringing about a common fund settlement in the amount of \$103.9 million dollars which was approved by the court.

Mr. Schaffer also served as lead counsel in *In re: JP Morgan Modification Litigation*, MDL No.: 2290 (D. Mass.). This MDL involved a class action filed across the United States all of which arose out of JP Morgan Chase's implementation of the Home Affordable Modification Program, one of the main programs designed to assist struggling homeowners in the economic downturn. In exchange for receiving billions of dollars in funds, JP Morgan Chase and many other big banks agreed to offer homeowners loan modifications pursuant to the Federal Guidelines. Numerous individuals sued JP Morgan Chase and certain other related companies claiming that Chase failed to offer them a timely and proper permanent mortgage modification after they completed trial period plans under HAMP or Chase's home own equivalent programs. Mr. Schaffer was instrumental in every phase of the litigation including settlement which culminated in a nationwide settlement under a consolidated litigation which provided a broad range of benefits to tens of thousands of homeowners. The overall value of the settlement to class members which was determined to be \$506 million dollars by a former treasury department official who worked on the initial management of the Government's program.

More recently, Mr. Schaffer served as a member of the Plaintiffs' Executive Committee in *In re Wells Fargo Insurance Marketing Sales Practice Litigation*, MDL No. 2797 (C.D. Cal.) which culminated in a national settlement in the amount of \$423,500,000. This lawsuit alleged that Defendants unlawfully placed duplicative, unnecessary, and overpriced collateral protection insurance policies on Wells Fargo customer's automobile loan accounts. Plaintiffs alleged that as a result of Defendants' CPI placements, borrowers suffered financial harm, including wrongful charges, fees, costs, and credit damage. The settlement allowed borrowers to recoup these overpayments. Mr. Schaffer also served as lead counsel in *Pollard v. Remington Pollard v. Remington Arms Company*, Case No. 4:13-cv-00086-ODS (W.D. Mo.). That case involved claims on behalf of over one million consumers who purchased firearms equipped with a defective fire control mechanism which would allow the firearm to discharge without pulling the trigger and placing the user of the firearm as well as bystanders at a grave risk of injury and even death. Mr. Schaffer was instrumental in negotiating a nation-wide class action settlement which was approved by the district court and affirmed by the Eight Circuit Court of Appeals. The settlement allowed owners of the firearms with the defective triggers to have their trigger mechanisms retrofitted with a non-defective trigger. The district court valued the settlement to be at least \$97,000,000. This settlement not only allowed the firearm owners to get the benefit of their bargain by having their guns repaired, but, it also resulted in dangerous firearms being fixed and thereby preventing accidental discharges which could injure or kill the user and/or innocent bystander.

Mr. Schaffer and Levin Sedran & Berman has also handled technically and technologically complex issues representing victims harmed by drugs, defective products, unfair trade practices, data breaches, privacy security breaches and other complex cases involving computers, phones, devices and source code. *See e.g., In re: Diet Drug Product Liability Litigation*, MDL No.: 1203 (E.D. Pa.); *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No.: 2047 (E.D. La.); *In re: The Vioxx Product Liability Litigation*, MDL No.: 1657 (E.D. La.); *In re: CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.), *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.), *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.), *In re: Carrier IQ, Inc., Consumer Privacy Litigation, C.A.*, No. 12-md-1330-EMC (N.D. Cal.); *Bryd v. Arron's Inc., C.A. No. 11-101* (W.D. Pa.); *In re: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.) and *In re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.).

Levin Sedran & Berman is Lead Counsel in *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.). Against tremendous odds and at great effort and expense, Levin Sedran along with Liaison Counsel and members of the Plaintiffs' Steering Committee, dedicated themselves for over ten years to prosecuting claims on behalf of class(es) of thousands of homeowners who had defective Chinese Drywall installed in their homes. Levin Sedran's leadership in developing innovative pleadings involving "Omni Complaints", strategic discovery, and rapid bellwether trials led to a series of inter-related settlements involving various suppliers, builders, installers, insurers, and manufacturers of Chinese Drywall valued at more than \$1 Billion. Mr. Schaffer worked in conjunction with the Plaintiffs' Expert Committee to develop experts to provide the requisite foundation for their defect, causation and damages opinions. This

evidence was instrumental in bringing about plaintiff verdicts in the "bellwether" trial (*Hernandez v. Knauf*, 2010 WL 1710434 (E.D. La. April 27, 2010)) which contributed to the foundation for the inter-related settlements described above. In addition, Mr. Schaffer oversaw the inspection of plaintiffs' homes in Virginia by the defendants' experts and worked with plaintiffs' experts to challenge defendants' experts' opinion that Chinese Drywall could be detected with the use of an XRF handheld measuring device. As a result, plaintiffs filed a Daubert motion and were able to preclude defendant's experts from offering such an opinion. Though the inter-related settlements described above culminated with Knauf, a German company with Chinese manufacturing subsidiaries, the remaining Chinese manufacturing defendants continue to dispute personal jurisdiction and raise other defenses to liability and damages. However, Levin Sedran, continues to spearhead the prosecution of plaintiffs' claims by overseeing the litigation as plaintiffs begin to prepare to try the individual cases which were remanded back to their home districts. These tireless efforts reflect the dedication Levin Sedran & Berman attorneys, like Mr. Schaffer apply to every case.

In addition to representing consumers, Mr. Schaffer has also represented victims of pollution, contamination and other toxic exposures. *Meneghin, v. The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (N.J. Super. Ct., Ocean County) (Plaintiffs' Co-lead Counsel); *Johnson, et al. v. Walsh, et al*, PCCP April Term, 2008, No. 2012 (Phila. Com. Pl.) (Plaintiffs' Co-Lead Counsel). As lead counsel in *Meneghin v. Exxon Mobil Corporation, et al.*, Mr. Schaffer successfully opposed Exxon Mobil's *Daubert* challenges to Plaintiffs' liability and damage experts and obtained certification of a class of property owners whose properties were contaminated with constituents from gasoline (benzene). The contamination was a result of a discharge of gasoline from underground storage tanks which led to ground water contamination and contamination of the properties. Thereafter, Mr. Schaffer negotiated a multi-million-dollar class action settlement on behalf of all property owners in the vicinity of the Exxon Mobil gas station. This was the first class-action settlement for property contamination entered into by Exxon Mobil.

These cases are just a few examples of the complex class-action cases that Mr. Schaffer along with Levin Sedran & Berman led to a successful outcome.

Along with his class action and mass tort experience, Mr. Schaffer has a LLM in Trial Advocacy and has extensive experience prosecuting complex individual actions on behalf of injured individuals in products liability, medical negligence and drug and medical device actions. He has served as Lead Counsel in these matters and successfully tried cases to jury verdicts.

In recognition of his accomplishments, Mr. Schaffer has achieved and maintained an AV Martindale-Hubbell rating and is recognized by his peers as a Super Lawyer. Mr. Schaffer speaks nationally on a multitude of topics relating to class actions and complex litigation.

MICHAEL M. WEINKOWITZ*Member*

MICHAEL M. WEINKOWITZ has substantial professional experience in complex product liability cases involving pharmaceuticals, medical devices and other consumer products. He has served as Court-appointed Executive, Steering or major committee member in mass tort litigations, including, by way of example:

- ***In Re: Juul Labs, Inc., Marketing, Sales Practices, and Prod. Liab.***, MDL (N.D. CA): appointed to Plaintiffs Steering Committee and Law and Briefing Chair;
- ***In re Xarelto Prod. Liab Litig.***, MDL 2592 (E.D. La.); appointed to serve on Discovery Committee, Federal/State Committee, Bellwether trial teams and Settlement Committee and Fee Committee. Served as Plaintiffs' Liaison counsel in the consolidated mass tort litigation in Pennsylvania, *In re Xarelto Prod. Liab. Litig.*, Jan. Term 2015, No. 2349 (First Judicial District of Pennsylvania).
- ***In re Tylenol Marketing, Sales Practices and Prod. Liab. Litig.***, MDL 2436 (E.D. Pa.): served as Liaison Counsel and Chair of the both the Discovery and Law and Briefing Committees and a member of the settlement team that negotiated the global settlement that was reached).
- ***In re YAZ Prod. Liab Litig***, MDL 2100 (S.D. Ill.): served as a member of the Discovery Committee. Court appointed Plaintiffs' Liaison Counsel in the consolidated mass tort action in Pennsylvania, *In re Yaz/Yasmin/Ocella Prod. Liab. Litig*, Sept. Term 2009, No. 1307 (First Judicial District of Pennsylvania); member of the Settlement Committee that negotiated and implemented global settlements.
- ***In re Pradaxa Prod. Liab. Litig***, MDL 2384 (S.D. Ill.): appointed to Plaintiffs' Steering Committee.
- ***In re Johnson and Johnson Talcum Powder Products Marketing, Sales Practices and Prod. Liab. Litig.*** MDL 2738 (D.N.J.): member of the Law and Briefing Committee.
- ***In re Fresenius Granuflo/Naturalyte Dialysate Prod. Liab. Litig.*** MDL 2428 (D. Mass): co-chair of the Discovery Committee.
- ***In re Vioxx Prod. Liab. Litig***, MDL No. 1657 (E.D. La.): member of the Science Committee and the Joint Defense and Plaintiff Review Settlement Subcommittee.
- ***In re Phenylpropanolamine (PPA) Prod. Liab. Litig***, MDL 1407 (W.D. Wash.): member of the Discovery Committee.

In addition to being a member of the various court committees noted above, he has represented those injured by the various drugs and medical devices in those cases, including JUUL, Talcum Powder, Xarelto, Pradaxa, Tylenol, Yaz/Yasmin, Hip Implants, Diethylstilbestrol (DES),

Ortho Evra Birth Control Patch, Vioxx/Bextra/Celebrex, Fosamax, Digitek, Actos, and Cough Cold and Diet Medications containing Phenylpropanolamine (PPA).

He is a frequent seminar instructor and lecturer in the area of mass torts. He was selected Pennsylvania Rising Star – Super Lawyers, in 2005 and in 2009-2020 as a Pennsylvania Super-Lawyer. He is Advisory Board member, LexisNexis Practice Guide(s): Pennsylvania Civil Pre-Trial Practice, and Pennsylvania Civil Trial Practice, 2017 Editions.

Michael was born in Wilmington, Delaware. He graduated from West Virginia University (B.A., *magna cum laude*, 1991) and Temple University, School of Law (J.D., *cum laude*, 1995).

Michael is licensed to practice in Pennsylvania, New Jersey and New York. He is admitted to the United States District Courts, Eastern District of Pennsylvania, the District of New Jersey, the Eastern and Southern Districts of New York and United States Court of Appeals for the Third Circuit.

DANIEL C. LEVIN

Member



DANIEL C. LEVIN is a Philadelphia native who practices in the areas of Medical Malpractice, Personal Injury, Class Actions, Products Liability, Environmental Liability and Mass Torts.

Daniel Levin is a member of the firm of Levin Sedran & Berman. He is a graduate of University of Pittsburgh (B.A. 1994) and Oklahoma City University School of Law (J.D. 1997). He is admitted to practice before the Supreme Court of Pennsylvania, United States District Court for the Eastern District of Pennsylvania, United States District Court for the Western District of Pennsylvania and the United States Court of Appeals for the Third Circuit. He is a member of the American, Pennsylvania and Philadelphia County Bar Associations, as well as the American and Pennsylvania Association for Justice. He is President Elect of the Philadelphia Trial Lawyers Association. Mr. Levin holds an AV rating from Martindale Hubbell and his peers recognize him as a Super Lawyer.

Daniel Levin is appointed to the Steering Committee in *Troyan v. Samsung Electronics America, Inc. et al*; No. 5:17-cv-01096 (W.D. Ok); *Delaware County, Pennsylvania et al v. Purdue Pharma L.P. et al*, No. CV-2017-008095 (CCP Del. Cty); and *In Re: Valsartan Losartan And Irbesartan Products Liability Litigation*; 1:19-md-02875-RBK-JS (D.NJ).

Daniel Levin has been part of the litigation team in *In re Orthopedic Bone Screw Products Liability Litigation*, MDL No. 1014 (E.D. Pa.); *In re Diet Drug Litigation*, MDL No. 1203 (E.D. Pa.); *Galanti v. The Goodyear Tire and Rubber Co.*, Civil Action No: 03-209 (D.N.J.); *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La. 2011); *Cobb v. BSH Home Appliance Corporation, et al*, C.D.Ca. Case No. SACV10-711 DOC (C.D.Cal.); *In Re Human Tissue Products Liability Litigation*, MDL No. 1763 (D.N.J.); *In Re: Chinese Drywall Products Liability Litigation*, MDL 2047 (E.D.La.); *National Football League Players' Concussion Injury Litigation*; No. 2:12-md-02323-AB (E.D.Pa.); *In Re: Rezulin Products Liability Litigation*, 00 Civ. 2843 (S.D.N.Y.); *In Re: Apple Inc. Device Performance Litigation*; No. 5:18-md-02827 (N.D.Cal.); *In Re: Intel Corp. CPU Marketing, Sales Practices And Products Liability Litigation*; No. 3:18-md-2828 (D.Or); and *In Re: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*; MDL No. 2:18-mn-2873-RMG.

Daniel Levin has served as Class Counsel in the following automobile defect cases: *Henderson, et al v. Volvo Cars of North America, LLC, et al*, No. 09-cv-4146 (D.N.J)(class action brought on behalf of individuals who purchased Volvo vehicles with defective transmissions) and *Grant, et al v. Bridgestone/Firestone, Inc. and Ford Motor Company*, September Term, 2000, No. 003668 (C.C.P. Phila.)(involving the Ford Explorer debate). Mr.

Levin has also served as class counsel in the following cases: *Kowa v. The Auto Club Group*, No. 11-7476 (N.D.Ill.); *Kurian v. County of Lancaster*, 2:07-cv-03482 (E.D.Pa.); *Gwaizdowski v. County of Chester*, Civil Action No. 08-CV-4463 (E.D. Pa. 2012); *Meneghin, The Exxon Mobile Corporation, et al.*, Civil Action No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012); *Johnson, et al v. Walsh, et al*, April Term 2008, No. 2012 (C.P.Phila); *Muscara v. Nationwide*, October Term 2000, Civil Action No.: 001557 (C.P.Phila); and *Wong v. First Union*, May Term 2003, Civil Action No. 001173 (C.P.Phila); *Harry Delandro, et al v. County of Allegheny, et al*, Civil Action No. 2:06-CV-927 (W.D.Pa.); *Nakisha Boone, et al v. City of Philadelphia, et al*, Civil Action No. 05-CV-1851 (E.D.Pa.); *Helmer, et al v. the Goodyear Tire & Rubber Co.*, D.Co. Civil Action No. 1:12-00685-RBJ (D.Colo.); *Schappell v. State Farm Mutual Automobile Insurance Company*, No. 1331 S2001 (C.P. Dauphin); *Ortiz v. Complete Healthcare Resources, Inc., et al*, Montgomery CCP No. 12-12609; *Butterline, et al v. the Bank of New York Mellon Trust Company, National Association, et al*, No. 15-01429 (E.D.Pa.); *Martinez v. Capstone Restaurant Group, LLC et al*, No. 1:20-cv-01017 (D.Col.); *Mullins v. Kroger, et al*, No. 1:19-cv-00964 (S.D. Ohio); *Gallagher v. Charter Foods, Inc.*, No. 2:20-cv-00049 (W.D.Pa.); and *McGhee et al v. Toms King, LLC*, No. 2:19-cv-01470 (W.D.Pa.).

Along with Daniel Levin's class action and mass tort experience, Mr. Levin also has extensive experience in individual litigation where he handles and prosecutes claims on behalf of railroad workers involved in workplace accidents ("FELA"). Daniel Levin has also successfully prosecuted complex individual actions on behalf of individuals involved in products liability, medical malpractice, automobile accidents, drug and medical device actions.

AUSTIN B. COHEN

Member



AUSTIN B. COHEN, a native of West Islip, New York, received a BA in Economics and History from the University of Pennsylvania in 1990. He received a JD, cum laude, from the University of Pittsburgh School of Law in 1996. During law school, he interned for the Honorable Lowell Reed (E.D. Pa.) June – August, 1995. He also served as an Executive Editor and Associate Editor for the University of Pittsburgh Journal of Law and Commerce and was a finalist in the Murray S. Love Trial Moot Court Competition.

On April 12, 2019, Mr. Cohen was appointed Co-Lead Counsel in *Sutton v. Hoffman La Roche, Inc.*, ES-L-008724-14 (N.J. Super.), representing a class of home owners adjacent to Roche’s former New Jersey manufacturing facilities in an environmental claim seeking to recover diminished property values as a result of pollution emanating from Roche’s property.

Mr. Cohen’s work has focused on all aspects of class litigation. Cases he has worked on include:

- *In re: Air Cargo Shipping Services Antitrust Litigation*, MDL 1775 (E.D.N.Y.) (representing class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. Settlements exceeded \$1.25 billion);
- *In re: Electrical Carbon Products Antitrust Litigation*, MDL (D.N.J.) (representing class of purchasers alleging electrical carbon products manufacturers agreed to horizontal price fixing and customer allocation. Levin Sedran & Berman served as Co-Lead Counsel);
- *In re: Graphite Electrodes Litigation*, MDL No. 1244 (E.D. Pa.) (representing class of purchasers alleging manufacturers of graphite components used for steel manufacturing agreed to horizontal price fixing. Levin Sedran & Berman served as Co-Lead Counsel. Settlements totaled \$133.5 million, representing 100% of actual damages);
- *In re: Potash Antitrust Litigation*, MDL 1996 (N.D. Ill. And 7th Cir.) (representing class of potash customers alleging horizontal conspiracy among mining companies to fix prices and restrict output. Levin Sedran & Berman worked with lead counsel and focused on obtaining jurisdiction over foreign entities and interpretation of the Foreign Trade Antitrust Improvement Act);

- *In re: Target Corporation Customer Data Security Breach Litigation*, MDL 2522 (D. Minn.) (representing class of financial institutions seeking to recover costs due to Target Corporation’s failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages).

Mr. Cohen has written published articles regarding the admissibility of subsequent remedial modifications in products liability litigation (68 Pa. B.A.Q. 93), the enforceability of litigation confidentiality agreements (71 Pa. B.A.Q. 93), and federal tax issues related to the tax-exempt financing of University sponsored research facilities (23 The Exempt Organization Tax Review 445).

Mr. Cohen has been rated as a Pennsylvania antitrust “SuperLawyer” and is AV Peer Review rated by Martindale Hubble.

Mr. Cohen is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as the U.S. District Courts for the Eastern and Western Districts of Pennsylvania.

SANDRA L. DUGGAN

Of Counsel



SANDRA L. DUGGAN is a native of St. Louis and she graduated from Washington University with Phi Beta Kappa. Having earned a J.D. degree from Columbia University School of Law, Ms. Duggan was admitted to the bar in 1986. Since moving to Philadelphia in 1989, Ms. Duggan has focused her practice on class action litigation.

She has served as a member of the Plaintiffs' Executive Committee in the national asbestos property damage class action, *Prince George Center, Inc. v. U.S. Gypsum, et al.* (C.C.P. Phila.), and she is counsel for class plaintiffs in the Title IX discrimination suit, *Cohen v. Brown University, et al.*, (D.R.I.). Ms. Duggan has worked on *In re: School Asbestos Litig.*, (E.D. Pa.); Asbestos Claimants Committees in Celotex and National Gypsum Chapter 11 bankruptcies; *In re: Orthopedic Bone Screw Prods. Liab. Litig.*, MDL 1014 (E.D. Pa.); *Diet Drugs Litigation*, MDL 1203 (E.D. Pa.); *In re: EXXON VALDEZ*; *In re: Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047 (E.D. La.); *In re: VIOXX Prods. Liab. Litig.*, MDL 1657 (E.D. La.), and other securities fraud, shareholder and property damage class actions in federal and state courts.

Ms. Duggan served as a class action expert in *In re "Non-Filing" Insurance Fee Litig.*, MDL 1130 (M.D. Ala.). She was a contributing author and editor of the Third Edition of Herbert Newberg, *Newberg On Class Actions*, (3d ed. 1992) and she earned a Public Justice Achievement Award in July, 1999 from Public Justice for her work on the Brown University Title IX Litigation.

Ms. Duggan is admitted to practice in the Commonwealth of Pennsylvania, the U.S. District Courts for the Eastern District of Pennsylvania and the Southern and Eastern Districts of New York, the U.S. Court of Appeals for the Third Circuit, and the United States Supreme Court.

Ms. Duggan is fluent in Spanish.

Keith J. Verrier

Partner



KEITH J. VERRIER concentrates his practice on complex class action litigation with a focus on antitrust, consumer fraud, environmental contamination and data security breach cases. His clients include large and small businesses as well as individuals seeking compensation for price-fixing, monopolization, and other wrongdoing. He has experience in all aspects of litigation and has assisted in obtaining significant recoveries in courts throughout the United States. For his work, Mr. Verrier was named a “Rising Star” in 2008 and 2010 and recognized by Super Lawyers as a top attorney in antitrust in 2015, 2016 and 2017.

Mr. Verrier graduated *magna cum laude* from Temple University School of Law where he was a member of the Law Review. Following law school, he served as a judicial clerk for the Honorable Herbert J. Hutton on the United States District Court for the Eastern District of Pennsylvania. Earlier in his career, Mr. Verrier practiced at a large national law firm where he represented clients in a variety of complex commercial litigation matters and at a nationally-recognized boutique law firm specializing in antitrust class actions.

Throughout his career, Mr. Verrier has been involved in a wide range of diverse and complex litigation. The following are representative of the types of matters in which he has been involved:

- *In re: Air Cargo Shipping Services Antitrust Litigation* – Represented a class of shippers alleging international air cargo carriers conspired to fix prices and surcharges. Levin Sedran & Berman served as Co-Lead Counsel. (Over \$1.25 billion in settlements).
- *In re: Target Corporation Customer Data Security Breach Litigation* – Represented a class of financial institutions seeking to recover costs due to Target Corporation’s failure to implement proper data security protocols. Levin Sedran & Berman worked with lead counsel and focused on establishing proper standard of care and calculation of appropriate damages. (\$39 million settlement).
- *In re: Automotive Parts Antitrust Litigation* – Representing a class of car purchasers seeking damages arising from alleged price-fixing conspiracies as to various automotive parts that are components of new motor vehicles. Levin Sedran & Berman is working with co-lead counsel on briefing and discovery matters. (Over \$200 million in settlements to date).
- *In re: Mushroom Direct Purchaser Antitrust Litigation* – Defended a cooperative of mushroom growers against allegations of, inter alia, price fixing, supply control and monopolization brought under Sections 1 and 2 of the Sherman Act.

- *Johnson Matthey, Inc. v. Research Corp.* – Represented one of the world’s largest fabricators and distributors of platinum group metals involving complex pharmaceutical development and licensing issues.
- *Chester County Hospital v. Independence Blue Cross, et al.* – Represented a community hospital in an antitrust matter involving the largest health maintenance organization (HMO) in the country.

Mr. Verrier is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey, as well as in the U.S. District Courts for the Eastern District of Pennsylvania and the District of New Jersey, and in the United States Court of Appeals for the Third Circuit.

NICOLA F. SERIANNI

Associate



NICOLA F. SERIANNI is a graduate of The Johns Hopkins University (B.A. International Relations, 2000) and Widener University School of Law (J.D., 2006). While in law school, Ms. Serianni served as an intern for Pennsylvania Superior Court Judge Susan Peikes Gantman, and upon graduation continued to work in the Superior Court of Pennsylvania for Judges Richard B. Klein (Ret.) and Anne E. Lazarus.

Ms. Serianni is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey as well as in the United States District Court for the Eastern District of Pennsylvania. Ms. Serianni works extensively on products liability and class action litigation cases.

DAVID C. MAGAGNA, JR.

Associate



DAVID C. MAGAGNA JR. graduated from Villanova School of Law in 2016. During law school, Mr. Magagna interned at the United States Attorney's Office and with two national law firms in the Philadelphia area. After graduation from law school, he clerked for Pennsylvania Supreme Court Justice Sallie Updyke Mundy. After his clerkship, he again worked with a national law firm before joining Levin Sedran & Berman as an associate.

Mr. Magagna is admitted to practice in the Commonwealth of Pennsylvania and the State of New Jersey.

Honors:

- President of Delta Kappa Epsilon
- Vice-President of the Inter-Fraternal Council
- President of the Corporate Law Society

Published article:

- David C. Magagna, *Congress, Give Renewable Energy A Fair Fight: Passage of the Master Limited Partnerships Parity Act Would Give Renewable Energy the Financial Footing Needed to Independently Succeed*, 27 Vill. Envtl. L.J. 149 (2016).

NICHOLAS J. ELIA

Associate



NICHOLAS J. ELIA graduated from The Pennsylvania State University (B.S. Finance and Economics, 2014) and Temple University James E. Beasley School of Law (J.D., 2018). In law school, Nicholas was a member of the Temple International and Comparative Law Journal, he focused his coursework on complex civil litigation and antitrust law, and he interned with the Securities and Exchange Commission and the American Antitrust Institute.

Mr. Elia is admitted to practice in the Commonwealth of Pennsylvania.

RAYMOND P. FORCENO

Of Counsel



RAYMOND P. FORCENO has had a long and distinguished career practicing railroad law, representing railroad workers in litigation against their employing railroads for on the job injuries and diseases pursuant to the Federal Employers Liability Act (FELA). Mr. Forceno has extensive experience trying cases before juries and has recovered a substantial amount of money for his clients during his career.

Mr. Forceno is admitted to practice in the Commonwealth of Pennsylvania, as well as the U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania.

SUCCESSFULLY LITIGATED CLASS CASES

Examples of the firm successfully litigated class action cases include the following: *James J. and Linda J. Holmes, et al. v. Penn Security Bank and Trust Co., et al.*, U.S.D.C., Middle District of Pennsylvania Civil Action No. 80-0747; *In re: Glassine & Greaseproof Antitrust Litigation*, MDL 475, U.S.D.C., Eastern District of Pennsylvania; *In re: First Pennsylvania Securities Litigation*, Master File No. 80-1643, U.S.D.C., Eastern District of Pennsylvania; *In re: Caesars World Shareholder Litigation*, Master File No. MDL 496 (J.P. MDL); *In re: Standard Screws Antitrust Litigation*, Master File No. MDL 443, U.S.D.C., Eastern District of Pennsylvania; *In re: Electric Weld Steel Tubing Antitrust Litigation - II*, Master File No. 83-0163, U.S.D.C., Eastern District of Pennsylvania; *Leroy G. Meshel, et al. v. Nutri-Systems, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 83-1440; *In re: Corrugated Container Antitrust Litigation*, U.S.D.C., Southern District of Texas, Houston Division, MDL 310; *In re: Three Mile Island Litigation*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 79-0432; *Township of Susquehanna, et al. v. GPU, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 81-0437 (a Three Mile Island case); *Donald A. Stibitz, et al. v. General Public Utilities Corporation, et al.*, No. 654 S 1985 (C.P. Dauphin County, Pa.) (a Three Mile Island case); *Raymond F. Wehner, et al. v. Syntex Corporation and Syntex (U.S.A.) Inc.*, No. C-85-20383(SW) (N.D. Cal.) (first Superfund Class Action ever certified); *In re: Dun & Bradstreet Credit Services Customer Litigation*, U.S.D.C., Southern District of Ohio, Civil Action Nos. C-1-89-026, 89-051, 89-2245, 89-3994, 89-408; *Malcolm Weiss v. York Hospital, et al.*, U.S.D.C., Middle District of Pennsylvania, Civil Action No. 80-0134; *In re: Ramada Inns Securities Litigation*, U.S.D.C., District of Delaware, Master File No. 81-456; *In re: Playboy Securities Litigation*, Court of Chancery, State of Delaware, New Castle County, Civil Action No. 6806 and 6872; *In re: Oak Industries Securities Litigation*, U.S.D.C., Southern District of California, Master File No. 83-0537-G(M); *Dixie Brewing Co., Inc., et al. v. John Barth, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-4112; *In re: Warner Communications Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 82-CV-8288; *In re: Baldwin United Corporation Litigation*, U.S.D.C., Southern District of New York, MDL No. 581; *Zucker Associates, Inc., et al. v. William C. Tallman, et al. and Public Service Company of New Hampshire*, U.S.D.C., District of New Hampshire, Civil Action No. C86-52-D; *In re: Shopping Carts Antitrust Litigation*, MDL 451, Southern District of New York; *Charal v. Andes, et al.*, C.A. No. 77-1725; *Hubner v. Andes, et al.*, C.A. No. 78-1610 U.S.D.C., Eastern District of Pennsylvania; *In re: PetroLewis Securities Litigation*, 84-C-326, U.S.D.C., District of Colorado; *Gentry v. C & D Oil Co.*, 102 F.R.D. 490 (W.D. Ark. 1984); *In re: Hops Antitrust Litigation*, C.A. No. 84-4112, U.S.D.C., Eastern District of Pennsylvania; *In re: North Atlantic Air Travel Antitrust Litigation*, No. 84-1013, U.S.D.C., District of Columbia; *Continental/Midlantic Securities Litigation*, No. 86-6872, U.S.D.C., Eastern District of Pennsylvania; *In re: Fiddler's Woods Bondholders Litigation*, Civil Action No. 83-2340 (E.D. Pa.) (Newcomer, J.); *Fisher Brothers v. Cambridge-Lee Industries, Inc , et al.*, Civil Action No. 82-4941, U.S.D.C., Eastern District of Pennsylvania; *Silver Diversified Ventures Limited Money Purchase Pension Plan v. Barrow, et al.*, C.A. No. B-86-1520-CA (E.D. Tex.) (*Gulf States Utilities Securities Litigation*); *In re: First Jersey Securities Litigation*, C.A. No. 85-6059 (E.D. Pa.); *In re: Crocker Shareholder Litigation*,

Cons. C.A. No. 7405, Court of Chancery, State of Delaware, New Castle County; *Mario Zacharjasz, et al. v. The Lomas and Nettleton Co.*, Civil Action No. 87-4303, U.S.D.C., Eastern District of Pennsylvania; *In re: People Express Securities Litigation*, Civil Action No. 86-2497, U.S.D.C., District of New Jersey; *In re: Duquesne Light Shareholder Litigation*, Master File No. 86-1046 U.S.D.C., Western District of Pennsylvania (Ziegler, J.); *In re: Western Union Securities Litigation*, Master File No. 84-5092 (JFG), U.S.D.C., District of New Jersey; *In re: TSO Financial Litigation*, Civil Action No. 87-7903, U.S.D.C., Eastern District of Pennsylvania; *Kallus v. General Host*, Civil Action No. B-87-160, U.S.D.C., District of Connecticut; *Staub, et al. v. Outdoor World Corp.*, C.P. Lancaster County, No. 2872-1984; *Jaroslawicz, et al. v. Englehard Corp.*, U.S.D.C., District of New Jersey, Civil Action No. 84-3641F; *In re: Boardwalk Marketplace Securities Litigation*, U.S.D.C., District of Connecticut, MDL 712 (WWE); *In re: Goldome Securities Litigation*, U.S.D.C., Southern District of New York, Civil Action No. 88-Civ-4765; *In re: Ashland Oil Spill Litigation*, U.S.D.C., Western District of Pennsylvania, Master File No. M-14670; *Rosenfeld, et al. v. Collins & Aikman Corp.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 87-2529; *Gross, et al. v. The Hertz Corporation*, U.S.D.C., Eastern District of Pennsylvania, Master File, No. 88-661; *In re: Collision Near Chase, Maryland on January 4, 1987 Litigation*, U.S.D.C., District of Maryland, MDL 728; *In re: Texas International Securities Litigation*, U.S.D.C., Western District of Oklahoma, MDL No. 604, 84 Civ. 366-R; *In re: Chain Link Fence Antitrust Litigation*, U.S.D.C., District of Maryland, Master File No. CLF-1; *In re: Winchell's Donut House, L.P. Securities Litigation*, Court of Chancery of the State of Delaware, New Castle County, Consolidated Civil Action No. 9478; *Bruce D. Desfor, et al. v. National Housing Ministries, et al.*, U.S.D.C., Eastern District of Pennsylvania, Civil Action No. 84-1562; *Cumberland Farms, Inc., et al. v. Browning-Ferris Industries, Inc., et al.*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 87-3717; *In re: SmithKline Beckman Corp. Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, Master File No. 88-7474; *In re: SmithKline Beecham Shareholders Litigation*, Court of Common Pleas, Phila. County, Master File No. 2303; *In re: First Fidelity Bancorporation Securities Litigation*, U.S.D.C., District of New Jersey, Civil Action No. 88-5297 (HLS); *In re: Qintex Securities Litigation*, U.S.D.C., Central District of California, Master File No. CV-89-6182; *In re: Sunrise Securities Litigation*, U.S.D.C., Eastern District of Pennsylvania, MDL 655; *David Stein, et al. v. James C. Marshall, et al.*, U.S.D.C., District of Arizona, No. Civ. 89-66 (PHX-CAM); *Residential Resources Securities Litigation*, Case No. 89-0066 (D. Ariz.); *In re: Home Shopping Network Securities Litigation -- Action I (Consolidated Actions)*, Case No. 87-428-CIV-T-13A (M.D. Fla.); *In re: Kay Jewelers Securities Litigation*, Civ. Action Nos. 90-1663-A through 90-1667A (E.D. Va.); *In re: Rohm & Haas Litigation*, Master File Civil Action No. 89-2724 (Coordinated) (E.D. Pa.); *In re: O'Brien Energy Securities Litigation*, Master File No. 89-8089 (E.D. Pa.); *In re: Richard J. Dennis & Co. Litigation*, Master File No. 88-Civ-8928 (MP) (S.D. N.Y.); *In re: Mack Trucks Securities Litigation*, Consolidated Master File No. 90-4467 (E.D. Pa.); *In re: Digital Sound Corp., Securities Litigation*, Master File No. 90-3533-MRP (BX) (C.D. Cal.); *In re: Philips N.V. Securities Litigation*, Master File No. 90-Civ.-3044 (RPP) (S.D.N.Y.); *In re: Frank B. Hall & Co., Inc. Securities Litigation*, Master File No. 86-Civ.-2698 (CLB) (S.D.N.Y.); *In re: Genentech, Inc. Securities Litigation*, Master File No. C-88-4038-DLJ (N.D. Cal.); *Richard Friedman, et al. v. Northville Industries Corp.*, Supreme Court of New York, Suffolk County, No. 88-2085; *Benjamin Fishbein, et al. v. Resorts International, Inc., et al.*, No. 89 Civ.6043(MGC) (S.D.N.Y.); *In re:*

Avon Products, Inc. Securities Litigation, No. 89 Civ. 6216 (MEL) (S.D.N.Y.); *In re: Chase Manhattan Securities Litigation*, Master File No. 90 Civ. 6092 (LJF) (S.D.N.Y.); *In re: FPL Group Consolidated Litigation*; Case No. 90-8461 Civ. Nesbitt (S.D. Fla.); *Daniel Hwang, et al v. Smith Corona Corp., et al*, Consolidated No. B89-450 (TFGD) (D. Ct.); *In re: Lomas Financial Corp. Securities Litigation*, C.A. No. CA-3-89-1962-G (N.D. Tex.); *In re: Tonka Corp. Securities Litigation*, Consolidated Civil Action No. 4-90-2 (D. Minnesota); *In re: Unisys Securities Litigation*, Master File No. 89-1179 (E.D. Pa.); *In re: Alcolac Inc. Litigation*, Master File No. CV490-261 (Cir. Ct. Saline Cty. Marshall, Missouri); *In re: Clozapine Antitrust Litigation*, Case No. MDL874 (N.D. Ill.); *In re: Jiffy Lube Securities Litigation*, C.A. No. JHY-89-1939 (D. Md.); *In re: Beverly Enterprises Securities Litigation*, Master File No. CV-88-01189 RSWL (Tex.) [Central District CA]; *In re: Kenbee Limited Partnerships Litigation*, CV-91-2174 (GEB) (D.N.J.); *Greentree v. Procter & Gamble Co.*, C.A. No. 6309, April Term 1991 (C.C.P. Phila. Cty.); *Moise Katz, et al v. Donald A. Pels, et al and Lin Broadcasting Corp.*, No. 90 Civ. 7787 (KTD) (S.D.N.Y.); *In re: Airlines Antitrust Litigation*, MDL No. 861 (N.D. GA.); *Fulton, Mehring & Hauser Co., Inc., et al. v. The Stanley Works, et al.*, No. 90-0987-C(5) (E.D. Mo.); *In re: Mortgage Realty Trust Securities Litigation*, Master File No. 90-1848 (E.D. Pa.); *Benjamin and Colby, et al. v. Bankeast Corp., et al.*, C.A. No. C-90-38-D (D.N.H.); *In re: Royce Laboratories, Inc. Securities Litigation*, Master File Case No. 920923-Civ-Moore (S.D. Fla.); *In re: United Telecommunications, Inc. Securities Litigation*, Case No. 90-2251-0 (D. Kan.); *In re: U.S. Bioscience Securities Litigation*, C.A. No. 92-678 (E.D. Pa.); *In re: Bolar Pharmaceutical Co., Inc. Securities Litigation*, C.A. No. 89 Civ. 17 (E.D. N.Y.); *In re: PNC Securities Litigation*, C.A. No. 90-592 (W.D. Pa.); *Raymond Snyder, et al. v. Oneok, Inc., et al.*, C.A. No. 88-C-1500-E (N.D. Okla.); *In re: Public Service Company of New Mexico*, Case No. 91-0536M (S.D. Cal.); *In re: First Republic Bank Securities Litigation*, C.A. No. CA3-88-0641-H (N.D. Tex, Dallas Division); and *In re: First Executive Corp. Securities Litigation*, Master File No. CV-89-7135 DT (C.D. Calif.).

EXHIBIT 31

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF STEPHEN F.
ROSENTHAL IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, STEPHEN F. ROSENTHAL, declare as follows:

2 1. I am a partner at the law firm of Podhurst Orseck, P.A.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee, specifically as Co-Chair of the Experts
6 Committee. In that role, and at the direction of the Co-Lead Counsel, I and my colleague, Matthew
7 Weinshall, collaborated with our Co-Chair firm, Cohen Milstein Sellers & Toll PLLC, to divide
8 the work on a variety of functions, including: (a) undertaking an investigation of technical
9 literature and interviews to identify leading experts in device-function and battery chemistry to
10 assist Co-Lead Counsel in retaining these experts; (b) interfacing with retained experts to consult
11 on technical issues, especially at the outset of the MDL, as well as on work-product bench-testing
12 of Apple devices to assess battery performance; (c) assisting the Law and Briefing Team with the
13 technical sections of the initial consolidated complaint; and (d) liaising between the experts and
14 the Offensive Discovery and Device Development Committees to help focus certain written
15 discovery.

16 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
17 with years in practice, current hourly rates, hours spent, and total lodestar calculated applying the
18 current rates. I hereby attest that the billing rates used on the attached Exhibit A conform to the
19 current professional rates set at my firm. Further detail regarding our litigation experience can be
20 found on our firm website at <https://www.podhurst.com/teammember/stephen-f-roenthal/> and
21 <https://www.podhurst.com/teammember/matthew-weinshall/> as well as in the firm resume
22 attached hereto as Exhibit C.

23 4. The detailed descriptions of the time spent by the attorneys and paralegal of my
24 firm in this litigation were prepared from contemporaneous, daily time records prepared and
25 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
26 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
27 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
28 time records are available for the Court's review should the Court desire such records.

1 5. The total number of hours expended on this litigation by my firm, as approved by
2 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
3 consolidation through July 31, 2020 is 189 hours. The total lodestar for my firm calculated at
4 current applicable rates is \$114,957.

5 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
6 (“expenses”) totaling \$26,551.73, which were necessary in relation to this litigation and submitted,
7 vetted and approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel
8 pursuant to the Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this
9 litigation are reflected in the books and records of my firm. These books and records are prepared
10 from expense vouchers, check records, and other documents and are an accurate record of the
11 expenses.

12 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th
13 day of August, 2020, at Miami, Florida.

14 

15
16 _____
Stephen F. Rosenthal

EXHIBIT A

Podhurst Orseck, P.A.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Rosenthal, Stephen	Partner (24 years)	\$ 790.00	100.20	\$ 79,158.00
Weinshall, Matthew	Partner (9 years)	\$ 625.00	29.10	\$ 18,187.50
Miller, Jessica	Paralegal (2 years)	\$ 295.00	59.70	\$ 17,611.50
TOTAL			189.00	\$ 114,957.00

EXHIBIT B

EXHIBIT B**Podhurst Orseck, P.A.**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	\$161.83
05. Postage	
06. Court Fees	\$329.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$35.39
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$1,018.76
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$6.75
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$25,000
TOTAL	\$ 26,551.73

EXHIBIT C

PODHURST ORSECK, P.A.

MIAMI, FLORIDA

PODHURST ORSECK, P.A.

One Southeast 3rd Avenue · Suite 2300 · Miami, Florida 33131
(305) 358-2800 · Fax: (305) 358-2382

AARON S. PODHURST

ROBERT ORSECK (1934-1978)

ROBERT C. JOSEFSBERG

JOEL D. EATON

STEVEN C. MARKS

PETER PRIETO

STEPHEN F. ROSENTHAL

RICARDO M. MARTÍNEZ-CID

RAMON A. RASCO

JOHN GRAVANTE, III

LEA P. BUCCIERO

MATTHEW P. WEINSHALL

ALISSA DEL RIEGO

KRISTINA INFANTE

PABLO ROJAS

WALTER H. BECKHAM, JR. (1920 - 2011)

KAREN PODHURST DERN (OF COUNSEL)

FIRM PROFILE

**GENERAL CIVIL AND CRIMINAL TRIAL AND
APPELLATE PRACTICE IN ALL COURTS**

PRINCIPAL PRACTICE AREAS

Personal Injury and Wrongful Death Litigation

Aviation Litigation

Class Action

Commercial Litigation

General Tort Practice Concentrating in

Automobile Negligence, Product Liability and Medical Malpractice Litigation

Criminal Litigation

Appellate Practice

A

BOUT THE FIRM

Podhurst Orseck continues a legal practice, established in 1967, concentrating exclusively in trial and appellate litigation. The firm is dedicated to offering the highest caliber legal representation in both federal and state trial and appellate courts. The firm's general tort practice places a major emphasis upon aviation, automobile, products liability and medical malpractice litigation. In addition, the firm has a substantial practice in commercial and criminal litigation, as well as complex commercial tort litigation. From its inception, the firm has also cultivated an appellate practice, handling appeals of not only the firm's own trial lawyers, but also of other lawyers throughout the State of Florida, in the various state and federal appellate courts. The firm's practice serves clients and corporations throughout the United States, and in several foreign countries.

Our firm has consistently received an AV-Rating from Martindale-Hubbell Law Directory, the highest possible rating, based on legal ability and general ethical standards.



AREAS OF PRACTICE

Class Actions

Class action and multidistrict litigation is a mainstay of our practice. The firm's practice in multidistrict litigation (MDL) class actions began in 1972 with the representation of victims of the crash of Eastern Airlines Flight 401 in the Florida Everglades. Partner Aaron Podhurst was appointed to serve as the chairman of the plaintiffs' executive committee among the lawyers representing hundreds of cases in the matter. The case was resolved within a year – a rarity for multidistrict litigation – and served as a stepping-stone to the firm's success.

Our attorneys have served as court-appointed lead or liaison counsel in numerous major class actions, including aviation, securities litigation, investor fraud cases, pharmaceutical, consumer, healthcare and insurance litigation. From its inception, the firm has cultivated the appellate and class action practices of not only the firm's trial lawyers, but also representational partnerships with other lawyers throughout the nation.

Our firm members practice in many state and federal appellate courts, including the United States Supreme Court. The firm's practice serves clients residing or based domestically throughout the United States as well as those around the world.

Podhurst Orseck's attorneys are respected nationally and internationally for their involvement and results in multidistrict class action litigation representation. Recent and notable class action matters being handled by the firm include the NFL Concussion litigation, Bank of America Overdraft litigation and our current representation of class member claims in the Takata Airbag and Volkswagen Wheel Alignment class actions.

Partners Aaron A. Podhurst, Robert C. Josefsberg, Joel D. Eaton, Steven C. Marks, Peter Prieto, Stephen F. Rosenthal and Ricardo M. Martinez-Cid have been listed in Best Lawyers in America and received numerous other personal accolades for their representation in class action and multidistrict litigation matters.

General Tort Practice Concentrating in Automobile Negligence, Product Liability and Medical Malpractice Litigation

Since its inception, the foundation of the firm's trial practice has been general tort law. Our experience runs the gamut of such cases, from complex products liability, to business-related torts to automobile liability. Literally thousands of general negligence and product liability cases of all sorts have been prepared, negotiated, and either settled or tried by the members of this firm.

An abbreviated listing of the types of cases handled would include all types of product liability and general negligence cases ranging from chemical spills to use of dangerous pesticides.

The firm was successful in handling a case involving the improper discharge of elemental mercury causing permanent physical injuries and ecological damages to residents of an entire municipality and in another case involving the use of a pesticide named 1,2 Dibromo-3-chloropropane (“DBCP”) known to cause sterility in humans due to its highly toxic properties.

Similarly, the firm also has successfully handled numerous complex medical, legal, accounting, architectural and engineering malpractice claims.

Aviation Litigation

A major emphasis within the firm's general tort practice is aviation litigation. The firm is recognized as one of the premier plaintiffs' aviation law firms in the world. We believe that the firm has handled more plaintiffs' aviation cases than any other firm in the southeastern United States. The firm has represented multiple victims of over 40 major air disasters over the past fifty years. In addition, the firm has handled in excess of 100 small or light plane crashes involving private, non-commercial airplanes.

Members of this firm have chaired the Aviation and Space Committee of the Tort & Insurance Practice Section of the American Bar Association; the Aviation Committee of the Association of Trial Lawyers of America; the Aviation Committee of The Florida Bar; and the Aviation Advisory Committee of the Association of Trial Lawyers of America. We have been guest lecturers at more than 100 aviation law seminars, including the American Bar Association's National Institutes on Aviation and Lloyds of London's international meetings; at Florida Bar, The Florida Justice Association, and American Association for Justice seminars. Firm members have been court appointed as lead counsel in federal aviation multidistrict litigation proceedings; and have tried or settled numerous aviation accident cases. Two of our partners are licensed pilots. One served as a naval aviator in the United States Navy from 1965 to 1971, and flew 150 combat missions in Southeast Asia in carrier-based A-7 aircraft. He also worked as an aircraft systems safety engineer and accident investigator for the Vought Aeronautics Division of LTV Aerospace Corporation between his service in the Navy and attending law school.

This firm is proud to have played a prominent role in the development of aviation jurisprudence over the past fifty years. It has acquired in this context specialized expertise on such complex questions as jurisdiction, venue, forum non conveniens, and choice of law. Members of this firm have appeared before every local federal and state court, the Eleventh Circuit Court of Appeals, the Florida and U.S. Supreme Courts, the Panel on Multi-District Litigation and the U.S. Congress on behalf of aviation plaintiffs.

Commercial Litigation

Nearly fifty percent of this firm's trial and appellate litigation involves the resolution of corporate and commercial disputes. Our practice varies from the most complex commercial cases to straight forward contract disputes. The firm's commercial clientele includes Fortune 500 companies, small and middle-sized companies, and private individuals.

The firm handles commercial cases under both hourly and contingency arrangements. We employ experienced paralegal and support staff to assist the lawyers in order to ensure cost efficient handling of these cases. In addition, the firm has developed and implemented an advanced, computerized litigation support system to deal with the voluminous documentation usually associated with complex commercial litigation.

A sampling of major commercial matters handled during the past several years includes:

- Defense before the United States Supreme Court (and in intermediate trial and appellate courts) of a challenge to personal jurisdiction conferred under a franchise agreement utilized nationwide by a Fortune 500 company;
- Obtaining a multi-million dollar punitive and compensatory damage award for a local client against a corporate banking customer engaged in fraudulent wire transfers;
- The successful representation of a group of major investors in a proxy battle over control of a large locally-based banking institution;
- Securing a multi-million dollar verdict, including punitive and compensatory damages, for an independent insurance agent whose exclusive agency relationship was wrongfully terminated by a major insurance provider;
- Prosecution of securities and racketeering claims by a group of minority shareholders against entrenched management of a local savings and loan;
- Defense of employee wrongful discharge, Title VII, and ADEA claims for a major local developer;
- Defense of several "Big Six" accounting firms in accounting malpractice cases.
- Successful defense of a high media profile tortious interference claim by well known boxing promoters against a world champion boxer.
- Serving as Plaintiffs' Liaison Counsel in a nation-wide, federal class action on behalf of physician providers against all of the major medical insurance providers;

- Serving by court appointment as Lead Counsel in several federal multi-district litigation (MDL) proceedings;
- Serving as Lead Counsel for plaintiffs in a One Billion Dollar securities class action involving 34,000 world-wide investors.

In addition to the areas mentioned, our commercial practice includes securities litigation; business torts; trademark and patent infringement; employment law; lender liability; attorney and accountant malpractice; director and officer liability, products liability, class actions and anti-trust claims.

Appellate Practice

Two of our partners--Joel Eaton and Stephen F. Rosenthal--devote their practices exclusively to appellate litigation and complex trial-level motions, handling all in-house matters and referrals from attorneys and clients all over the United States. They practice primarily in the United States Court of Appeals for the Eleventh Circuit, the Florida Supreme Court, and the intermediate Florida District Courts of Appeal, but they also handle appellate litigation elsewhere in the United States. Mr. Eaton has also argued several cases in the United States Supreme Court. Their practice mirrors the substantive diversity of the firm as a whole, and includes plaintiffs' personal-injury, medical malpractice, and wrongful-death cases, including aviation-related matters and commercial matters of all types.

White Collar Criminal Investigations and Litigation

The firm has a special interest and concentration in the areas of white collar crime and commercial fraud. The focus of the practice is the representation of individuals, corporate executives and corporations, in both Florida and federal proceedings, ranging from grand jury investigations to criminal prosecutions and appeals. The firm has handled litigation involving environmental matters, bank fraud, political contributions, tax fraud, mail and wire fraud, RICO violations, securities fraud, anti-trust price fixing, bar grievances, official corruption, and various other economic crimes. The firm has also handled quasi-criminal forfeitures and seizures of assets.

Date of Profile: May 4, 2020

Contact for additional information: Aaron S. Podhurst, Esq. (305) 358-2800

STEPHEN F. ROSENTHAL

Appellate Practice
Personal Injury and Wrongful Death Litigation
Aviation Litigation
Product Liability
Commercial Litigation
Constitutional and Election Law

Stephen focuses on complex litigation and appeals. He has tried cases to verdict in state and federal courts and has argued nearly 40 appeals in state and federal appellate courts across the country. His practice spans class actions, aviation accidents, personal injury, commercial disputes, professional malpractice, and whistle blower claims.

His abilities have been recognized in numerous publications. Benchmark Appellate has observed that Stephen "possesses the rare skill set allowing him to excel at both trial and appellate litigation." Other national publications have praised his "sharp intellect" and "extremely creative legal analysis skills," listing him among the best lawyers in the country in the categories of appellate and personal injury litigation.

Stephen is also an experienced hand at election litigation. He was appointed by the President's re-election campaign to serve as State Counsel for Florida, a general counsel-like position where he developed legal strategy and oversaw 4,500 volunteer lawyers in voter-protection efforts. He played a similar role in the 2010 gubernatorial and 2008 presidential elections. He has advised numerous candidates on legal issues affecting campaigns.

He joined the firm in 2001 and has been a partner since 2005. Prior to entering private practice, he worked at the Department of Justice in Washington, defending federal programs and agencies. He had the honor of serving as a law clerk to Judges Rosemary Barkett on the U.S. Court of Appeals for the Eleventh Circuit and Mark Wolf of the U.S. District Court for the District of Massachusetts. He is a graduate of Harvard Law School (J.D., cum laude, 1996) and of Harvard College (A.B., magna cum laude, 1992), and spent the year after college in England as a Rotary Foundation Ambassadorial Scholar.

He was appointed in 2009 by the judges of the -U.S. Court of Appeals for the Eleventh Circuit as one of six lawyers in Florida on its Lawyers Advisory Committee. Stephen is an active member of his community. He serves on the Steering Committee of the fund-raising arm of Legal Services of Greater Miami, Inc., is active in leadership at Temple Judea of Coral Gables, and has previously served as Chairman of the Board of the American Constitution Society, South Florida Chapter, and was on the Board of Directors of the Florida Justice Association. He is a member of the Leadership Florida Class of 2007.

He has lectured on a wide range of topics, including appellate practice, class action law, Florida's Unfair and Deceptive Trade Practices Act, attorney's fees in wrongful death



cases, and the treatment of worker's compensation liens in wrongful death cases, and has published work on the law of religious freedom under the First Amendment. He speaks Spanish and has previously worked in Spain and Central America.

MATTHEW P. WEINSHALL

Matthew is an honors graduate of Harvard College (A.B. cum laude 2002) and of the University of Miami School of Law (J.D. summa cum laude 2010), where he was an editor of the University of Miami Law Review. Prior to law school, Matt worked as an equities trader for three years and as a foreign exchange trader for two years. After law school, Matt served as a law clerk to Judge Rosemary Barkett of the U.S. Court of Appeals for the Eleventh Circuit.

Matt is admitted to the Florida Bar and focuses his practice on complex commercial litigation and class actions.

EXHIBIT 32

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF MARK J. DEARMAN
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Mark J. Dearman, declare as follows:

2 1. I am a partner at the law firm of ROBBINS GELLER RUDMAN & DOWD LLP
3 (“Robbins Geller” or the “Firm”).

4 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees, I was
6 appointed by the Court as chair of the Apple Device Performance Litigation Plaintiffs’ Executive
7 Committee (“PEC”) (ECF No. 99). My role included the responsibility, along with co-lead
8 counsel, to ensure that Plaintiffs’ pretrial preparation was conducted effectively, efficiently, and
9 economically and unnecessary expenditures of time and expense were avoided. This included
10 obtaining, vetting, and maintaining time records for Plaintiffs’ counsel, as well as preparing and
11 submitting reports to the Court on a quarterly basis. I also assisted in the delegation of assignments
12 to other Plaintiffs’ counsel and made available a website where Court orders and other materials
13 were made available to Plaintiffs’ counsel. I assisted with retention of an ESI vendor, document
14 review, and law and briefing on 12(b)(6) issues and issues involving possible coordination with
15 state attorneys general and the impact of parallel litigation. Finally, I assisted co-lead counsel with
16 issues concerning time and expenses in the Motion for Preliminary Approval of Proposed
17 Settlement; Memorandum of Points and Authorities in Support Thereof and Named Plaintiffs’
18 Motion for Final Approval of Proposed Settlement, and for Attorneys’ Fees, Expenses, and Service
19 Awards.

20 3. The individuals of my Firm who worked on this matter are listed in Exhibit A, along
21 with years in practice, most recent hourly rates reported to the Court during the pendency of this
22 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
23 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
24 and trial experience of each professional can be found, to the extent available, in the Firm resume
25 attached hereto as Exhibit C.

26 4. The detailed descriptions of the time spent by the attorneys and other professionals
27 of my Firm in this litigation was prepared from contemporaneous, daily time records prepared and
28 maintained by my Firm. These records were vetted in the same fashion as the records submitted

1 by other firms in this litigation. and pursuant to the Court's July 3, 2018 Case Management No.
2 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed time records are
3 available for the Court's review should the Court desire such records.

4 5. The total number of hours expended on this litigation by my Firm, from
5 appointment and consolidation through July 31, 2020 is 1,780.10 hours. The total lodestar for my
6 Firm is \$864,068.00.

7 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
8 ("expenses") totaling \$31,884.11, which were necessary in relation to this litigation and submitted,
9 vetted and approved in the same fashion that other expenses and charges by other firms were
10 handled. and pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses
11 pertaining this litigation are reflected in the books and records of my Firm. These books and
12 records are prepared from expense vouchers, check records, and other documents and are an
13 accurate record of the expenses.

14 7. Attached hereto as Exhibit C is a resume for my Firm.

15 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th
16 day of August, 2020, at Boca Raton, Florida.



MARK J. DEARMAN

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EXHIBIT A

Robbins Geller Rudman & Dowd LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Alperstein, Jason	Partner (11 years)	\$ 750.00	15.80	\$ 11,850.00
Dearman, Mark	Partner (27 years)	\$ 950.00	265.70	\$ 252,415.00
Geller, Paul	Partner (27 years)	\$ 950.00	1.60	\$ 1,520.00
Reich, Mark	Partner (20 years)	\$ 895.00	2.60	\$ 2,327.00
Wilens, Douglas	Partner (24 years)	\$ 900.00	2.20	\$ 1,980.00
Dwoskin, Eric	Associate (7 years)	\$ 580.00	306.70	\$ 177,886.00
Klein, Scott	Associate (41 years)	\$ 350.00	587.90	\$ 205,765.00
Bays, Lea	Of Counsel (12 years)	\$ 750.00	3.30	\$ 2,475.00
Cortes, Denise	Attorney (11 years)	\$ 375.00	4.80	\$ 1,800.00
Garra, Gilbert	Attorney (7 years)	\$ 350.00	64.50	\$ 22,575.00
Montalvo, Sabrina	Attorney (21 years)	\$ 350.00	54.70	\$ 19,145.00
Phillips, Todd	Attorney (12 years)	\$ 350.00	57.10	\$ 19,985.00
Sarpy, Steven	Attorney (6 years)	\$ 350.00	63.30	\$ 22,155.00
Hanson, Katina	Paralegal	\$ 325.00	3.50	\$ 1,137.50
Puerto, Patricia	Paralegal	\$ 350.00	342.10	\$ 119,735.00
Tack, Deborah	Paralegal	\$ 325.00	2.70	\$ 877.50
Wenz, Stefanie	Paralegal	\$ 275.00	1.60	\$ 440.00
TOTAL			1780.10	\$ 864,068.00

EXHIBIT B

EXHIBIT B**Robbins Geller Rudman & Dowd LLP**

CATEGORY	AMOUNT
01. Outside Printing	\$ -
02. Photocopies	\$ -
03. Outside Fax Charges	\$ -
04. Delivery Services/Messengers	\$ 783.10
05. Postage	\$ 47.65
06. Court Fees	\$ 102.00
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ -
10. Long-Distance Telephone Calls	\$ 49.44
11. Trial Transcripts	\$ -
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 586.88
14. Litigation Support Vendors	\$ -
15. Experts	\$ -
16. Arbitrators/Mediators	\$ -
17. Meals (excluding alcohol)	\$ 164.96
18. Taxi/Car Service/Other Ground Transport	\$ 578.15
19. Travel-Mileage Reimbursement	\$ -
20. Travel-Airfare	\$ 3,536.30
21. Travel-Hotel	\$ 902.43
22. Travel-Rental Car	\$ -
23. Service Fees	\$ 133.20
24. Miscellaneous	\$ -
25. Assessments	\$ 25,000.00
TOTAL	\$ 31,884.11

EXHIBIT C

FIRM RESUME

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Introduction

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INTRODUCTION

Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or the “Firm”) is a 200-lawyer firm with offices in Boca Raton, Chicago, Manhattan, Melville, Nashville, San Diego, San Francisco, Philadelphia, and Washington, D.C. (www.rgrdlaw.com). The Firm is actively engaged in complex litigation, emphasizing securities, consumer, antitrust, insurance, healthcare, human rights, and employment discrimination class actions. The Firm’s unparalleled experience and capabilities in these fields are based upon the talents of its attorneys, who have successfully prosecuted thousands of class action lawsuits and numerous individual cases, recovering billions of dollars.

This successful track record stems from our experienced attorneys, including many who came to the Firm from federal or state law enforcement agencies. The Firm also includes several dozen former federal and state judicial clerks.

The Firm is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

We strive to be good corporate citizens and work with a sense of global responsibility. Contributing to our communities and environment is important to us. We often take cases on a *pro bono* basis and are committed to the rights of workers, and to the extent possible, we contract with union vendors. We care about civil rights, workers’ rights and treatment, workplace safety, and environmental protection. Indeed, while we have built a reputation as the finest securities and consumer class action law firm in the nation, our lawyers have also worked tirelessly in less high-profile, but no less important, cases involving human rights and other social issues.

PRACTICE AREAS AND SERVICES

Consumer Fraud

In our consumer-based economy, working families who purchase products and services must receive truthful information so they can make meaningful choices about how to spend their hard-earned money. When financial institutions and other corporations deceive consumers or take advantage of unequal bargaining power, class action suits provide, in many instances, the only realistic means for an individual to right a corporate wrong.

Robbins Geller attorneys represent consumers around the country in a variety of important, complex class actions. Our attorneys have taken a leading role in many of the largest federal and state consumer fraud, environmental, human rights, and public health cases throughout the United States. The Firm is also actively involved in many cases relating to banks and the financial services industry, pursuing claims on behalf of individuals victimized by abusive telemarketing practices, abusive mortgage lending practices, market timing violations in the sale of variable annuities, and deceptive consumer credit lending practices in violation of the Truth-In-Lending Act. Below is a sampling of our current and prior consumer cases:

- ***In re Nat'l Prescription Opiate Litig.*** Robbins Geller serves on the Plaintiffs' Executive Committee to spearhead more than 2,900 federal lawsuits brought on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that "[t]he team reads like a 'Who's Who' in mass torts."
- ***Apple Inc. Device Performance Litigation.*** Robbins Geller serves on the Plaintiffs' Executive Committee to advance judicial interests of efficiency and protect the interests of the proposed class in the *Apple* litigation. The case alleges Apple misrepresented its iPhone devices and the nature of updates to its mobile operating system (iOS), which allegedly included code that significantly reduced the performance of older-model iPhones and forced users to incur expenses replacing these devices or their batteries.
- ***In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.*** Robbins Geller serves as co-lead counsel in a case against Mylan Pharmaceuticals and Pfizer for engaging in crippling anti-competitive behavior that allowed the price of their ubiquitous and life-saving EpiPen auto-injector devices to rise over 600%, bilking American children and adults for hundreds of millions of dollars.
- ***Cordova v. Greyhound Lines, Inc.*** Robbins Geller represented California bus passengers *pro bono* in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids. Robbins Geller achieved a watershed court ruling that a private company may be held liable under California law for allowing border patrol to harass and racially profile its customers. The case heralds that Greyhound passengers do not check their rights and dignity at the bus door and has had an immediate impact, not only in California but nationwide. Within weeks of Robbins Geller filing the case, Greyhound added "know your rights" information to passengers to its website and on posters in bus stations around the country, along with adopting other business reforms.
- ***In re Volkswagen "Clean Diesel" Mktg., Sales Practices, & Prods. Liab. Litig.*** As part of the Plaintiffs' Steering Committee, Robbins Geller reached a series of settlements on behalf of purchasers, lessees, and dealers that total well over \$17 billion, the largest settlement in history, concerning illegal "defeat devices" that Volkswagen installed on many of its diesel-engine vehicles.

The device tricked regulators into believing the cars were complying with emissions standards, while the cars were actually emitting between 10 and 40 times the allowable limit for harmful pollutants.

- ***Yahoo Data Breach Class Action.*** Robbins Geller helped secure final approval of a \$117.5 million settlement in a class action lawsuit against Yahoo, Inc. arising out of Yahoo's reckless disregard for the safety and security of its customers' personal, private information. In September 2016, Yahoo revealed that personal information associated with at least 500 million user accounts, including names, email addresses, telephone numbers, dates of birth, hashed passwords, and security questions and answers, was stolen from Yahoo's user database in late 2014. The company made another announcement in December 2016 that personal information associated with more than one billion user accounts was extracted in August 2013. Ten months later, Yahoo announced that the breach in 2013 actually affected all three billion existing accounts. This was the largest data breach in history, and caused severe financial and emotional damage to Yahoo account holders. In 2017, Robbins Geller was appointed to the Plaintiffs' Executive Committee charged with overseeing the litigation.
- ***Trump University*** (S.D. Cal.). After six and a half years of tireless litigation and on the eve of trial, Robbins Geller secured a historic recovery on behalf of Trump University students around the country. The settlement provides \$25 million to approximately 7,000 consumers, including senior citizens who accessed retirement accounts and maxed out credit cards to enroll in Trump University. The extraordinary result means individual class members are eligible for upwards of \$35,000 in restitution. The settlement resolves claims that President Donald J. Trump and Trump University violated federal and state laws by misleadingly marketing "Live Events" seminars and mentorships as teaching Trump's "real-estate techniques" through his "hand-picked" "professors" at his so-called "university." Robbins Geller represented the class on a *pro bono* basis.
- ***In re Morning Song Bird Food Litig.*** Robbins Geller obtained final approval of a settlement in a civil Racketeer Influenced and Corrupt Organizations Act consumer class action against The Scotts Miracle-Gro Company and its CEO James Hagedorn. The settlement of up to \$85 million provides full refunds to consumers around the country and resolves claims that Scotts Miracle-Gro knowingly sold wild bird food treated with pesticides that are hazardous to birds. In approving the settlement, Judge Houston commended Robbins Geller's "skill and quality of work [as] extraordinary" and the case as "aggressively litigated." The Robbins Geller team battled a series of dismissal motions before achieving class certification for the plaintiffs in March 2017, with the court finding that "Plaintiffs would not have purchased the bird food if they knew it was poison." Defendants then appealed the class certification to the Ninth Circuit, which was denied, and then tried to have the claims from non-California class members thrown out, which was also denied.
- ***Bank Overdraft Fees Litigation.*** The banking industry charges consumers exorbitant amounts for "overdraft" of their checking accounts, even if the customer did not authorize a charge beyond the available balance and even if the account would not have been overdrawn had the transactions been ordered chronologically as they occurred – that is, banks reorder transactions to maximize such fees. The Firm brought lawsuits against major banks to stop this practice and recover these false fees. These cases have recovered over \$500 million thus far from a dozen banks and we continue to investigate other banks engaging in this practice.

- ***Visa and MasterCard Fees.*** After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer-protection verdicts ever awarded in the United States. The Firm's attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Sony Gaming Networks & Customer Data Security Breach Litigation.*** The Firm served as a member of the Plaintiffs' Steering Committee, helping to obtain a precedential opinion denying in part Sony's motion to dismiss plaintiffs' claims involving the breach of Sony's gaming network, leading to a \$15 million settlement.
- ***In re Facebook Biometric Info. Privacy Litig.*** Robbins Geller serves as co-lead class counsel in this cutting-edge certified class action concerning Facebook's alleged privacy violations through its collection of its users' biometric identifiers without informed consent through its "Tag Suggestions" feature, which uses proprietary facial recognition software to extract from user-uploaded photographs the unique biometric identifiers (*i.e.*, graphical representations of facial features, also known as facial geometry) associated with people's faces and identify who they are.
- ***In re Nat'l Hockey League Players' Concussion Injury Litig.*** Robbins Geller serves as co-lead counsel to a putative class of retired NHL players who sustained repetitive head trauma during their careers and now suffer from – or are at an increased risk of suffering from – debilitating and life-changing neurodegenerative diseases, disorders and conditions, including Chronic Traumatic Encephalopathy (or CTE). Plaintiffs allege that the NHL knew or should have known of the decades of scientific and medical evidence associating brain trauma with long-term neurological problems, and failed to warn their players while fostering an unnecessarily violent game including bare-knuckled fist fighting.
- ***In re Chrysler-Dodge-Jeep EcoDiesel Mktg., Sales Practices, & Prods. Liab. Litig.*** Robbins Geller was appointed to the Plaintiffs' Steering Committee in this case alleging that Fiat Chrysler advertised Jeep and Dodge diesel automobiles as environmentally friendly "EcoDiesel" cars, but in reality the company had installed defeat devices that hid the true emission levels that exceeded government standards.
- ***In re FieldTurf Artificial Turf Mktg. & Sales Practices Litig.*** Robbins Geller serves on the Plaintiffs' Executive Committee representing school districts, universities, municipalities and private companies alleging that FieldTurf USA Inc. and its related companies knowingly sold defective synthetic turf for use in athletic fields.
- ***Tobacco Litigation.*** Robbins Geller attorneys have led the fight against Big Tobacco since 1991. As an example, Robbins Geller attorneys filed the case that helped get rid of Joe Camel, representing various public and private plaintiffs, including the State of Arkansas, the general public in California, the cities of San Francisco, Los Angeles, and Birmingham, 14 counties in California, and the working men and women of this country in the Union Pension and Welfare Fund cases that have been filed in 40 states. In 1992, Robbins Geller attorneys filed the first case in the country that alleged a conspiracy by the Big Tobacco companies.
- ***Garment Workers Sweatshop Litigation.*** Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of

Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions, one which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and another which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts at bringing about the precedent-setting settlement of the actions.

- ***In re Intel Corp. CPU Mktg., Sales Practices & Prods. Liab. Litig.*** Robbins Geller serves on the Plaintiffs' Steering Committee in *Intel*, a massive multidistrict litigation pending in the United States District Court for the District of Oregon. *Intel* concerns serious security vulnerabilities – known as “Spectre” and “Meltdown” – that infect nearly all of Intel's x86 processors manufactured and sold since 1995, the patching of which results in processing speed degradation of the impacted computer, server or mobile device.
- ***Hauck v. Advanced Micro Devices, Inc.*** An attorney from Robbins Geller serves as co-lead counsel in a case against Advanced Micro Devices, Inc. (“AMD”), which alleges that AMD's processors are incapable of operating as intended and at processing speeds represented by AMD without exposing users to the Spectre vulnerability, which allows hackers to covertly access sensitive information stored within the CPU's kernel.
- ***Dannon Activia®.*** Robbins Geller attorneys secured the largest ever settlement for a false advertising case involving a food product. The case alleged that Dannon's advertising for its Activia® and DanActive® branded products and their benefits from “probiotic” bacteria were overstated. As part of the nationwide settlement, Dannon agreed to modify its advertising and establish a fund of up to \$45 million to compensate consumers for their purchases of Activia® and DanActive®.
- ***Mattel Lead Paint Toys.*** In 2006-2007, toy manufacturing giant Mattel and its subsidiary Fisher-Price announced the recall of over 14 million toys made in China due to hazardous lead and dangerous magnets. Robbins Geller attorneys filed lawsuits on behalf of millions of parents and other consumers who purchased or received toys for children that were marketed as safe but were later recalled because they were dangerous. The Firm's attorneys reached a landmark settlement for millions of dollars in refunds and lead testing reimbursements, as well as important testing requirements to ensure that Mattel's toys are safe for consumers in the future.
- ***Tenet Healthcare Cases.*** Robbins Geller attorneys were co-lead counsel in a class action alleging a fraudulent scheme of corporate misconduct, resulting in the overcharging of uninsured patients by the Tenet chain of hospitals. The Firm's attorneys represented uninsured patients of Tenet hospitals nationwide who were overcharged by Tenet's admittedly “aggressive pricing strategy,” which resulted in price gouging of the uninsured. The case was settled with Tenet changing its practices and making refunds to patients.
- ***Pet Food Products Liability Litigation.*** Robbins Geller served as co-lead counsel in this massive, 100+ case products liability MDL in the District of New Jersey concerning the death of and injury to thousands of the nation's cats and dogs due to tainted pet food. The case settled for \$24 million.

Antitrust

Robbins Geller's antitrust practice focuses on representing businesses and individuals who have been the victims of price-fixing, unlawful monopolization, market allocation, tying, and other anti-competitive conduct. The Firm has taken a leading role in many of the largest federal and state price-fixing, monopolization, market allocation, and tying cases throughout the United States. A sample of current and past antitrust cases includes:

- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***, MDL No. 1720 (E.D.N.Y.). Robbins Geller attorneys, serving as co-lead counsel on behalf of merchants, obtained a settlement amount of \$5.5 billion. In approving the settlement, the court noted that Robbins Geller and co-counsel “demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required, litigating on behalf of a class of over 12 million for over fourteen years, across a changing legal landscape, significant motion practice, and appeal and remand. Class counsel’s pedigree and efforts alone speak to the quality of their representation.”
- ***Dahl v. Bain Capital Partners, LLC***, No. 07-cv-12388 (D. Mass.). Robbins Geller attorneys served as co-lead counsel on behalf of shareholders in this antitrust action against the nation’s largest private equity firms that colluded to restrain competition and suppress prices paid to shareholders of public companies in connection with leveraged buyouts. Robbins Geller attorneys recovered more than \$590 million for the class from the private equity firm defendants, including Goldman Sachs Group Inc. and Carlyle Group LP.
- ***In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litig.***, No. 17-md-2785-DDC-TJJ (D. Kan.). Robbins Geller serves as co-lead counsel in a case against Mylan Pharmaceuticals and Pfizer for engaging in crippling anti-competitive behavior that allowed the price of their ubiquitous and life-saving EpiPen auto-injector devices to rise over 600%, bilking American children and adults for hundreds of millions of dollars.
- ***Alaska Elec. Pension Fund v. Bank of Am. Corp.***, No. 14-cv-07126 (S.D.N.Y.). Robbins Geller attorneys prosecuted antitrust claims against 14 major banks and broker ICAP plc who were alleged to have conspired to manipulate the ISDAfix rate, the key interest rate for a broad range of interest rate derivatives and other financial instruments in contravention of the competition laws. The class action was brought on behalf of investors and market participants who entered into interest rate derivative transactions between 2006 and 2013. Final approval has been granted to settlements collectively yielding \$504.5 million from all defendants.
- ***In re Liquid Aluminum Sulfate Antitrust Litig.***, MDL No. 2687 (D.N.J.). Robbins Geller was appointed to the Plaintiffs’ Steering Committee in litigation alleging a nationwide conspiracy in the liquid aluminum sulfate (“LAS”) market, a water-treatment chemical that is purchased for use by various paper mills and public municipalities across the country. The case involves claims that LAS manufacturers participated in a price-fixing and bid-rigging scheme to inflate and maintain prices between 1997 and 2010.
- ***In re Currency Conversion Fee Antitrust Litig.***, 01 MDL No. 1409 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and recovered \$336 million for a class of credit and debit cardholders. The court praised the Firm as “indefatigable,” noting that the Firm’s lawyers “vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar.”

- ***In re SSA Bonds Antitrust Litig.***, No. 1:16-cv-03711 (S.D.N.Y.). Robbins Geller attorneys are serving as co-lead counsel in a case against several of the world’s largest banks and the traders of certain specialized government bonds. They are alleged to have entered into a wide-ranging price-fixing and bid-rigging scheme costing pension funds and other investors hundreds of millions. To date, three of the more than a dozen corporate defendants have settled for \$95.5 million.
- ***In re Remicade Antitrust Litig.***, No. 2:17-cv-04326-JCJ (E.D. Pa.). Robbins Geller serves as sole lead counsel for indirect purchasers in litigation relating to efforts by Johnson & Johnson (“J&J”) to thwart competition for its blockbuster drug Remicade, a biologic used for a wide variety of ailments. Plaintiffs allege J&J engaged in a number of anticompetitive activities, and thwarted Congress’ purpose in enacting the Biologics Price Competition and Innovation Act, by, among other things, the imposition of a web of exclusionary contracts on both health insurers and healthcare providers, bundling other J&J products with Remicade, implementing coercive rebate policies, and filing sham patent litigation.
- ***In re Aftermarket Auto. Lighting Prods. Antitrust Litig.***, 09 MDL No. 2007 (C.D. Cal.). Robbins Geller attorneys served as co-lead counsel in this multi-district litigation in which plaintiffs allege that defendants conspired to fix prices and allocate markets for automotive lighting products. The last defendants settled just before the scheduled trial, resulting in total settlements of more than \$50 million. Commenting on the quality of representation, the court commended the Firm for “expend[ing] substantial and skilled time and efforts in an efficient manner to bring this action to conclusion.”
- ***Microsoft I-V Cases***, JCCP No. 4106 (Cal. Super. Ct., San Francisco Cty.). Robbins Geller attorneys served on the executive committee in these consolidated cases in which California indirect purchasers challenged Microsoft’s illegal exercise of monopoly power in the operating system, word processing, and spreadsheet markets. In a settlement approved by the court, class counsel obtained an unprecedented \$1.1 billion worth of relief for the business and consumer class members who purchased the Microsoft products.

PROMINENT CASES, PRECEDENT-SETTING DECISIONS, AND JUDICIAL COMMENDATIONS

Prominent Cases

Over the years, Robbins Geller attorneys have obtained outstanding results in some of the most notorious and well-known cases, frequently earning judicial commendations for the quality of their representation.

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Investors lost billions of dollars as a result of the massive fraud at Enron. In appointing Robbins Geller lawyers as sole lead counsel to represent the interests of Enron investors, the court found that the Firm’s zealous prosecution and level of “insight” set it apart from its peers. Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. ***This is the largest securities class action recovery in history.***

The court overseeing this action had utmost praise for Robbins Geller’s efforts and stated that “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *In re Enron Corp. Sec., Derivative & “ERISA” Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008).

The court further commented: “[I]n the face of extraordinary obstacles, the skills, expertise, commitment, and tenacity of [Robbins Geller] in this litigation cannot be overstated. Not to be overlooked are the unparalleled results, . . . which demonstrate counsel’s clearly superlative litigating and negotiating skills.” *Id.* at 789.

The court stated that the Firm’s attorneys “are to be commended for their zealousness, their diligence, their perseverance, their creativity, the enormous breadth and depth of their investigations and analysis, and their expertise in all areas of securities law on behalf of the proposed class.” *Id.*

In addition, the court noted, “This Court considers [Robbins Geller] ‘a lion’ at the securities bar on the national level,” noting that the Lead Plaintiff selected Robbins Geller because of the Firm’s “outstanding reputation, experience, and success in securities litigation nationwide.” *Id.* at 790.

The court further stated that “Lead Counsel’s fearsome reputation and successful track record undoubtedly were substantial factors in . . . obtaining these recoveries.” *Id.*

Finally, Judge Harmon stated: “As this Court has explained [this is] an extraordinary group of attorneys who achieved the largest settlement fund ever despite the great odds against them.” *Id.* at 828.

- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of

damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. *The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.* According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.

In approving the settlement, the Honorable Jorge L. Alonso noted the team's "skill and determination" while recognizing that "Lead Counsel prosecuted the case vigorously and skillfully over 14 years against nine of the country's most prominent law firms" and "achieved an exceptionally significant recovery for the class." The court added that the team faced "significant hurdles" and "uphill battles" throughout the case and recognized that "[c]lass counsel performed a very high-quality legal work in the context of a thorny case in which the state of the law has been and is in flux." The court succinctly concluded that the settlement was "a spectacular result for the class." *Jaffe v. Household Int'l, Inc.*, No. 02-C-5892, 2016 U.S. Dist. LEXIS 156921, at *8 (N.D. Ill. Nov. 10, 2016); *Jaffe v. Household Int'l, Inc.*, No. 02-C-05893, Transcript at 56, 65 (N.D. Ill. Oct. 20, 2016).

- ***In re Valeant Pharm. Int'l, Inc. Sec. Litig.***, No. 3:15-cv-07658 (D.N.J.). As sole lead counsel, Robbins Geller attorneys obtained preliminary approval of a \$1.2 billion settlement in the securities case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." The settlement resolves claims that defendants made false and misleading statements regarding Valeant's business and financial performance during the class period, attributing Valeant's dramatic growth in revenues and profitability to "innovative new marketing approaches" as part of a business model that was low risk and "durable and sustainable." Pending court approval, *Valeant* is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.
- ***In re Am. Realty Capital Props., Inc. Litig.***, No. 1:15-mc-00040 (S.D.N.Y.). As sole lead counsel, Robbins Geller attorneys zealously litigated the case arising out of ARCP's manipulative accounting practices and obtained a \$1.025 billion settlement. For five years, the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.

In approving the settlement, the Honorable Alvin K. Hellerstein lauded the Robbins Geller litigation team, noting: "My own observation is that plaintiffs' representation is adequate and that the role of lead counsel was fulfilled in an extremely fine fashion by [Robbins Geller]. At every juncture, the representations made to me were reliable, the arguments were cogent, and the representation of their client was zealous."

- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, Robbins Geller represented the California Public Employees' Retirement System ("CalPERS") and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. For example, in 2006, the issue of high-level executives backdating stock options made national headlines. During that time, many law firms, including Robbins Geller, brought shareholder derivative lawsuits against the companies' boards of directors for breaches of their fiduciary duties or for improperly granting backdated options. Rather than pursuing a shareholder derivative case, the Firm filed a securities fraud class action against the company on behalf of CalPERS. In doing so, Robbins Geller faced significant and unprecedented legal

obstacles with respect to loss causation, *i.e.*, that defendants' actions were responsible for causing the stock losses. Despite these legal hurdles, Robbins Geller obtained an \$895 million recovery on behalf of the UnitedHealth shareholders. Shortly after reaching the \$895 million settlement with UnitedHealth, the remaining corporate defendants, including former CEO William A. McGuire, also settled. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders. The total recovery for the class was over \$925 million, the largest stock option backdating recovery ever, and **a recovery that is more than four times larger than the next largest options backdating recovery**. Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.

- ***Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)***, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom's bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm's clients included major public institutions from across the country such as CalPERS, CalSTRS, the state pension funds of Maine, Illinois, New Mexico, and West Virginia, union pension funds, and private entities such as AIG and Northwestern Mutual. Robbins Geller attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- ***Luther v. Countrywide Fin. Corp.***, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.

In approving the settlement, Judge Mariana R. Pfaelzer repeatedly complimented plaintiffs' attorneys, noting that it was "beyond serious dispute that Class Counsel has vigorously prosecuted the Settlement Actions on both the state and federal level over the last six years." Judge Pfaelzer also commented that "[w]ithout a settlement, these cases would continue indefinitely, resulting in significant risks to recovery and continued litigation costs. It is difficult to understate the risks to recovery if litigation had continued." *Me. State Rel. Sys. v. Countrywide Fin. Corp.*, No. 2:10-CV-00302, 2013 U.S. Dist. LEXIS 179190, at *44, *56 (C.D. Cal. Dec. 5, 2013).

Judge Pfaelzer further noted that the proposed \$500 million settlement represents one of the "largest MBS class action settlements to date. Indeed, this settlement easily surpasses the next largest . . . MBS settlement." *Id.* at *59.

- ***In re Wachovia Preferred Sec. & Bond/Notes Litig.***, No. 09-cv-06351 (S.D.N.Y.). In litigation over bonds and preferred securities, issued by Wachovia between 2006 and 2008, Robbins Geller and co-counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company (\$590 million) and Wachovia auditor KPMG LLP (\$37 million). ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis.

As alleged in the complaint, the offering materials for the bonds and preferred securities misstated and failed to disclose the true nature and quality of Wachovia's mortgage loan portfolio, which exposed the bank and misled investors to tens of billions of dollars in losses on mortgage-related assets. In reality, Wachovia employed high-risk underwriting standards and made loans to subprime borrowers, contrary to the offering materials and their statements of "pristine credit quality." Robbins Geller served as co-lead counsel representing the City of Livonia Employees' Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.

- ***In re Cardinal Health, Inc. Sec. Litig.***, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors. On behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund, the Firm aggressively pursued class claims and won numerous courtroom victories, including a favorable decision on defendants' motion to dismiss. *In re Cardinal Health, Inc. Sec. Litigs.*, 426 F. Supp. 2d 688 (S.D. Ohio 2006). At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit. Judge Marbley commented: "[T]his is an extraordinary settlement relative to all the other settlements in cases of this nature and certainly cases of this magnitude. . . . This was an outstanding settlement. . . . [I]n most instances, if you've gotten four cents on the dollar, you've done well. You've gotten twenty cents on the dollar, so that's been extraordinary. *In re Cardinal Health, Inc. Sec. Litig.*, No. 2:04-CV-575, Transcript at 16, 32 (S.D. Ohio Oct. 19, 2007). Judge Marbley further stated:

The quality of representation in this case was superb. Lead Counsel, [Robbins Geller], are nationally recognized leaders in complex securities litigation class actions. The quality of the representation is demonstrated by the substantial benefit achieved for the Class and the efficient, effective prosecution and resolution of this action. Lead Counsel defeated a volley of motions to dismiss, thwarting well-formed challenges from prominent and capable attorneys from six different law firms.

In re Cardinal Health Inc. Sec. Litigs., 528 F. Supp. 2d 752, 768 (S.D. Ohio 2007).

- ***AOL Time Warner Cases I & II***, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner's disastrous 2001 merger with Internet high flier America Online. Robbins Geller attorneys exposed a massive and sophisticated accounting fraud involving America Online's e-commerce and advertising revenue. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents' case pending in California state court was scheduled to go to trial. The Regents' gross recovery of \$246 million is the largest individual opt-out securities recovery in history.

- ***Abu Dhabi Commercial Bank v. Morgan Stanley & Co.***, No. 1:08-cv-07508-SAS-DCF (S.D.N.Y.), and ***King County, Washington v. IKB Deutsche Industriebank AG***, No. 1:09-cv-08387-SAS (S.D.N.Y.). The Firm represented multiple institutional investors in successfully pursuing recoveries from two failed structured investment vehicles, each of which had been rated “AAA” by Standard & Poors and Moody’s, but which failed fantastically in 2007. The matter settled just prior to trial in 2013. This result was only made possible after Robbins Geller lawyers beat back the rating agencies’ longtime argument that ratings were opinions protected by the First Amendment.
- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA. HealthSouth and its financial advisors perpetrated one of the largest and most pervasive frauds in the history of U.S. healthcare, prompting Congressional and law enforcement inquiry and resulting in guilty pleas of 16 former HealthSouth executives in related federal criminal prosecutions. In March 2009, Judge Karon Bowdre commented in the *HealthSouth* class certification opinion: “The court has had many opportunities since November 2001 to examine the work of class counsel and the supervision by the Class Representatives. The court finds both to be far more than adequate.” *In re HealthSouth Corp. Sec. Litig.*, 257 F.R.D. 260, 275 (N.D. Ala. 2009).
- ***In re Dynege Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynege investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynege, Citigroup, Inc., and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Given Dynege’s limited ability to pay, Robbins Geller attorneys structured a settlement (reached shortly before the commencement of trial) that maximized plaintiffs’ recovery without bankrupting the company. Most notably, the settlement agreement provides that Dynege will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynege’s stockholders.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfond obtained a \$400 million settlement on behalf of class members who purchased Pfizer common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.

In approving the settlement, United States District Judge Alvin K. Hellerstein commended the Firm, noting that “[w]ithout the quality and the toughness that you have exhibited, our society would not be as good as it is with all its problems. So from me to you is a vote of thanks for devoting yourself to this work and doing it well. . . . You did a really good job. Congratulations.”

- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs’ shareholders. The settlement concludes one of the last remaining mortgage-backed securities purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified

the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit's decision rejected the concept of "tranche" standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff's securities.

In approving the settlement, the Honorable Loretta A. Preska of the Southern District of New York complimented Robbins Geller attorneys, noting:

Counsel, thank you for your papers. They were, by the way, extraordinary papers in support of the settlement, and I will particularly note Professor Miller's declaration in which he details the procedural aspects of the case and then speaks of plaintiffs' counsel's success in the Second Circuit essentially changing the law.

I will also note what counsel have said, and that is that this case illustrates the proper functioning of the statute.

* * *

Counsel, you can all be proud of what you've done for your clients. You've done an extraordinarily good job.

NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co., No. 1:08-cv-10783, Transcript at 10-11 (S.D.N.Y. May 2, 2016).

- *Schuh v. HCA Holdings, Inc.*, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. At the hearing on final approval of the settlement, the Honorable Kevin H. Sharp described Robbins Geller attorneys as "gladiators" and commented: "Looking at the benefit obtained, the effort that you had to put into it, [and] the complexity in this case . . . I appreciate the work that you all have done on this." *Schuh v. HCA Holdings, Inc.*, No. 3:11-CV-01033, Transcript at 12-13 (M.D. Tenn. Apr. 11, 2016).
- *Silverman v. Motorola, Inc.*, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement. In May 2012, the Honorable Amy J. St. Eve of the Northern District of Illinois commented: "The representation that [Robbins Geller] provided to the class was significant, both in terms of quality and quantity." *Silverman v. Motorola, Inc.*, No. 07 C 4507, 2012 U.S. Dist. LEXIS 63477, at *11 (N.D. Ill. May 7, 2012), *aff'd*, 739 F.3d 956 (7th Cir. 2013).

In affirming the district court's award of attorneys' fees, the Seventh Circuit noted that "no other law firm was willing to serve as lead counsel. Lack of competition not only implies a higher fee

but also suggests that most members of the securities bar saw this litigation as too risky for their practices.” *Silverman v. Motorola Sols., Inc.*, 739 F.3d 956, 958 (7th Cir. 2013).

- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T’s April 2000 initial public offering of its wireless tracking stock, one of the largest IPOs in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million. In granting approval of the settlement, the court stated the following about the Robbins Geller attorneys handling the case:

Lead Counsel are highly skilled attorneys with great experience in prosecuting complex securities action[s], and their professionalism and diligence displayed during [this] litigation substantiates this characterization. The Court notes that Lead Counsel displayed excellent lawyering skills through their consistent preparedness during court proceedings, arguments and the trial, and their well-written and thoroughly researched submissions to the Court. Undoubtedly, the attentive and persistent effort of Lead Counsel was integral in achieving the excellent result for the Class.

In re AT&T Corp. Sec. Litig., MDL No. 1399, 2005 U.S. Dist. LEXIS 46144, at *28-*29 (D.N.J. Apr. 25, 2005), *aff’d*, 455 F.3d 160 (3d Cir. 2006).

- ***In re Dollar Gen. Corp. Sec. Litig.***, No. 01-CV-00388 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel in this case in which the Firm recovered \$172.5 million for investors. The *Dollar General* settlement was the largest shareholder class action recovery ever in Tennessee.

Precedent-Setting Decisions

Robbins Geller attorneys operate at the vanguard of complex class action of litigation. Our work often changes the legal landscape, resulting in an environment that is more-favorable for obtaining recoveries for our clients.

- ***Stoyas v. Toshiba Corp.***, 896 F.3d 933 (9th Cir. 2018), *cert. denied*, 588 U.S. ___ (2019). In July 2018, the Ninth Circuit ruled in plaintiffs’ favor in the *Toshiba* securities class action. Following appellate briefing and oral argument by Robbins Geller attorneys, a three-judge Ninth Circuit panel reversed the district court’s prior dismissal in a unanimous, 36-page opinion, holding that Toshiba ADRs are a “security” and the Securities Exchange Act of 1934 could apply to those ADRs that were purchased in a domestic transaction. *Id.* at 939, 949. The court adopted the Second and Third Circuits’ “irrevocable liability” test for determining whether the transactions were domestic and held that plaintiffs must be allowed to amend their complaint to allege that the purchase of Toshiba ADRs on the over-the-counter market was a domestic purchase and that the alleged fraud was in connection with the purchase.
- ***Cyan, Inc. v. Beaver Cty. Emps. Ret. Fund***, No. 15-1439 (U.S.). In March 2018, the U.S. Supreme Court ruled in favor of investors represented by Robbins Geller, holding that state courts continue to have jurisdiction over class actions asserting violations of the Securities Act of 1933. The court’s ruling secures investors’ ability to bring Securities Act actions when companies fail to make full and fair disclosure of relevant information in offering documents. The court confirmed that the Securities Litigation Uniform Standards Act of 1998 was designed to preclude securities class

actions asserting violations of state law – not to preclude securities actions asserting federal law violations brought in state courts.

- ***Mineworkers’ Pension Scheme v. First Solar Inc.***, 881 F.3d 750 (9th Cir. 2018), *cert. denied*, 588 U.S. ___ (2019). In January 2018, the Ninth Circuit upheld the district court’s denial of defendants’ motion for summary judgment, agreeing with plaintiffs that the test for loss causation in the Ninth Circuit is a general “proximate cause test,” and rejecting the more stringent revelation of the fraudulent practices standard advocated by the defendants. The opinion is a significant victory for investors, as it forecloses defendants’ ability to immunize themselves from liability simply by refusing to publicly acknowledge their fraudulent conduct.
- ***In re Quality Sys., Inc. Sec. Litig.***, No. 15-55173 (9th Cir.). In July 2017, Robbins Geller’s Appellate Practice Group scored a significant win in the Ninth Circuit in the *Quality Systems* securities class action. On appeal, a three-judge Ninth Circuit panel unanimously reversed the district court’s prior dismissal of the action against Quality Systems and remanded the case to the district court for further proceedings. The decision addressed an issue of first impression concerning “mixed” future and present-tense misstatements. The appellate panel explained that “non-forward-looking portions of mixed statements are not eligible for the safe harbor provisions of the PSLRA Defendants made a number of mixed statements that included projections of growth in revenue and earnings based on the state of QSI’s sales pipeline.” The panel then held *both* the non-forward-looking and forward-looking statements false and misleading and made with scienter, deeming them actionable. Later, although defendants sought rehearing by the Ninth Circuit sitting *en banc*, the circuit court denied their petition.
- ***Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.***, No. CV-10-J-2847-S (N.D. Ala.). In the *Regions Financial* securities class action, Robbins Geller represented Local 703, I.B. of T. Grocery and Food Employees Welfare Fund and obtained a \$90 million settlement in September 2015 on behalf of purchasers of Regions Financial common stock during the class period. In August 2014, the Eleventh Circuit Court of Appeals affirmed the district court’s decision to certify a class action based upon alleged misrepresentations about Regions Financial’s financial health before and during the recent economic recession, and in November 2014, the U.S. District Court for the Northern District of Alabama denied defendants’ third attempt to avoid plaintiffs’ motion for class certification.
- ***Omnicare, Inc. v. Laborers Dist. Council Constr. Indus. Pension Fund***, No. 13-435 (U.S.). In March 2015, the U.S. Supreme Court ruled in favor of investors represented by Robbins Geller that investors asserting a claim under §11 of the Securities Act of 1933 with respect to a misleading statement of opinion do not, as defendant Omnicare had contended, have to prove that the statement was subjectively disbelieved when made. Rather, the court held that a statement of opinion may be actionable either because it was not believed, or because it lacked a reasonable basis in fact. This decision is significant in that it resolved a conflict among the federal circuit courts and expressly overruled the Second Circuit’s widely followed, more stringent pleading standard for §11 claims involving statements of opinion. The Supreme Court remanded the case back to the district court for determination under the newly articulated standard. In August of 2016, upon remand, the district court applied the Supreme Court’s new test and denied defendants’ motion to dismiss in full.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, 693 F.3d 145 (2d Cir. 2012). In a securities fraud action involving mortgage-backed securities, the Second Circuit rejected the concept of “tranche” standing and found that a lead plaintiff has class standing to pursue claims on behalf of purchasers of securities that were backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff’s securities. The court noted that,

given those common lenders, the lead plaintiff's claims as to its purchases implicated "the same set of concerns" that purchasers in several of the other offerings possessed. The court also rejected the notion that the lead plaintiff lacked standing to represent investors in different tranches.

- ***In re VeriFone Holdings, Inc. Sec. Litig.***, 704 F.3d 694 (9th Cir. 2012). The panel reversed in part and affirmed in part the dismissal of investors' securities fraud class action alleging violations of §§10(b), 20(a), and 20A of the Securities Exchange Act of 1934 and SEC Rule 10b-5 in connection with a restatement of financial results of the company in which the investors had purchased stock.

The panel held that the third amended complaint adequately pleaded the §10(b), §20A, and Rule 10b-5 claims. Considering the allegations of scienter holistically, as the U.S. Supreme Court directed in *Matrixx Initiatives, Inc. v. Siracusano*, 563 U.S. 27, 48-49 (2011), the panel concluded that the inference that the defendant company and its chief executive officer and former chief financial officer were deliberately reckless as to the truth of their financial reports and related public statements following a merger was at least as compelling as any opposing inference.

- ***Fox v. JAMDAT Mobile, Inc.***, 185 Cal. App. 4th 1068 (2010). Concluding that Delaware's shareholder ratification doctrine did not bar the claims, the California Court of Appeal reversed dismissal of a shareholder class action alleging breach of fiduciary duty in a corporate merger.
- ***In re Constar Int'l Inc. Sec. Litig.***, 585 F.3d 774 (3d Cir. 2009). The Third Circuit flatly rejected defense contentions that where relief is sought under §11 of the Securities Act of 1933, which imposes liability when securities are issued pursuant to an incomplete or misleading registration statement, class certification should depend upon findings concerning market efficiency and loss causation.
- ***Matrixx Initiatives, Inc. v. Siracusano***, 563 U.S. 27 (2011), *aff'g* 585 F.3d 1167 (9th Cir. 2009). In a securities fraud action involving the defendants' failure to disclose a possible link between the company's popular cold remedy and a life-altering side effect observed in some users, the U.S. Supreme Court unanimously affirmed the Ninth Circuit's (a) rejection of a bright-line "statistical significance" materiality standard, and (b) holding that plaintiffs had successfully pleaded a strong inference of the defendants' scienter.
- ***Alaska Elec. Pension Fund v. Flowserve Corp.***, 572 F.3d 221 (5th Cir. 2009). Aided by former U.S. Supreme Court Justice O'Connor's presence on the panel, the Fifth Circuit reversed a district court order denying class certification and also reversed an order granting summary judgment to defendants. The court held that the district court applied an incorrect fact-for-fact standard of loss causation, and that genuine issues of fact on loss causation precluded summary judgment.
- ***In re F5 Networks, Inc., Derivative Litig.***, 207 P.3d 433 (Wash. 2009). In a derivative action alleging unlawful stock option backdating, the Supreme Court of Washington ruled that shareholders need not make a pre-suit demand on the board of directors where this step would be futile, agreeing with plaintiffs that favorable Delaware case law should be followed as persuasive authority.
- ***Lormand v. US Unwired, Inc.***, 565 F.3d 228 (5th Cir. 2009). In a rare win for investors in the Fifth Circuit, the court reversed an order of dismissal, holding that safe harbor warnings were not meaningful when the facts alleged established a strong inference that defendants knew their forecasts were false. The court also held that plaintiffs sufficiently alleged loss causation.

- ***Institutional Inv'rs Grp. v. Avaya, Inc.***, 564 F.3d 242 (3d Cir. 2009). In a victory for investors in the Third Circuit, the court reversed an order of dismissal, holding that shareholders pled with particularity why the company's repeated denials of price discounts on products were false and misleading when the totality of facts alleged established a strong inference that defendants knew their denials were false.
- ***Alaska Elec. Pension Fund v. Pharmacia Corp.***, 554 F.3d 342 (3d Cir. 2009). The Third Circuit held that claims filed for violation of §10(b) of the Securities Exchange Act of 1934 were timely, adopting investors' argument that because scienter is a critical element of the claims, the time for filing them cannot begin to run until the defendants' fraudulent state of mind should be apparent.
- ***Rael v. Page***, 222 P.3d 678 (N.M. Ct. App. 2009). In this shareholder class and derivative action, Robbins Geller attorneys obtained an appellate decision reversing the trial court's dismissal of the complaint alleging serious director misconduct in connection with the merger of SunCal Companies and Westland Development Co., Inc., a New Mexico company with large and historic landholdings and other assets in the Albuquerque area. The appellate court held that plaintiff's claims for breach of fiduciary duty were direct, not derivative, because they constituted an attack on the validity or fairness of the merger and the conduct of the directors. Although New Mexico law had not addressed this question directly, at the urging of the Firm's attorneys, the court relied on Delaware law for guidance, rejecting the "special injury" test for determining the direct versus derivative inquiry and instead applying more recent Delaware case law.
- ***Lane v. Page***, No. 06-cv-1071 (D.N.M. 2012). In May 2012, while granting final approval of the settlement in the federal component of the Westland cases, Judge Browning in the District of New Mexico commented:

Class Counsel are highly skilled and specialized attorneys who use their substantial experience and expertise to prosecute complex securities class actions. In possibly one of the best known and most prominent recent securities cases, Robbins Geller served as sole lead counsel – *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). *See* Report at 3. The Court has previously noted that the class would "receive high caliber legal representation" from class counsel, and throughout the course of the litigation the Court has been impressed with the quality of representation on each side. *Lane v. Page*, 250 F.R.D. at 647.

Lane v. Page, 862 F. Supp. 2d 1182, 1253-54 (D.N.M. 2012).

In addition, Judge Browning stated: "Few plaintiffs' law firms could have devoted the kind of time, skill, and financial resources over a five-year period necessary to achieve the pre- and post-Merger benefits obtained for the class here.' . . . [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class." *Id.* at 1254.

- ***Luther v. Countrywide Home Loans Servicing LP***, 533 F.3d 1031 (9th Cir. 2008). In a case of first impression, the Ninth Circuit held that the Securities Act of 1933's specific non-removal features had not been trumped by the general removal provisions of the Class Action Fairness Act of 2005.
- ***In re Gilead Scis. Sec. Litig.***, 536 F.3d 1049 (9th Cir. 2008). The Ninth Circuit upheld defrauded investors' loss causation theory as plausible, ruling that a limited temporal gap between the time defendants' misrepresentation was publicly revealed and the subsequent decline in stock value was reasonable where the public had not immediately understood the impact of defendants' fraud.

- *In re WorldCom Sec. Litig.*, 496 F.3d 245 (2d Cir. 2007). The Second Circuit held that the filing of a class action complaint tolls the limitations period for all members of the class, including those who choose to opt out of the class action and file their own individual actions without waiting to see whether the district court certifies a class – reversing the decision below and effectively overruling multiple district court rulings that *American Pipe* tolling did not apply under these circumstances.
- *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007). In a shareholder derivative suit appeal, the Third Circuit held that the general rule that discovery may not be used to supplement demand-futility allegations does not apply where the defendants enter a voluntary stipulation to produce materials relevant to demand futility without providing for any limitation as to their use. In April 2007, the Honorable D. Brooks Smith praised Robbins Geller partner Joe Daley’s efforts in this litigation:

Thank you very much Mr. Daley and a thank you to all counsel. As Judge Cowen mentioned, this was an exquisitely well-briefed case; it was also an extremely well-argued case, and we thank counsel for their respective jobs here in the matter, which we will take under advisement. Thank you.

In re Merck & Co., Inc. Sec., Derivative & ERISA Litig., No. 06-2911, Transcript at 35:37-36:00 (3d Cir. Apr. 12, 2007).

Additional Judicial Commendations

Robbins Geller attorneys have been praised by countless judges all over the country for the quality of their representation in class-action lawsuits. In addition to the judicial commendations set forth in the Prominent Cases and Precedent-Setting Decisions sections, judges have acknowledged the successful results of the Firm and its attorneys with the following plaudits:

- In May 2020, in granting final approval of the settlement, the Honorable Mark L. Wolf praised Robbins Geller: “[T]he class has been represented by excellent honorable counsel [T]he fund was represented by experienced, energetic, able counsel, the fund was engaged and informed, and the fund followed advice of experienced counsel. Counsel for the class have been excellent, and I would say honorable.” Additionally, Judge Wolf noted, “I find that the work that’s been done primarily by Robbins Geller has been excellent and honorable and efficient. . . . [T]his has been a challenging case, and they’ve done an excellent job.” *McGee v. Constant Contact, Inc.*, No. 1:15-cv-13114-MLW, Transcript at 21, 31, 61 (D. Mass. May 27, 2020).
- In December 2019, the Honorable Margo K. Brodie noted in granting final approval of the settlement that “[Robbins Geller and co-counsel] have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required, litigating on behalf of a class of over 12 million for over fourteen years, across a changing legal landscape, significant motion practice, and appeal and remand. Class counsel’s pedigree and efforts alone speak to the quality of their representation.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, No. 1:05-md-01720-MKB-JO, Memorandum & Order (E.D.N.Y. Dec. 16, 2019).
- In October 2019, the Honorable Claire C. Cecchi noted that Robbins Geller is “capable of adequately representing the class, both based on their prior experience in class action lawsuits and based on their capable advocacy on behalf of the class in this action.” The court further commended the Firm and co-counsel for “conduct[ing] the [l]itigation . . . with skill, perseverance,

and diligent advocacy.” *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd’s, London Members*, No. 2:08-cv-00235-CCC-JAD, Order at 4 (D.N.J. Oct. 3, 2019); *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd’s, London Members of Syndicates*, No. 2:08-cv-00235-CCC-JAD, Order Awarding Attorneys’ Fees and Expenses/Charges and Service Awards at 3 (D.N.J. Oct. 3, 2019).

- In June 2019, the Honorable T.S. Ellis, III noted that Robbins Geller “achieved the [\$108 million] [s]ettlement with skill, perseverance, and diligent advocacy.” At the final approval hearing, the court further commended Robbins Geller by stating, “I think the case was fully and appropriately litigated [and] you all did a very good job. . . . [T]hank you for your service in the court. . . . [You’re] first-class lawyers” *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031, Order Awarding Attorneys’ Fees and Expenses at 3 (E.D. Va. June 7, 2019); *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031, Transcript at 28-29 (E.D. Va. June 7, 2019).
- In June 2019, in granting final approval of the settlement, the Honorable John A. Houston stated: Robbins Geller’s “skill and quality of work was extraordinary I’ll note from the top that this has been an aggressively litigated action.” *In re Morning Song Bird Food Litig.*, No. 3:12-cv-01592-JAH-AGS, Transcript at 4, 9 (S.D. Cal. June 3, 2019).
- In May 2019, in granting final approval of the settlement, the Honorable Richard H. DuBois stated: Robbins Geller is “highly experienced and skilled” for obtaining a “fair, reasonable, and adequate” settlement in the “interest of the [c]lass [m]embers” after “extensive investigation.” *Chicago Laborers Pension Fund v. Alibaba Grp. Holding Limited*, No. CIV535692, Judgment and Order Granting Final Approval of Class Action Settlement at 3 (Cal. Super. Ct., San Mateo Cty. May 17, 2019).
- In April 2019, the Honorable Kathaleen St. J. McCormick noted: “[S]ince the inception of this litigation, plaintiffs and their counsel have vigorously prosecuted the claims brought on behalf of the class. . . . When Vice Chancellor Laster appointed lead counsel, he effectively said: Go get a good result. And counsel took that to heart and did it. . . . The proposed settlement was the product of intense litigation and complex mediation. . . . [Robbins Geller has] only built a considerable track record, never burned it, which gave them the credibility necessary to extract the benefits achieved.” *In re Calamos Asset Mgmt., Inc. Stockholder Litig.*, No. 2017-0058-JTL, Transcript at 87, 93, 95, 98 (Del. Ch. Apr. 25, 2019).
- In April 2019, the Honorable Susan O. Hickey noted that Robbins Geller “achieved an exceptional [s]ettlement with skill, perseverance, and diligent advocacy.” *City of Pontiac Gen. Emps.’ Ret. Sys. v. Wal-Mart Stores, Inc.*, No. 5:12-cv-5162, Order Awarding Attorneys’ Fees and Expenses at 3 (W.D. Ark. Apr. 8, 2019).
- In January 2019, the Honorable Margo K. Brodie noted that Robbins Geller “has arduously represented a variety of plaintiffs’ groups in this action[,] . . . [has] extensive antitrust class action litigation experience . . . [and] negotiated what [may be] the largest antitrust settlement in history.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, 330 F.R.D. 11, 34 (E.D.N.Y. 2019).
- On December 20, 2018, at the final approval hearing for the settlement, the court lauded Robbins Geller’s attorneys and their work: “I’ve been very impressed with the level of lawyering in the case . . . and with the level of briefing . . . and I wanted to express my appreciation for that and for the work that everyone has done here.” The court concluded, “your clients were all blessed to have you, [and] not just because of the outcome.” *Duncan v. Joy Global, Inc.*, No. 16-CV-1229, Transcript at 20-21 (E.D. Wis. Dec. 20, 2018).

- In October 2017, the Honorable William Alsup noted that Robbins Geller and lead plaintiff “vigorously prosecuted this action.” *In re LendingClub Sec. Litig.*, No. 3:16-cv-02627-WHA, Order at 13 (N.D. Cal. Oct. 20, 2017).
- On November 9, 2018, in granting final approval of the settlement, the Honorable Jesse M. Furman commented: “[Robbins Geller] did an extraordinary job here. . . . [I]t is fair to say [this was] probably the most complicated case I have had since I have been on the bench. . . . I cannot really imagine how complicated it would have been if I didn't have counsel who had done as admirable [a] job in briefing it and arguing as you have done. You have in my view done an extraordinary service to the class. . . . I think you have done an extraordinary job and deserve thanks and commendation for that.” *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, No. 1:14-cv-07126-JMF-OTW, Transcript at 27-28 (S.D.N.Y. Nov. 9, 2018).
- On September 12, 2018, at the final approval hearing of the settlement, the Honorable William H. Orrick of the Northern District of California praised Robbins Geller’s “high-quality lawyering” in a case that “involved complicated discovery and complicated and novel legal issues,” resulting in an “excellent” settlement for the class. The “lawyering . . . was excellent” and the case was “very well litigated.” *In re Lidoderm Antitrust Litig.*, No. 14-MDL-02521-WHO, Transcript at 11, 14, 22 (N.D. Cal. Sept. 12, 2018).
- On March 31, 2017, in granting final approval of the settlement, the Honorable Gonzalo P. Curiel hailed the settlement as “extraordinary” and “all the more exceptional when viewed in light of the risk” of continued litigation. The court further commended Robbins Geller for prosecuting the case on a *pro bono* basis: “Class Counsel’s exceptional decision to provide nearly seven years of legal services to Class Members on a *pro bono* basis evidences not only a lack of collusion, but also that Class Counsel are in fact representing the best interests of Plaintiffs and the Class Members in this Settlement. Instead of seeking compensation for fees and costs that they would otherwise be entitled to, Class Counsel have acted to allow maximum recovery to Plaintiffs and Class Members. Indeed, that Eligible Class Members may receive recovery of 90% or greater is a testament to Class Counsel’s representation and dedication to act in their clients’ best interest.” In addition, at the final approval hearing, the court commented that “this is a case that has been litigated – if not fiercely, zealously throughout.” *Low v. Trump Univ., LLC*, 246 F. Supp. 3d 1295, 1302, 1312 (S.D. Cal. 2017), *aff’d*, 881 F.3d 1111 (9th Cir. 2018); *Low v. Trump University LLC and Donald J. Trump*, No. 10-cv-0940 GPC-WVG, and *Cohen v. Donald J. Trump*, No. 13-cv-2519-GPC-WVG, Transcript at 7 (S.D. Cal. Mar. 30, 2017).
- In January 2017, at the final approval hearing, the Honorable Kevin H. Sharp of the Middle District of Tennessee commended Robbins Geller attorneys, stating: “It was complicated, it was drawn out, and a lot of work clearly went into this [case] I think there is some benefit to the shareholders that are above and beyond money, a benefit to the company above and beyond money that changed hands.” *In re Community Health Sys., Inc. S’holder Derivative Litig.*, No. 3:11-cv-00489, Transcript at 10 (M.D. Tenn. Jan. 17, 2017).
- In November 2016, at the final approval hearing, the Honorable James G. Carr stated: “I kept throwing the case out, and you kept coming back. . . . And it’s both remarkable and noteworthy and a credit to you and your firm that you did so. . . . [Y]ou persuaded the Sixth Circuit. As we know, that’s no mean feat at all.” Judge Carr further complimented the Firm, noting that it “goes without question or even saying” that Robbins Geller is very well-known nationally and that the settlement is an excellent result for the class. He succinctly concluded that “given the tenacity and the time and the effort that [Robbins Geller] lawyers put into [the case]” makes the class “a lot better off.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, No. 3:05-cv-07393-JGC, Transcript at 4, 10, 14, 17 (N.D. Ohio Nov. 18, 2016).

- In September 2016, in granting final approval of the settlement, Judge Arleo commended the “vigorous and skilled efforts” of Robbins Geller attorneys for obtaining “an excellent recovery.” Judge Arleo added that the settlement was reached after “contentious, hard-fought litigation” that ended with “a very, very good result for the class” in a “risky case.” *City of Sterling Heights Gen. Emps.’ Ret. Sys. v. Prudential Fin., Inc.*, No. 2:12-cv-05275-MCA-LDW, Transcript of Hearing at 18-20 (D.N.J. Sept. 28, 2016).
- In August 2015, at the final approval hearing for the settlement, the Honorable Karen M. Humphreys praised Robbins Geller’s “extraordinary efforts” and “excellent lawyering,” noting that the settlement “really does signal that the best is yet to come for your clients and for your prodigious labor as professionals. . . . I wish more citizens in our country could have an appreciation of what this [settlement] truly represents.” *Bennett v. Sprint Nextel Corp.*, No. 2:09-cv-02122-EFM-KMH, Transcript at 8, 25 (D. Kan. Aug. 12, 2015).
- In August 2015, the Honorable Judge Max O. Cogburn, Jr. noted that “plaintiffs’ attorneys were able [to] achieve the big success early” in the case and obtained an “excellent result.” The “extraordinary” settlement was because of “good lawyers . . . doing their good work.” *Nieman v. Duke Energy Corp.*, No. 3:12-cv-456, Transcript at 21, 23, 30 (W.D.N.C. Aug. 12, 2015).
- In July 2015, in approving the settlement, the Honorable Douglas L. Rayes of the District of Arizona stated: “Settlement of the case during pendency of appeal for more than an insignificant amount is rare. The settlement here is substantial and provides favorable recovery for the settlement class under these circumstances.” He continued, noting, “[a]s against the objective measures of . . . settlements [in] other similar cases, [the recovery] is on the high end.” *Teamsters Local 617 Pension & Welfare Funds v. Apollo Grp., Inc.*, No. 2:06-cv-02674-DLR, Transcript at 8, 11 (D. Ariz. July 28, 2015).
- In June 2015, at the conclusion of the hearing for final approval of the settlement, the Honorable Susan Richard Nelson of the District of Minnesota noted that it was “a pleasure to be able to preside over a case like this,” praising Robbins Geller in achieving “an outstanding [result] for [its] clients,” as she was “very impressed with the work done on th[e] case.” *In re St. Jude Med., Inc. Sec. Litig.*, No. 0:10-cv-00851-SRN-TNL, Transcript at 7 (D. Minn. June 12, 2015).
- In May 2015, at the fairness hearing on the settlement, the Honorable William G. Young noted that the case was “very well litigated” by Robbins Geller attorneys, adding that “I don’t just say that as a matter of form. . . . I thank you for the vigorous litigation that I’ve been permitted to be a part of.” *Courtney v. Avid Tech., Inc.*, No. 1:13-cv-10686-WGY, Transcript at 8-9 (D. Mass. May 12, 2015).
- In January 2015, the Honorable William J. Haynes, Jr. of the Middle District of Tennessee described the settlement as a “highly favorable result achieved for the Class” through Robbins Geller’s “diligent prosecution . . . [and] quality of legal services.” The settlement represents the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade. *Garden City Emps.’ Ret. Sys. v. Psychiatric Sols., Inc.*, No. 3:09-cv-00882, 2015 U.S. Dist. LEXIS 181943, at *6-*7 (M.D. Tenn. Jan. 16, 2015).

- In September 2014, in approving the settlement for shareholders, Vice Chancellor John W. Noble noted “[t]he litigation caused a substantial benefit for the class. It is unusual to see a \$29 million recovery.” Vice Chancellor Noble characterized the litigation as “novel” and “not easy,” but “[t]he lawyers took a case and made something of it.” The court commended Robbins Geller’s efforts in obtaining this result: “The standing and ability of counsel cannot be questioned” and “the benefits achieved by plaintiffs’ counsel in this case cannot be ignored.” *In re Gardner Denver, Inc. S’holder Litig.*, No. 8505-VCN, Transcript at 26-28 (Del. Ch. Sept. 3, 2014).
- In May 2014, at the conclusion of the hearing for final approval of the settlement, the Honorable Elihu M. Berle stated: “I would finally like to congratulate counsel on their efforts to resolve this case, on excellent work – it was the best interest of the class – and to the exhibition of professionalism. So I do thank you for all your efforts.” *Liberty Mutual Overtime Cases*, No. JCCP 4234, Transcript at 20:1-5 (Cal. Super. Ct., Los Angeles Cty. May 29, 2014).
- In March 2014, Ninth Circuit Judge J. Clifford Wallace (presiding) expressed the gratitude of the court: “Thank you. I want to especially thank counsel for this argument. This is a very complicated case and I think we were assisted no matter how we come out by competent counsel coming well prepared. . . . It was a model of the type of an exercise that we appreciate. Thank you very much for your work . . . you were of service to the court.” *Eclectic Properties East, LLC v. The Marcus & Millichap Co.*, No. 12-16526, Transcript (9th Cir. Mar. 14, 2014).
- In February 2014, in approving a settlement, Judge Edward M. Chen noted the “very substantial risks” in the case and recognized Robbins Geller had performed “extensive work on the case.” *In re VeriFone Holdings, Inc. Sec. Litig.*, No. C-07-6140, 2014 U.S. Dist. LEXIS 20044, at *5, *11-*12 (N.D. Cal. Feb. 18, 2014).
- In August 2013, in granting final approval of the settlement, the Honorable Richard J. Sullivan stated: “Lead Counsel is to be commended for this result: it expended considerable effort and resources over the course of the action researching, investigating, and prosecuting the claims, at significant risk to itself, and in a skillful and efficient manner, to achieve an outstanding recovery for class members. Indeed, the result – and the class’s embrace of it – is a testament to the experience and tenacity Lead Counsel brought to bear.” *City of Livonia Emps. Ret. Sys. v. Wyeth*, No. 07 Civ. 10329, 2013 U.S. Dist. LEXIS 113658, at *13 (S.D.N.Y. Aug. 7, 2013).
- In July 2013, in granting final approval of the settlement, the Honorable William H. Alsup stated that Robbins Geller did “excellent work in this case,” and continued, “I look forward to seeing you on the next case.” *Fraser v. Asus Comput. Int’l*, No. C 12-0652, Transcript at 12:2-3 (N.D. Cal. July 11, 2013).
- In June 2013, in certifying the class, U.S. District Judge James G. Carr recognized Robbins Geller’s steadfast commitment to the class, noting that “plaintiffs, with the help of Robbins Geller, have twice successfully appealed this court’s orders granting defendants’ motion to dismiss.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, 292 F.R.D. 515, 524 (N.D. Ohio 2013).

- In November 2012, in granting appointment of lead plaintiff, Chief Judge James F. Holderman commended Robbins Geller for its “substantial experience in securities class action litigation” and commented that the Firm “is recognized as ‘one of the most successful law firms in securities class actions, if not the preeminent one, in the country.’ *In re Enron Corp. Sec.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008) (Harmon, J).” He continued further that, “Robbins Geller attorneys are responsible for obtaining the largest securities fraud class action recovery ever [\$7.2 billion in *Enron*], as well as the largest recoveries in the Fifth, Sixth, Eighth, Tenth and Eleventh Circuits.” *Bristol Cty. Ret. Sys. v. Allscripts Healthcare Sols., Inc.*, No. 12 C 3297, 2012 U.S. Dist. LEXIS 161441, at *21 (N.D. Ill. Nov. 9, 2012).
- In June 2012, in granting plaintiffs’ motion for class certification, the Honorable Inge Prytz Johnson noted that other courts have referred to Robbins Geller as “one of the most successful law firms in securities class actions . . . in the country.” *Local 703, I.B. v. Regions Fin. Corp.*, 282 F.R.D. 607, 616 (N.D. Ala. 2012) (quoting *In re Enron Corp. Sec. Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008)), *aff’d in part and vacated in part on other grounds*, 762 F.3d 1248 (11th Cir. 2014).
- In June 2012, in granting final approval of the settlement, the Honorable Barbara S. Jones commented that “class counsel’s representation, from the work that I saw, appeared to me to be of the highest quality.” *In re CIT Grp. Inc. Sec. Litig.*, No. 08 Civ. 6613, Transcript at 9:16-18 (S.D.N.Y. June 13, 2012).
- In March 2012, in granting certification for the class, Judge Robert W. Sweet referenced the *Enron* case, agreeing that Robbins Geller’s “clearly superlative litigating and negotiating skills” give the Firm an “outstanding reputation, experience, and success in securities litigation nationwide,” thus, “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *Billhofer v. Flamel Techs., S.A.*, 281 F.R.D. 150, 158 (S.D.N.Y. 2012).

ATTORNEY BIOGRAPHIES

Mark J. Dearman | Partner

Mark Dearman is a partner in the Firm's Boca Raton office, where his practice focuses on consumer fraud, securities fraud, mass torts, antitrust, and whistleblower litigation. Dearman, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litig.* He was also recently appointed as the Chair of the Plaintiffs' Executive Committee in *In re Apple Inc. Device Performance Litig.* and was appointed to the Plaintiffs' Executive Committee in *In re FieldTurf Artificial Turf Mktg. Practices Litig.*, which alleges that FieldTurf USA Inc. and its related companies sold defective synthetic turf for use in athletic fields. His other recent representative cases include: *In re NHL Players' Concussion Injury Litig.*, 2015 U.S. Dist. LEXIS 38755 (D. Minn. 2015); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, 903 F. Supp. 2d 942 (S.D. Cal. 2012); *In re Volkswagen "Clean Diesel" Mktg. Sales Practice, & Prods. Liab. Litig.*, 2016 U.S. Dist. LEXIS 1357 (N.D. Cal. 2016); *In re Ford Fusion & C-Max Fuel Econ. Litig.*, 2015 U.S. Dist. LEXIS 155383 (S.D.N.Y. 2015); *Looper v. FCA US LLC*, No. 5:14-cv-00700 (C.D. Cal.); *In re Aluminum Warehousing Antitrust Litig.*, 95 F. Supp. 3d 419 (S.D.N.Y. 2015), *aff'd*, 833 F.3d 151 (2d Cir. 2016); *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J.); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. 4th Jud. Cir. Ct., Duval Cty.); *Gemelas v. Dannon Co. Inc.*, No. 1:08-cv-00236 (N.D. Ohio); and *In re AuthenTec, Inc. S'holder Litig.*, No. 05-2012-CA-57589 (Fla. 18th Jud. Cir. Ct., Brevard Cty.). Prior to joining the Firm, he founded Dearman & Gerson, where he defended Fortune 500 companies, with an emphasis on complex commercial litigation, consumer claims, and mass torts (products liability and personal injury), and has obtained extensive jury trial experience throughout the United States. Having represented defendants for so many years before joining the Firm, Dearman has a unique perspective that enables him to represent clients effectively.

Education

B.A., University of Florida, 1990; J.D., Nova Southeastern University, 1993

Honors / Awards

AV rated by Martindale-Hubbell; Super Lawyer, *Super Lawyers Magazine*, 2014-2020; In top 1.5% of Florida Civil Trial Lawyers in *Florida Trend's Florida Legal Elite*, 2004, 2006

Eric S. Dwoskin | Associate

Eric Dwoskin is an associate in the Firm's Boca Raton office, where he practices consumer fraud, mass torts, whistleblower, and data breach litigation.

Before joining the Firm, Dwoskin focused on consumer financial services, employment, and other complex commercial litigation. In this capacity, he developed significant trial and appellate advocacy skills in state and federal courts around the United States. During law school, Dwoskin was a legal extern at the South African Human Rights Commission in Cape Town, South Africa and a summer law clerk for the Honorable Robert M. Gross of the Fourth District Court of Appeals in West Palm Beach, Florida. He was also an intern in the Office of the Prosecutor at the International Criminal Tribunal for the Former Yugoslavia in The Hague, Netherlands, after having received a Humanity in Action Fellowship.

Education

B.A., Columbia University, 2008; J.D., University of Michigan Law School, 2012

EXHIBIT 33

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF GEOFFREY C.
RUSHING IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Geoffrey C. Rushing, declare as follows:

2 1. I am Of Counsel to the law firm of SAVERI & SAVERI INC. (the “Saveri firm”).
3 I have practiced law for over 30 years and have specialized in complex class actions on behalf of
4 plaintiffs for the last 20 years. I have been involved in this case on behalf of the Saveri firm since
5 its early days. Except as otherwise noted, I make this declaration of my own personal knowledge.

6 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
7 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees, I was
8 appointed to the Plaintiffs’ Executive Committee. In that role, I have served as Co-Chair of the
9 Third-Party Discovery Committee and I and other attorneys and staff at the Saveri firm were
10 involved in various aspects of this case, including:

11 a. Third Party Discovery: As Co-Chair of the Third-Party Discovery Committee, I
12 led the development and implementation of the third-party discovery strategy in coordination with
13 my co-Chair and Lead Counsel. Among other things, this involved identifying potential targets for
14 third-party discovery; researching and evaluating those third parties to identify the most efficient
15 way to gather the necessary information; and coordination with other committees to ensure
16 consistency in our approach and to avoid duplication of effort. After identifying priority targets
17 with Lead Counsel, my firm participated in drafting subpoenas. We also participated in the meet
18 and confer process with numerous third parties, leading calls, drafting follow up correspondence,
19 and coordinating with lead and other counsel. The Saveri Firm also led defensive third-party
20 discovery in response to subpoenas from Apple to third parties involved with attorney advertising.
21 We analyzed the legal issues and potential objections to the subpoenas, drafted Plaintiffs’ Motion
22 to Quash, and coordinated with lead and other counsel about these issues. The case settled before
23 the motion was filed.

24 b. Client Communication: The Saveri Firm represents Mr. John Webb, a named
25 Plaintiff in this litigation. I and others at the Saveri firm coordinated with Mr. Webb and Lead
26 Counsel to gather information needed ahead of the filing of the Consolidated Complaint. We
27 worked with Mr. Webb and Lead Counsel to provide responsive information for Plaintiffs’ Initial
28 Disclosures and discovery responses, including collection of Mr. Webb’s electronic records.

1 Finally, we worked to ensure Mr. Webb was informed about the case so he could properly weigh
2 the proposed settlement.

3 c. Document Review: The Saveri firm also participated in the document review
4 process, dedicating a first-year associate, Anjalee Behti, to the task. Ms. Behti is billed as a law
5 clerk for work she did before her bar admission on December 17, 2018.

6 d. Litigation Strategy: As an executive committee member, I participated in strategy
7 sessions and teleconferences with Lead Counsel and the Executive Committee.

8 3. The individuals at the Saveri firm who worked on this matter are listed in Exhibit
9 A, along with years in practice, most recent hourly rates reported to the Court during the pendency
10 of this litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the
11 attached Exhibit A conform to the professional rates set at the Saveri firm. Additional detail
12 regarding the professional qualifications and experience of each attorney can be found in the firm
13 resume attached hereto as Exhibit C.

14 4. The detailed description of the time spent by the attorneys and other professionals
15 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
16 maintained by the Saveri firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by the Saveri firm, as
21 approved by the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from
22 appointment and consolidation through July 31, 2020 is 1056.05 hours. The total lodestar for the
23 Saveri firm is \$422,975.00.

24 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
25 ("expenses") totaling \$25,703.99, incurred by the Saveri firm. These expenses were necessary in
26 relation to this litigation and were submitted to and vetted and approved by the Chair of the
27 Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
28 Management No. 3. It is my understanding that the expenses pertaining to this litigation are

1 reflected in the books and records of the Saveri firm; that the books and records of the firm are
2 prepared from expense vouchers, check records, and other documents; and that Exhibit B is an
3 accurate record of the expenses.

4 7. Attached hereto as Exhibit C is the Saveri firm resume.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 23rd
6 day of August 2020, at San Francisco, California.

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/s/ Geoffrey C. Rushing

Geoffrey C. Rushing

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EXHIBIT A

Saveri & Saveri, Inc.

May 15, 2018 - July 31, 2020

Apple Devices

Exhibit A

Fee Time Billed

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Saveri, Guido	Partner (54 years)	\$ 950.00	0.80	\$ 760.00
Saveri, R. Alexander	Partner (24 years)	\$ 800.00	3.50	\$ 2,800.00
Rushing, Geoffrey C.	Counsel (32 years)	\$ 800.00	55.10	\$ 44,080.00
Van Culin, Sarah	Associate (5 years)	\$ 475.00	202.80	\$ 96,330.00
Behti, Anjalee	Associate (1 year)	\$ 400.00	536.95	\$ 214,780.00
Behti, Anjalee	Law Clerk	\$ 250.00	256.90	\$ 64,225.00
TOTAL			1056.05	\$ 422,975.00

EXHIBIT B

EXHIBIT B**Saveri & Saveri, Inc.**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	\$ 168.26
03. Outside Fax Charges	
04. Delivery Services/Messengers	\$ 77.23
05. Postage	
06. Court Fees	\$ 400.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	\$ 58.50
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,703.99

EXHIBIT C

SAVERI & SAVERI, INC.

706 SANSOME STREET
SAN FRANCISCO, CALIFORNIA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813
Website: www.saveri.com

SAVERI & SAVERI, INC., an AV-rated law firm, was established in 1959. The firm engages in antitrust and securities litigation, product defect cases, and in general civil and trial practice. For over sixty years the firm has specialized in complex, multidistrict, and class action litigation.

The Saveri Firm has extensive experience in antitrust class action litigation and trial experience, including leadership roles in many of the major antitrust class actions in the Northern District of California. In the last twenty-five years, representative leadership positions include: ***In re Citric Acid Antitrust Litig.***, MDL No. 1092, Case No. C-95-2963 FMS (N.D. Cal.) (Smith, J.) (appointed Co-Lead Counsel); ***In re Methionine Antitrust Litigation***, MDL No. 1311, Case No. C-99-3491-CRB (N.D. Cal.) (Breyer, J.) (appointed Co-Lead Counsel); ***In re Dynamic Random Access Memory Antitrust Litigation***, MDL No. 1486, Case No. 02-md-01486-PHJ (N.D. Cal.) (Hamilton, J.) (“*DRAM I*”) (appointed Co-Lead Counsel); ***In re Tableware Antitrust Litigation***, Case No. C-04-3514 VRW (N.D. Cal.) (Walker, J.) (appointed Chair of Plaintiffs’ Counsel); ***In re Static Random Access Memory (SRAM) Antitrust Litigation***, MDL No. 1819, Case No. 07-cv-01819-CW (N.D. Cal.) (Wilken, J.) (appointed to Steering Committee); ***In re Flash Memory Antitrust Litigation***, No. 4:07-CV-00086 SBA (N.D. Cal.) (Armstrong, J.) (appointed Co-Lead Counsel); ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, MDL No. 1827, Case No. 07-md-01827 (N.D. Cal.) (Illston, J.) (member of plaintiffs’ executive committee); ***In re Cathode Ray Tube (CRT) Antitrust Litigation***, MDL No. 1917, Case No. 07-cv-5944-JST (N.D. Cal.) (Tigar, J.) (appointed Lead Counsel); ***In re California Title Insurance Antitrust Litigation***, Case No. 08-01341-JSW (N.D. Cal.) (White, J.) (appointed Co-Lead Counsel); ***In re Optical Disk Drive (ODD) Antitrust Litigation***, MDL No. 2143, Case No. 10-md-02143-RS (N.D. Cal.) (Seeborg, J.) (appointed Chair of Plaintiffs’ Executive Committee); ***In re Lithium Ion Batteries Antitrust Litigation***, MDL No. 2420, Case No. 13-md-2420-YGR (N.D. Cal.) (Gonzalez Rogers, J.) (appointed Co-Lead Counsel); ***In re Dynamic Random Access Memory (DRAM) Direct Purchaser Antitrust Litigation***, No. 18-cv-3805-JSW-KAW (N.D. Cal.) (White, J.) (“*DRAM II*”) (appointed Co-Lead Counsel).

In addition to these cases, the Saveri Firm has been appointed to lead major antitrust class actions in federal courts throughout the country. The Saveri Firm is known for its antitrust class action experience, dedication to vigorously prosecuting its cases, and working collaboratively and efficiently with other counsel.

PARTNERS

R. ALEXANDER SAVERI, born San Francisco, California, July 22, 1965; admitted to bar, 1994, California and U.S. District Court, Northern District of California; 1995, U.S. Court of Appeals, Ninth Circuit; 2000, U.S. District Court, Southern District of California and U.S. District Court, Central District of California; 2012, U.S. Court of Appeals, Third Circuit. *Education*: University of Texas at Austin (B.B.A., Finance 1990); University of San Francisco School of Law (J.D., 1994), University of San Francisco Maritime Law Journal 1993–1994. *Member*: State Bar of California; American Bar Association (Member, Antitrust Section); Association of Trial Lawyers of America; University of San Francisco Inn of Court; National Italian American Bar Association; University of San Francisco Board of Governors (2003–2006); Legal Aid Society (Board of Directors).

Mr. Saveri is the managing partner of Saveri & Saveri, Inc. After graduating from law school, he began working for his father and uncle at Saveri & Saveri, P.C. on antitrust and complex litigation. The current practice of Saveri & Saveri, Inc. emphasizes class action antitrust litigation.

He has an AV Preeminent Peer Review Rating on Martindale-Hubbell and was named a “Super Lawyer for Northern California” in 2019 and 2020.

Mr. Saveri has served or is serving as court-appointed Co-Lead or Liaison Counsel in the following cases:

In re Lithium Ion Batteries Antitrust Litigation, MDL No. 2420, Case No. 13-md-2420-YGR, United States District Court, Northern District of California (antitrust class action on behalf of direct purchasers of lithium ion batteries).

In re California Title Insurance Antitrust Litigation, Case No. 08-01341 JSW, United States District Court, Northern District of California (antitrust class action involving federal antitrust laws and California statutory law for unlawful practices concerning payments for title insurance in California).

In re Intel Corp. Microprocessor Antitrust Litigation, MDL No. 1717, United States District Court, District of Delaware (antitrust class action on behalf of all consumers in the United States that indirectly purchased Intel x86 microprocessors).

In re Vitamin C Antitrust Litigation, MDL No. 1738, United States District Court, Eastern District of New York (antitrust class action on behalf of all California indirect purchasers of Vitamin C).

In re Polychloroprene Antitrust Cases, J.C.C.P. No. 4376, Los Angeles Superior Court (antitrust class action on behalf of all California indirect purchasers of polychloroprene rubber).

In re NBR Cases, J.C.C.P. No. 4369, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of acrylonitrile-butadiene rubber (“NBR”).

Carpinelli v. Boliden AB, Master File No. CGC-04-435547, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of copper tubing).

Competition Collision Center, LLC v. Crompton Corporation, Case No. CGC-04-431278, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of plastic additives).

In re Urethane Cases, J.C.C.P. No. 4367, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of urethane and urethane chemicals).

The Harman Press v. International Paper Co., Master File No. CGC-04-432167, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of publication paper).

In re Label Stock Cases, J.C.C.P. No. 4314, San Francisco Superior Court (antitrust class action on behalf of all California indirect purchasers of high pressure label stock).

Richard Villa v. Crompton Corporation, Master File No. CGC-03-419116, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of EPDM).

Russell Reidel v. Norfalco LLC, Master File No. CGC-03-418080, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sulfuric acid).

Smokeless Tobacco Cases I-IV, J.C.C.P. Nos. 4250, 4258, 4259 and 4262, San Francisco Superior Court (certified antitrust class action on behalf of California consumers of smokeless tobacco products).

Electrical Carbon Products Cases, J.C.C.P. No. 4294, San Francisco Superior Court (Private Entity Cases) (antitrust class action on behalf of California indirect purchasers of electrical carbon products).

The Vaccine Cases, J.C.C.P. No. 4246, Los Angeles Superior Court (medical monitoring class action on behalf of children exposed to mercury laden vaccines).

In re Laminate Cases, J.C.C.P. No. 4129, Alameda Superior Court (antitrust class action on behalf of California indirect purchasers of high pressure laminate).

Compact Disk Cases, J.C.C.P. No. 4123, Los Angeles Superior Court (antitrust class action on behalf of California consumers of prerecorded compact disks).

Sorbate Prices Cases, J.C.C.P. No. 4073, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of sorbate).

In re Flat Glass Cases, J.C.C.P. No. 4033, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of flat glass products).

Vitamin Cases, J.C.C.P. No. 4076, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of vitamins).

California Indirect Purchaser MSG Antitrust Cases, Master File No. 304471, San Francisco Superior Court (antitrust class action on behalf of California indirect purchasers of Monosodium Glutamate).

In re Aspartame Indirect Purchaser Antitrust Litigation, Master Docket No. 06-1862-LDD, United States District Court, Eastern District of Pennsylvania (antitrust class action on behalf of California indirect purchasers of aspartame).

GM Car Paint Cases, J.C.C.P. No. 4070, San Francisco Superior Court (class action on behalf of all California owners of General Motors vehicles suffering from paint delamination).

In re TelexFree Securities Litigation, Master Docket No. 4:14-md-02566-TSH) (appointed to the executive committee in one of the largest pyramid scheme cases in history).

GUIDO SAVERI, born San Francisco, California, June 10, 1925; admitted to bar, 1951, California. *Education*: University of San Francisco (B.S., *summa cum laude*, 1947; LL.B., *summa cum laude*, 1950). *Member*: Bar Association of San Francisco; State Bar of California; American Bar Association (Member, Antitrust Section); Lawyers Club of San Francisco.

Mr. Saveri is a senior partner of Saveri & Saveri, Inc. He started the firm in 1959 and associated with Joseph L. Alioto, Esq. in the practice of antitrust and other corporate litigation. Between completing law school in 1951 and until forming his firm in 1959 he was associated with the law firm of Pillsbury, Madison & Sutro in San Francisco, California.

Mr. Saveri has testified before the Federal Judiciary Committee on antitrust matters and has lectured on antitrust matters before The Association of Trial Lawyers of America, the Federal Practice Institute, and other lawyer associations. Mr. Saveri has also written various periodicals on antitrust topics. Mr. Saveri was named the 2007 Antitrust Lawyer of the Year by the State Bar of California's Antitrust and Unfair Competition Law Section. He has the highest rating in Martindale Hubbell, namely, "AV" and was named a "Super Lawyer for Northern California" in 2010.

From the time he started his firm in 1959, Mr. Saveri has devoted practically all of his time to antitrust and other corporate and complex litigation. He has actively participated in antitrust cases involving myriad industries: electronics, electrical, water meter, scrap metal, liquid asphalt, dairy products, typewriter, vanadium, pipe-fitting, grocery business, liquor, movie, animal-raising business, chemical, snack food, paper label, chrysanthemum, drug, sugar, records, industrial gas, wheelchair, rope, copper tubing, folding cartons, ocean shipping, pancreas gland, corrugated container, glass container, fine paper, food additives, prescription drugs, medical x-ray film, computer chips, and many others.

RICHARD SAVERI, Partner, 1951–1999.

LISA SAVERI, born San Francisco, California, April 10, 1956; admitted to bar, 1983, California and U.S. District Court, Northern District of California; 1987, U.S. District Court, Eastern District of California; 2002, U.S. Court of Appeals, Ninth Circuit, U.S. District Court, Central District of California and U.S. District Court, Southern District of California. *Education*: Stanford University (A.B. Economics, 1978); University of San Francisco School of Law (J.D., 1983), University of San Francisco Law Review. *Member*: State Bar of California. *Experience*: Legal Extern, Hon. Eugene F. Lynch, Judge, U.S. District Court, Northern District of California (1982); Associate, Pillsbury Madison & Sutro (1983–1992); San Francisco Public Defender's Office (Summer 1989). *Publications*: G. Saveri & L. Saveri, Pleading Fraudulent Concealment In An Antitrust Price Fixing Case: Rule 9(b) v. Rule 8, 17 U.S.F. L. Rev. 631 (1983); L. Saveri, Implications of the Class Action Fairness Act for Antitrust Cases: From Filing Through Trial, 15 No. 1, *Competition: J. of the Antitrust and Unfair Competition Law Section of the State Bar of*

California 23 (2006); L. Saveri & Co-Author, Does the Cartwright Act Have A Future?, 17 No. 2, *Competition: J. of the Antitrust and Unfair Competition Law Section of the State Bar of California* 31 (2008); L. Saveri & Co-Authors, Chapter 21: Class Actions in Competition and Consumer Protections Cases in California State Antitrust and Unfair Competition Law 773-822 (Cheryl Lee Johnson, ed., Matthew Bender & Co., 2009) and 2010 update; L. Saveri & Co-Authors, Chapter 22: Indirect Purchaser Actions in California State Antitrust and Unfair Competition Law (Cheryl Lee Johnson, ed., Matthew Bender & Co., Supp. 2010); LexisNexis Corporate & Securities Law Community Podcast, *Class Actions in Competition and Consumer Protection Cases* (Recorded Sept. 21, 2010). *Professional Affiliations*: U. S. District Court, Northern District of California, Special Master, Standing Committee on Professional Conduct (appointment) (2008–2011); State Bar of California, Antitrust and Unfair Competition Law Section, Executive Committee, Member (appointment) (2005–2010), Secretary (2007–2009), First Vice-Chair (2009–2010), Advisory Committee (2010–present). *Honors & Distinctions*: Recognized by *Best Lawyers*, 2019. Named a “Super Lawyer for Northern California” in 2020.

CADIO ZIRPOLI, born Washington D.C., September 1, 1967; admitted to bar, 1995, California and U.S. District Court, Northern District of California; 2015, U.S. Court of Appeals, Ninth Circuit. *Education*: University of California, Berkeley (B.A., 1989); University of San Francisco School of Law (J.D., *cum laude*, 1995). *Experience*: Assistant District Attorney, City and County of San Francisco 1996–2000. *Member*: State Bar of California.

Mr. Zirpoli has an AV Preeminent Peer Review Rating on Martindale-Hubbell and was named a “Super Lawyer for Northern California” in 2010, 2014–2020 (Top 100 Northern California Super Lawyers, 2018 and 2019).

OF COUNSEL

GEOFFREY C. RUSHING, born San Jose, California, May 21, 1960; admitted to bar, 1986, California and U.S. District Court, Northern District of California; 2017, U.S. Court of Appeals, Ninth Circuit. *Education*: University of California, Berkeley (A.B. with honors, 1982); University of California, Berkeley, Boalt Hall (J.D., 1986). *Member*: State Bar of California. *Honors & Distinctions*: Named a “Super Lawyer for Northern California” in 2020.

ASSOCIATES

MATTHEW D. HEAPHY, born Hartford, Connecticut, December 4, 1974, admitted to bar, 2003, California and U.S. District Court, Northern District of California; 2017, U.S. Court of Appeals, Ninth Circuit. *Education*: Wesleyan University (B.A., 1997); University of San Francisco School of Law (J.D., *cum laude*, 2003), University of San Francisco Law Review, International & Comparative Law Certificate, with Honors. *Publications*: Comment: The Intricacies of Commercial Arbitration in the United States and Brazil: A Comparison of Two National Arbitration Statutes, 37 U.S.F. L. Rev. 441 (2003); M. Heaphy & Co-Author, Does the United States Really Prosecute its Servicemembers for War Crimes? Implications for Complementarity Before the ICC, 21 Leiden J. Int’l L. 165 (March 2008); M. Heaphy, The

United States and the 2010 Review Conference of the Rome Statute of the ICC, 81 Int'l Rev. Penal L. 77 (2010). *Member*: State Bar of California. *Languages*: French, Italian.

MELISSA SHAPIRO, born Los Angeles, California, May 27, 1980, admitted to bar, 2006, California and U.S. District Court, Northern and Central Districts of California. *Education*: University of Southern California (B.A., 2002); Pepperdine University School of Law (J.D., 2005), Pepperdine Law Review. *Publication*: Comment: Is Silica the Next Asbestos? An Analysis of the Sudden Resurgence of Silica Lawsuit Filings, 32 Pepp. L. Rev. 983 (2005).

DAVID HWU, born Stanford, California, November 20, 1985; admitted to bar, 2012, California and U.S. District Court, Northern District of California. *Education*: University of California, Berkeley (B.A., 2008); University of San Francisco School of Law (J.D., 2011). *Member*: State Bar of California. *Languages*: Chinese, Japanese. *Honors & Distinctions*: Named to the Super Lawyers Northern California Rising Stars List, 2018–2020.

SARAH VAN CULIN, born London, England, September 2, 1985, admitted to bar, 2013, California; 2015, U.S. District Court, Northern District of California; 2020, U.S. District Court, Central District of California. *Education*: University of Nottingham (B.A., English, 2007); University of San Francisco School of Law (J.D., *cum laude*, 2013), Editor in Chief, University of San Francisco Law Review, Business Law Certificate, with Honors. *Member*: State Bar of California, Antitrust, UCL and Privacy Section; American Bar Association, Section of Antitrust Law; Bar Association of San Francisco, Antitrust and Business Regulation Section. *Honors & Distinctions*: Named to the Super Lawyers Northern California Rising Stars List, 2018–2020.

ANJALEE BEHTI, born San Francisco, California, September 13, 1992, admitted to bar, 2018, California and U.S. District Court, Northern District of California. *Education*: University of California, Irvine (B.A., Political Science and Government, 2014); University of San Francisco School of Law (J.D., *cum laude*, 2018), University of San Francisco Law Review. *Publication*: Comment: Trump's Ruthless Expansion of the Mexico City Policy Threatens Reproductive Health Abroad, 53 U.S.F. L. Rev. 117 (2019). *Member*: State Bar of California; Asian American Bar Association, Civil Rights Committee. *Experience*: Judicial Extern, Hon. Edward M. Chen, Judge, U.S. District Court, Northern District of California (2017). *Honors & Distinctions*: Named to the Super Lawyers Northern California Rising Stars List, 2020.

LEGAL ASSISTANTS

ALYSSA WEAVER (Paralegal), born San Mateo, California, August 10, 1989.
Education: City College of San Francisco (A.S. 2015).

ADDITIONAL LEADERSHIP POSITIONS

The following are some of the class actions in which Mr. Guido Saveri actively participated:

Nisley v. Union Carbide and Carbon Corp., 300 F. 2d 561 (10th Cir. 1960), and ***Continental Ore. Co. v. Union Carbide and Carbon Corp.***, 370 U.S. 690 (1962). In 1960, Mr. Saveri was one of the trial attorneys in the above cases which are the forerunners of present class action litigation and are responsible for Rule 23 as it exists today and for some of the most important rulings in the field of antitrust law. The *Nisley* case was a class action tried before a jury both on liability and damages and resulted in a verdict for the named plaintiffs and the entire class. It is considered one of the leading cases on class actions, is often referred to as a model for the trial of class actions, and has been followed in antitrust class action cases which have gone to trial.

Sacramento Municipal Utility District v. Westinghouse Elec. Corp., 62 CCH Trade Cases, Par. 70,552 (N.D. Cal. 1962). Mr. Saveri was one of the principal attorneys in several cases which have come to be known as the *Electrical Equipment* cases. In 1961–1965, Mr. Saveri represented such clients as the State of Washington, Sacramento Municipal Utility District and Modesto Irrigation District. Mr. Saveri was one of the attorneys who tried several of these cases and did very extensive work under a coordinated program instituted by the Murrah Committee under the direction of the then Chief Justice of the United States. This Committee later became the Judicial Panel for Multi-District Litigation. As a result of his experience in these cases, Mr. Saveri participated in drafting proposed legislation creating the Panel on Multi-District Litigation.

Nurserymen's Exchange v. Yoder Brothers, Inc., No. 70-1510, in the United States District Court, Northern District of California, before Judge Harris. Mr. Saveri was the sole attorney for a class of 10,000 chrysanthemum growers. This case was settled for substantial sums.

City of San Diego v. Rockwell Manufacturing Co., before Judge Boldt in San Francisco. Mr. Saveri was Liaison and Lead Counsel in the above case involving water meters. This case was settled for substantial sums.

In re Private Civil Treble Damage Actions Against Certain Snack Food Companies, Civil No. 70-2121-R, United States District Court, Central District of California. Mr. Saveri was the lead attorney for the retail grocers' class comprised of all retail grocers in the states of California, Nevada, and Arizona certified by Judge Real involving the snack food industry. The case was settled for substantial sums.

In re Sugar Antitrust Litigation, MDL No. 201, United States District Court, Northern District of California, before Judges Boldt and Cahn. Mr. Saveri was the lead attorney for the

retail grocer classes in the Western Sugar litigation. In this litigation, he was a member of the Executive Committee, Steering Committee and Settlement Committee. This case settled for more than \$35,000,000.

Sun Garden Packing Co. v. International Paper Co., et al., C-72-52, United States District Court, Northern District of California. In 1972 Mr. Saveri filed the first price fixing class action against the paper industry. He was the sole attorney representing all purchasers of lithograph paper labels in the United States. The lithograph paper labels case was settled at a substantial figure. The lithograph paper labels case was responsible for subsequent government indictments in lithograph paper labels, folding cartons, small paper bags, and corrugated containers.

In re Folding Carton Antitrust Litigation, MDL No. 250, United States District Court, Eastern District of Illinois, before Judges Will and Robson. Mr. Saveri was a member of the Executive Committee, Vice Chairman of Discovery and a member of the Trial Team in this action involving a horizontal conspiracy to fix prices for folding cartons. The case was settled for more than \$200,000,000.

In re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions, MDL No. 10, 4-72 Civ 435, United States District Court, District of Minnesota, Fourth Division, before Judge Lord. Mr. Saveri was the attorney for the institutional class and consumer class for the States of Utah and Hawaii. These actions were settled for substantial sums.

Building Service Union Health & Welfare Trust Fund v. Chas. Pfizer & Co., No. 4-71 Civ. 435; No. 4-71 Civ. 413, United States District Court, District of Minnesota, before Judge Lord. Mr. Saveri was the sole attorney for a class of 9,000 health and welfare trust funds in the United States in this antitrust action against the drug companies. In 1974–1975 this class action went to trial before two juries at the same time and in the same court on liability and damages for the entire class and lasted ten months. It was settled for a substantial sum. Mr. Saveri was the sole attorney representing the plaintiff health and welfare trust fund class at trial.

In re Corrugated Container Antitrust Litigation, MDL No. 310, United States District Court, Southern District of Texas, before Judge Singleton. Horizontal price fixing action. The case was settled for more than \$400,000,000.

In re Fine Paper Antitrust Litigation, MDL No. 323, United States District Court, Eastern District of Pennsylvania, before Judge McGlynn. Mr. Saveri was a member of the Executive Committee and the trial team. The case was settled for approximately \$80,000,000.

In re Ocean Shipping Antitrust Litigation, MDL No. 395, United States District Court, Southern District of New York, before Judge Stewart. Mr. Saveri was a member of the Steering Committee and the Negotiating Committee. The firm understands this case was the first class action settlement involving claims by foreign companies. Mr. Saveri was appointed an officer of the New York Federal District Court to audit foreign claims in Europe. The case was settled for approximately \$79,000,000.

In re Corn Derivatives Antitrust Litigation, MDL No. 414, United States District Court, District of New Jersey, before Judge Seitz. Mr. Saveri was Chairman of the Steering Committee and Executive Committee.

In re Coconut Oil Antitrust Litigation, MDL No. 474, United States District Court, Northern District of California, before Judge Orrick. Mr. Saveri was Co-Lead Counsel.

In re Intel Securities Litigation, No.C-79-2168A, United States District Court, Northern District of California, before Judge Aguilar. Mr. Saveri was a member of the Steering Committee.

O'Neill Meat Co. v. Eli Lilly and Co., No. 30 C 5093, United States District Court, Northern District of Illinois, before Judge Holderman. Mr. Saveri was Co-Lead Counsel for the class in this antitrust litigation involving pancreas glands.

United National Records, Inc. v. MCA, Inc., No.82 C 7589, United States District Court, Northern District of Illinois, before Judge Bua. Mr. Saveri was a member of the Steering Committee in this records antitrust litigation. The class recovered \$26,000,000 in cash and assignable purchase certificates.

In re Industrial Gas Antitrust Litigation, No. 80 C 3479, United States District Court, Northern District of Illinois, before Judge Endamer. Mr. Saveri was a member of the Steering Committee. The class recovered more than \$50,000,000.

Superior Beverages, Inc. v. Owens-Illinois, No. 83-C512, United States District Court, Northern District of Illinois, before Judge Will. Mr. Saveri was a member of the Executive Committee in this antitrust litigation involving the price fixing of glass containers. The class recovered more than \$70,000,000 in cash and coupons.

In re Washington Public Power Supply Securities Litigation, MDL No. 551, United States District Court, W.D. Washington, Second (Seattle) Division, before Judge Browning. Mr. Saveri was one of the court appointed attorneys for the class.

In re Ask Computer Systems Securities Litigation, No. C-85-20207 (A) RPA, United States District Court, Northern District of California, before Judge Aguilar. Mr. Saveri was Co-Lead Counsel for the class.

Big D. Building Corp. v. Gordon W. Wattles., MDL No. 652, United States District Court, Middle District of Pennsylvania. Mr. Saveri was a member of the Steering Committee and Settlement Committee in this price fixing class action involving the rope industry.

In re Insurance Antitrust Litigation, MDL No. 767, United States District Court, Northern District of California, before Judge Schwarzer. Mr. Saveri was Administrative Liaison Counsel and a member of the Steering Committee.

In re Sun Microsystems Securities Litigation, No. C-89-20351 RMW, United States District Court, Northern District of California, before Judge Whyte. Mr. Saveri was appointed Co-Lead Counsel.

In re Infant Formula Antitrust Litigation, MDL No. 878, United States District Court, Northern District of Florida, Tallahassee Division. Mr. Saveri was one of the principal attorneys. The case was settled for \$125,760,000.

In re Carbon Dioxide Industry Antitrust Litigation, MDL No. 878, Case No. 92-940 PHB, United States District Court, Middle District of Florida, Orlando Division. Mr. Saveri was a member of the Steering Committee. The class recovered \$53,000,000 and achieved significant therapeutic relief for the class.

In re Medical X-Ray Film Antitrust Litigation, No. CV 93-5904, FB, United States District Court, Eastern District of New York. Mr. Saveri was a member of the Steering Committee.

In re Baby Food Antitrust Litigation, No. 92-5495 NHP, United States District Court, District of New Jersey, before Judge Politan. Mr. Saveri was a member of the Steering Committee.

In re Brand Name Prescription Drugs Antitrust Litigation, MDL No. 997, Case No. 94-C-897 CPK, United States District Court, Northern District of Illinois, Eastern Division, before Judge Kocoras. Mr. Saveri was Co-Lead Counsel on behalf of approximately 50,000 retail pharmacies nationwide alleging an illegal cartel between seventeen drug manufacturers and six drug wholesalers in preventing discounts to retail pharmacies. The case was tried for eight weeks. The case was settled for \$700,000,000 in cash and \$25,000,000 in product. Mr. Saveri was one of four lead trial lawyers.

In re Citric Acid Antitrust Litigation, MDL No. 1092, C-95-2963 FMS, United States District Court, Northern District of California, before Judge Smith. Mr. Saveri was Co-Lead Counsel representing a certified class of purchasers of citric acid throughout the United States against the citric acid manufacturers for violations of the Sherman Act for fixing the price of citric acid in the United States and around the world. The case was settled for \$86,000,000.

In re Methionine Antitrust Litigation, MDL No. 1311 CRB, United States District Court, Northern District of California, before Judge Breyer. A nationwide class action on behalf of direct purchasers of methionine alleging price-fixing. Saveri & Saveri, Inc. served as Co-Lead Counsel in this litigation. The case was settled for \$107,000,000.

In re Managed Care Litigation, MDL No. 1334, Master File No. 00-1334-MD, United States District Court, Southern District of Florida, before Judge Moreno. The Saveri Firm served as a member of the Executive Committee representing the California Medical Association, Texas Medical Association, Georgia Medical Association and other doctors against the nation's HMOs for violations of the Federal RICO Act. The case was settled with benefits approximating \$1 billion dollars.

In re Dynamic Random Access Memory Antitrust Litigation, MDL No. 1486, United States District Court, Northern District of California, before Judge Hamilton. Mr. Saveri served as Co-Lead Counsel on behalf of a nationwide class of direct purchasers of dynamic random access memory (DRAM) alleging price-fixing. The case settled for more than \$325 million in cash.

In re Flash Memory Antitrust Litigation, No. 07-cv-00086-SBA, United States District Court, Northern District of California, before Judge Armstrong. Mr. Saveri served as Co-Lead Counsel on behalf of a nationwide class of direct purchasers of flash memory (Flash) alleging price-fixing.

In re Cathode Ray Tube (CRT) Antitrust Litigation, MDL No. 1917, Case No. C 07-5944 JST, United States District Court, Northern District of California before Judge Tigar. Mr. Saveri serves as Lead Counsel on behalf of a nationwide class of direct purchasers of cathode ray tubes (CRTs) alleging price-fixing.

In re Optical Disk Drive (ODD) Products Antitrust Litigation, MDL No. 2143, 10-md-02143-RS, United States District Court, Northern District of California, before Judge Seeborg.

Mr. Saveri served as Chair of the Committee of Direct Purchaser Plaintiffs' Counsel on behalf of a nationwide class of direct purchasers of optical disk drives (ODDs) alleging price-fixing.

CLASS ACTION LITIGATION

The following are some additional class action cases in which Saveri & Saveri, Inc. actively participated as class counsel:

In re NASDAQ Market-Makers Antitrust Litigation, MDL No. 1023, United States District Court, Southern District of New York. A nationwide class action on behalf of purchasers of securities on the NASDAQ market alleging a violation of the Sherman Act for fixing the spread between the quoted buy and sell prices for the securities sold on the NASDAQ market.

In re Potash Antitrust Litigation, MDL No. 981, United States District Court, District of Minnesota, Third Division. A class action on behalf of all direct purchasers of potash throughout the United States alleging a horizontal price fix.

In re Airline Ticket Commission Antitrust Litigation, MDL No. 1058, United States District Court, District of Minnesota. A class action alleging that the major airlines conspired to fix travel agents' commission rates.

Pharmaceutical Cases I, II & III, J.C.C.P. Nos. 2969, 2971 & 2972, San Francisco Superior Court. A certified class action on behalf of all California consumers against the major drug manufacturers for fixing the price of all brand name prescription drugs sold in California.

Perish v. Intel Corp., Civ. No. 755101, Santa Clara Superior Court. A nationwide class action on behalf of purchasers of Intel Pentium chips alleging consumer fraud and false advertising.

In re Carpet Antitrust Litigation, MDL No. 1075, United States District Court, Northern District of Georgia, Rome Division. A nationwide class action on behalf of all direct purchasers of polypropylene carpet alleging a horizontal price fix.

In re California Indirect-Purchaser Plasticware Antitrust Litigation, Civ. Nos. 961814, 963201, 963590, San Francisco Superior Court. A class action on behalf of indirect purchasers of plasticware alleging price-fixing.

In re Worlds of Wonder Securities Litigation; No.C-87-5491 SC, United States District Court, Northern District of California.

Pastorelli Food Products, Inc. v. Pillsbury Co., et al., No. 87C 20233, United States District Court, Northern District of Illinois.

Red Eagle Resources Corp., et al. v. Baker Hughes Incorporated, et al., No. 91-627 (NWB) (Drill Bits Litigation), United States District Court, Southern District of Texas, Houston Division.

In re Wirebound Boxes Antitrust Litigation, MDL No. 793, United States District Court, District of Minnesota, Fourth Division. A nationwide class action on behalf of purchasers of wirebound boxes alleging a horizontal price fix.

In re Bulk Popcorn Antitrust Litigation, No. 3-89-710, United States District Court, District of Minnesota, Third Division. A nationwide class action on behalf of direct purchasers of bulk popcorn alleging price-fixing.

Nancy Wolf v. Toyota Sales, U.S.A. and Related Cases, No. C 94-1359, United States District Court, Northern District of California.

Mark Notz v. Ticketmaster - Southern, and Related Cases, No. 943327, San Francisco Superior Court. A consumer class action alleging a territorial allocation in violation of the Cartwright Act.

Neve Brothers v. Potash Corp., No. 959867, San Francisco Superior Court. A class action alleging price-fixing on behalf of indirect purchasers of potash in California.

In re Chrysler Corporation Vehicle Paint Litigation, MDL No. 1239. Nationwide class action on behalf of owners of delaminating Chrysler vehicles.

Miller v. General Motors Corp., Case No. 98 C 7836, United States District Court, Northern District of Illinois. Nationwide class action alleging a defective paint process which causes automobile paint to peel off when exposed to ordinary sunlight.

ANTITRUST LITIGATION

The following list outlines some of the antitrust litigation in which the firm of Saveri & Saveri has been involved:

1. ***Union Carbide & Carbon Corp. v. Nisley***, 300 F. 2d 561 (10th Cir. 1960)
2. ***Continental Ore. Co. v. Union Carbide and Carbon Corp.***, 370 U.S. 690 (1962)
3. ***Public Service C. of N.M. v. General Elec. Co.***, 315 F.2d 306 (10th Cir. 1963)
4. ***State of Washington v. General Elec. Co.***, 246 F. Supp. 960 (W.D. Wash. 1965)
5. ***Nurserymen's Exchange v. Yoder Brothers, Inc.***, No. 70-1510 (N.D. Cal. 1970)
6. ***Bel Air Markets v. Foremost Dairies Inc.***, 55 F.R.D. 538 (N.D. Cal. 1972)
7. ***In re Western Liquid Asphalt Case***, 487 F.2d 191 (9th Cir. 1973)
8. ***In re Gypsum Cases***, 386 F. Supp. 959 (N.D. Cal. 1974)
9. ***City of San Diego v. Rockwell Manufacturing Co.***
10. ***In re Private Civil Treble Damage Actions Against Certain Snack Food Companies***, Civil No. 70-2121-R (C.D. Cal. 1970)
11. ***In re Sugar Antitrust Litigation***, MDL No. 201, 559 F.2d 481 (9th Cir. 1977)
12. ***Sun Garden Packing Co. v. International Paper Co.***, No. C-72-52 (N.D. Cal. 1972)
13. ***In re Folding Carton Antitrust Litigation***, MDL No. 250 (E.D. Ill.)
14. ***In re Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions***, No. 4-72 Civ 435, 410 F. Supp. 706 (D. Minn. 1972)

15. *Building Service Union Health & Welfare Trust Fund v. Chas. Pfizer & Company*, Nos. 4-71 Civ. 435, 4-71 Civ. 413 (D. Minn. 1971)
16. *In re Fine Paper Antitrust Litigation*, MDL No. 323 (E.D. Pa.)
17. *In re Armored Car Antitrust Litigation*, CA No. 78-139A, 472 F. Supp. 1357 (N.D. Ga. 1978)
18. *In re Ocean Shipping Antitrust Litigation*, MDL No. 395, 500 F. Supp. 1235 (3d Cir. 1984)
19. *In re Corn Derivatives Antitrust Litigation*, MDL No. 414 (D.N.J. 1980)
20. *In re Coconut Oil Antitrust Litigation*, MDL No. 474 (N.D. Cal.)
21. *Garside v. Everest & Jennings Intern.*, No. S-80-82 MLS, 586 F. Supp. 389 (E.D. Cal. 1984)
22. *Lorries Travel & Tours, Inc. v. SFO Airporter Inc.*, 753 F.2d 790 (9th Cir. 1985)
23. *O'Neill Meat Co. v. Eli Lilly and Company*, No. 30 C 5093 (N.D. Ill.)
24. *In re Records and Tapes Antitrust Litigation*, No.82 C 7589, 118 F.R.D. 92 (N.D. Ill. 1987)
25. *In re Industrial Gas Antitrust Litigation*, No. 80 C 3479, 100 F.R.D. 280 (N.D. Ill. 1987)
26. *Matter of Superior Beverages/Glass Container Consolidated Pretrial*, No. 83-C512, 137 F.R.D. 119 (N.D. Ill. 1990)
27. *Big D. Building Corp. v. Gordon W. Wattles*, MDL No. 652
28. *In re Insurance Antitrust Litigation*, MDL No. 767 (N.D. Cal.)
29. *In re Wirebound Boxes Antitrust Litigation*, MDL No. 793 (D. Minn.)
30. *In re Domestic Air Transp. Antitrust Litigation*, MDL No. 861, 144 F.R.D. 421 (N.D. Ga. 1992)
31. *In re Infant Formula Antitrust Litigation*, MDL No. 878 (N.D. Fla.)
32. *Finnegan v. Campeau Corp.*, 915 F.2d 824 (2d Cir. 1990)
33. *In re Carbon Dioxide Industry Antitrust Litigation*, MDL No. 940, 155 F.R.D. 209 (M.D. Fla.)
34. *In re Medical X-Ray Film Antitrust Litigation*, No. CV 93-5904 (E.D.N.Y. 1993)
35. *In re Bulk Popcorn Antitrust Litigation*, 792 F. Supp. 650 (D. Minn. 1992)
36. *In re Baby Food Antitrust Litigation*, No. 92-5495 (NHP) (D.N.J. 1992)
37. *In re Potash Antitrust Litigation*, MDL No. 981 (D. Minn.)
38. *In re Brand Name Prescription Drugs Antitrust Litigation*, MDL No. 997, 94 C 897 (N.D. Ill.)
39. *In re Citric Acid Antitrust Litigation*, MDL No. 1092 (N.D. Cal.)
40. *In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.)

41. *In re Airline Ticket Commission Antitrust Litigation*, MDL No. 1058 (D. Minn.)
42. *Pharmaceutical Cases I, II & III*, J.C.C.P. Nos. 2969, 2971 & 2972, San Francisco Superior Court
43. *In re Carpet Antitrust Litigation*, MDL No. 1075 (N.D. Ga.)
44. *In re California Indirect-Purchaser Plastic Ware Antitrust Litigation*, Nos. 961814, 963201, 963590, San Francisco Superior Court
45. *Pastorelli Food Products, Inc. v. Pillsbury Co.*, No. 87C 20233 (N.D. Ill.)
46. *Red Eagle Resources Corp. v. Baker Hughes Inc.*, No. 91-627 (NWB) (Drill Bits Litigation) (S.D. Tex.)
47. *Mark Notz v. Ticketmaster - Southern, and Related Cases*, No. 943327, San Francisco Superior Court
48. *Neve Brothers. v. Potash Corp.*, No. 959867, San Francisco Superior Court
49. *Food Additives (Citric Acid) Cases*, J.C.C.P. No. 3625, Master File No. 974-120
50. *Biljac Associates v. First Interstate Bank*, No. 824-289, San Francisco Superior Court
51. *Diane Barela v. Ralph's Grocery Co.*, No. BC070061, Los Angeles Superior Court
52. *Leslie K. Bruce v. Gerber Products Co.*, No. 948-857, San Francisco Superior Court
53. *In re California Indirect Purchaser Medical X-Ray Film Antitrust Litigation*, Master File No. 960886
54. *Lee Bright v. Kanzaki Specialty Papers, Inc.*, No. 963-598, San Francisco Superior Court
55. *Neve Brothers v. Potash Corporation of America*, No. 959-767, San Francisco Superior Court
56. *Gaehwiler v. Sunrise Carpet Industries Inc.*, No. 978345, San Francisco Superior Court
57. *In re Commercial Tissue Products Antitrust Litigation*, MDL No. 1189 (N.D. Fla.)
58. *Sanitary Paper Cases I and II*, J.C.C.P. Nos. 4019 & 4027, San Francisco Superior Court
59. *Gaehwiler v. Aladdin Mills, Inc.*, No. 300756, San Francisco Superior Court
60. *In re Flat Glass Antitrust Litigation*, MDL No. 1200 (3d Cir.)
61. *Flat Glass Cases*, J.C.C.P. No. 4033, San Francisco Superior Court
62. *Sorbate Prices Cases*, J.C.C.P. No. 4073, San Francisco Superior Court
63. *In re Stock Options Trading Antitrust Litigation*, MDL No. 1283 (S.D.N.Y.)
64. *In re Vitamin Antitrust Litigation*, MDL No. 1285 (D.D.C.)
65. *In re Sorbates Direct Purchaser Antitrust Litigation*, Master File No. C 98-4886 CAL (N.D. Cal. 1998)
66. *Vitamin Cases*, J.C.C.P. No. 4076, San Francisco Superior Court

67. *In re PRK/Lasik Consumer Litigation*, Master File No. CV 772894, Santa Clara Superior Court
68. *In re Nine West Shoes Antitrust Litigation*, Master File No. 99-CV-0245 (BDP) (S.D.N.Y. 1999)
69. *Food Additives (HFCS) Cases*, J.C.C.P. No. 3261, Stanislaus County Superior Court
70. *In re Toys “R” Us Antitrust Litigation*, MDL No. 1211 (E.D.N.Y.)
71. *Cosmetics Cases*, J.C.C.P. No. 4056, Marin County Superior Court
72. *In re Methionine Antitrust Litigation*, MDL No. 1311 (N.D. Cal.)
73. *Bromine Cases*, J.C.C.P. No. 4108
74. *Fu’s Garden Restaurant v. Archer-Daniels-Midland*, No. 304471, San Francisco Superior Court
75. *Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives and Composites, Inc.*, No. CV 99-07796 GHK (C.D. Cal. 1999)
76. *In re Monosodium Glutamate Antitrust Litigation*, MDL No. 1328 (D. Minn.)
77. *California Indirect Purchaser Auction House Cases*, Master Case No. 310313, San Francisco Superior Court
78. *In re Cigarette Antitrust Litigation*, MDL No. 1342 (N.D. Ga.)
79. *Cigarette Price Fixing Cases*, J.C.C.P. No. 4114, Alameda County Superior Court
80. *Microsoft Cases*, J.C.C.P. No. 4106, San Francisco Superior Court
81. *Compact Disk Cases*, J.C.C.P. No. 4123, Los Angeles Superior Court
82. *In re Compact Disc Minimum Advertised Price Antitrust Litigation*, MDL No. 1361 (D. Me.)
83. *In re Ciprofloxacin Hydrochloride Antitrust Litigation*, MDL No. 1383 (E.D.N.Y.)
84. *In re Buspirone Antitrust Litigation*, MDL No. 1413 (S.D.N.Y.)
85. *In re K-Durr Prescription Drug Antitrust Litigation*, MDL No. 1419
86. *Carbon Cases*, J.C.C.P. Nos. 4212, 4216 and 4222, San Francisco Superior Court
87. *In re Polychloroprene Antitrust Cases*, J.C.C.P. No. 4376, Los Angeles Superior Court
88. *In re Urethane Cases*, J.C.C.P. No. 4367, San Francisco Superior Court
89. *The Harman Press v. International Paper Co.*, Master File No. CGC-04-432167, San Francisco Superior Court
90. *In re Label Stock Cases*, J.C.C.P. No. 4314, San Francisco Superior Court
91. *Richard Villa v. Crompton Corp.*, Master File No. CGC-03- 419116, San Francisco Superior Court
92. *Russell Reidel v. Norfalco LLC*, Master File No. CGC-03-418080, San Francisco Superior Court

93. *Smokeless Tobacco Cases I-IV*, J.C.C.P. Nos. 4250, 4258, 4259, & 4262, San Francisco Superior Court
94. *Natural Gas Antitrust Cases*, J.C.C.P. No. 4312
95. *In re Western States Wholesale Natural Gas Litigation*, MDL No. 1566 (D. Nev.)
96. *In re Automotive Refinishing Paint Cases*, J.C.C.P. No. 4199, Alameda County Superior Court
97. *In re Tableware Antitrust Litigation*, Master File No. C-04-3514 VRW (N.D. Cal. 2004)
98. *In re Credit/Debit Card Tying Cases*, J.C.C.P. No. 4335, San Francisco Superior Court
99. *In re NBR Cases*, J.C.C.P. No. 4369, San Francisco Superior Court
100. *Competition Collision Center, LLC v. Crompton Corp.*, No. CGC-04-431278, San Francisco Superior Court
101. *In re Urethane Chemicals Antitrust Litigation*, MDL No. 1616 (D. Kan.)
102. *In re Rubber Chemicals Antitrust Litigation*, MDL No. 1648 (N.D. Cal.)
103. *Carpinelli v. Boliden AB*, Master File No. CGC-04-435547, San Francisco Superior Court
104. *Automobile Antitrust Cases I and II*, J.C.C.P. Nos. 4298 and 4303, San Francisco Superior Court
105. *In re Currency Conversion Fee Antitrust Litigation*, MDL No. 1409 (S.D.N.Y.)
106. *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL No. 1486 (N.D. Cal.)
107. *In re Publication Paper Antitrust Litigation*, MDL No. 1631 (D. Conn.)
108. *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663 (D.N.J.)
109. *In re Hydrogen Peroxide Antitrust Litigation*, MDL No. 1682 (E.D. Pa.)
110. *In re Intel Corp. Microprocessor Antitrust Litigation*, MDL No. 1717 (D. Del.)
111. *In re Air Cargo Shipping Services Antitrust Litigation*, MDL No. 1775 (E.D.N.Y.)
112. *In re International Air Transportation Surcharge Antitrust Litigation*, MDL No. 1793 (N.D. Cal.)
113. *Carbon Black Cases*, J.C.C.P. No. 4323, San Francisco Superior Court
114. *Madani v. Shell Oil Co.*, No. 07-CV-04296 MJJ (N.D. Cal.)
115. *In re Static Random Access Memory (SRAM) Antitrust Litigation*, MDL No. 1819 (N.D. Cal.)
116. *In re Flash Memory Antitrust Litigation*, No. 07-CV-00086-SBA (N.D. Cal.)
117. *In re TFT-LCD (Flat Panel) Antitrust Litigation*, MDL No. 1827 (N.D. Cal.)
118. *In re Korean Air Lines Co., Ltd., Antitrust Litigation*, MDL No. 1891 (C.D. Cal.)
119. *In re Fasteners Antitrust Litigation*, MDL No. 1912 (E.D. Pa.)

120. *In re Transpacific Passenger Air Transportation Antitrust Litigation*, MDL No. 1913 (N.D. Cal.)
121. *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No. 1917 (N.D. Cal.)
122. *In re Chocolate Confectionary Antitrust Litigation*, MDL No. 1935 (M.D. Pa.)
123. *In re Flat Glass Antitrust Litigation (II)*, MDL No. 1942 (W.D. Pa.)
124. *In re Municipal Derivatives Antitrust Litigation*, MDL No. 1950 (S.D.N.Y.)
125. *In re Aftermarket Filters Antitrust Litigation*, MDL No. 1957 (N.D. Ill.)
126. *In re Puerto Rican Cabotage Antitrust Litigation*, MDL No. 1960 (D.P.R.)
127. *In re Hawaiian and Guamanian Cabotage Antitrust Litigation*, MDL No. 1972 (W.D. Wash.)
128. *In re California Title Insurance Antitrust Litigation*, No. 08-01341 JSW (N.D. Cal.)
129. *In re Optical Disk Drive (ODD) Antitrust Litigation*, MDL No. 2143 (N.D. Cal.)
130. *Kleen Products LLC v. Packaging Corporation of America*, No. 10-5711 (N.D. Ill.)
131. *In re Automotive Parts Antitrust Litigation*, MDL No. 2311 (E.D. Mich.)
132. *In re On-Line Travel Company (OTC)/Hotel Booking Antitrust Litigation*, MDL No. 2405 (N.D. Tex.)
133. *In re Lithium Ion Batteries Antitrust Litigation*, MDL No. 2420 (N.D. Cal.)
134. *In re Capacitors Antitrust Litigation*, Master File No. 14-cv-03264 JD (N.D. Cal.)
135. *In re Resistors Antitrust Litigation*, Master File No. 15-cv-03820 JD (N.D. Cal.)
136. *In re Domestic Airline Travel Antitrust Litigation*, MDL No. 2656 (D.D.C.)
137. *In re Inductors Antitrust Litigation*, Master File No. 18-cv-00198 EJD (N.D. Cal.)
138. *In re Dynamic Random Access Memory (DRAM) Direct Purchaser Antitrust Litigation*, No. 18-cv-3805-JSW-KAW (N.D. Cal.)

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EXHIBIT 34

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF SCOTT EDWARD
COLE IN SUPPORT OF NAMED
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF PROPOSED
SETTLEMENT, AND FOR ATTORNEYS'
FEES, EXPENSES, AND SERVICE
AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Scott Edward Cole, declare as follows:

2 1. I am a shareholder at the law firm of SCOTT COLE & ASSOCIATES.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
9 with years in practice, most recent hourly rates reported to the Court during the pendency of this
10 litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the attached
11 Exhibit A conform to the professional rates set at my firm. Further detail regarding the litigation
12 and trial experience of each professional can be found, to the extent available, in the firm resume
13 attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other professionals
15 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
16 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020 is 44.00 hours. The total lodestar for my firm is \$16,352.50.

23 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
24 ("expenses") totaling \$1,442.50, which were necessary in relation to this litigation and submitted,
25 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
26 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
27 litigation are reflected in the books and records of my firm. These books and records are prepared

28

1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 20th
5 day of August, 2020, at Oakland, California.

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s/Scott E. Cole

SCOTT EDWARD COLE, ESQ.

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EXHIBIT A

Scott Cole & Associates

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Cole, Scott Edward	Partner (28 years)	\$ 850.00	8.90	\$ 7,565.00
Van Note, Laura	Associate (5 years)	\$ 425.00	4.00	\$ 1,700.00
Weaver, Andrew	Associate (1 year)	\$ 425.00	4.70	\$ 1,997.50
Yang, Youchen	Associate (5 years)	\$ 550.00	0.10	\$ 55.00
Sera, Rena	Associate (2 years)	\$ 425.00	0.30	\$ 127.50
Alvarado, Cesar	Associate (21 years)	\$ 650.00	0.20	\$ 130.00
Jones, Carissa	Staff (less than 1 year)	\$ 185.00	11.40	\$ 2,109.00
Keller, Daniel	Staff (less than 1 year)	\$ 230.00	0.10	\$ 23.00
Klinko, Stephanie	Staff (1 year)	\$ 185.00	12.90	\$ 2,386.50
Moore, Courtney	Staff (less than 1 year)	\$ 185.00	0.60	\$ 111.00
Gabriel, Andrew	Staff (less than 1 year)	\$ 185.00	0.80	\$ 148.00
TOTAL			44.00	\$ 16,352.50

EXHIBIT B

EXHIBIT B

Scott Cole & Associates

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 1,442.50
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	
TOTAL	\$ 1,442.50

EXHIBIT C



Class Action Attorneys

Firm Resume & Overview

Introduction:

Scott Cole & Associates, APC (“SCA”) represents individuals in employment and consumer class action litigation. Founded in 1992, SCA has been devoted primarily to such matters, having litigated well over 300 class actions against businesses of all types and in nearly every industry imaginable. The members of SCA have vast experience prosecuting class/complex actions, both in a sole counsel capacity and in leadership positions, oftentimes among many firms, in California and nation-wide litigation. They have published scholarly articles dealing with various substantive issues as well as class action litigation/procedure, speak regularly at public events and/or to legal audiences, and have served as consulting experts in class action litigation. For a quarter-century, the firm has recovered well over one billion dollars for millions of workers and consumers, been involved in record-setting settlements and judgments, and helped achieve the correction of numerous unlawful employment and consumer fraud practices.

Attorneys’ Background, Education and Professional Affiliations:

In addition to its staff of paralegal and other legal support personnel, the firm’s practice is led by the following attorneys:

Scott Edward Cole, Esq.

Mr. Cole is a graduate of the University of San Francisco School of Law (1992), where he served as President of the Labor & Employment Law Society, and San Francisco State University (B.A., Speech Communications: Individual Major in Rhetoric and Minor Study in Business Administration). He is a member of the California State Bar and the State Bar’s Labor and Employment Law Section, is admitted to practice before the Central, Eastern, Northern and Southern District Courts of California, the United States Court of Appeals for the 9th Circuit and has prosecuted cases in California, Florida, Nevada, New Jersey, New York, Ohio, Pennsylvania, and Texas state courts, as well as nationwide.

Mr. Cole has served as a member of the National Association of Securities Dealers (Series 7 Licensed), California’s Animal Legal Defense Fund, the Board of Directors of the American Synergy Center, the Association of Trial Lawyers of America, the California Employment Lawyers Association, the American Bar Association, the National Employment Lawyers Association, the Alameda County Bar Association (Vice-Chair of the Labor and Employment Law Section’s Executive Committee, 2009 and 2010) and as a U.S. Delegate to the InterAmerican Meeting of Labor and Trade Union Lawyers in Havana, Cuba (March 2012). Finally, Mr. Cole is an extremely well-respected leader in the field of employment class action litigation, has achieved record results in both settlements and judgments in such cases, has authored numerous scholarly

publications, including the book Fallout (chronicling the 1994 toxic substance release by Unocal and the ensuing legal battle) and has been called upon to serve as a regular speaker at public seminars on issues surrounding employment law and class action procedures. Mr. Cole founded the predecessor firm to Scott Cole & Associates in 1992 and has devoted himself, his team, and the firm's resources to championing employment and consumer law issues ever since.

Admitted, California State Bar, December 1992; University of San Francisco School of Law, J.D., 1992; President, University of San Francisco Labor & Employment Law Society; San Francisco State University, B.A., Speech Communications (Individual Major in Rhetoric), 1989, Minor Study in Business Administration, 1989; Member, California State Bar Labor and Employment Law Section, 1993-present; Admitted, United States District Court (Northern District), 1992; Admitted, United States Court of Appeals (9th Circuit), 1993; Admitted, United States District Court (Eastern District), 1995; Admitted, United States District Court (Central District), 2005; Admitted, United States District Court (Southern District), 2005; National Association of Securities Dealers (Registered Representative [Series 7], 1987-1989); Member/Referral Attorney, Animal Legal Defense Fund (1998-2000); Member, Board of Directors, American Synergy Center (2001); Member, Association of Trial Lawyers of America (2005-present); Member, California Employment Lawyers Association (2005-present); Member, American Bar Association (2007-present); Member, Alameda County Bar Association (2008-present); Vice Chair (2009 & 2010), Alameda County Bar Association's Labor & Employment Law Section Executive Committee; Member, National Employment Lawyers Association (2009-present); U.S. Delegate to the InterAmerican Meeting of Labor and Trade Union Lawyers, Havana, Cuba, March 2012. Mr. Cole is also the author of "Fallout," a story based upon his experiences litigating after the 1994 release of chemical toxics by the Unocal Corporation.

Laura Van Note, Esq.

Ms. Van Note is a graduate of the University of Missouri, Kansas City School of Law (2013, Order of the Barrister, Dean's List), where she served as Captain of the National Trial Advocacy Team, President of the American Constitutional Society for Law and Policy, Teaching Assistant to the Directory of Advocacy. She attended the University of Missouri, Kansas City (Bachelor of Arts in History, Minor in French). She is a member of the State Bar of California (Admitted 2016), the State Bar of Missouri (Admitted 2013), and the State Bar of Kansas (Admitted 2015). She is admitted to various Federal District Courts in California, Missouri, and Kansas.

(Junior Associate and Interim Counsel Not Listed)

SCA Publications and Feature Stories (Partial List Only):

Scott Edward Cole, *Facing Giants*, Marin Magazine (Dec. 2018).

Scott Edward Cole, *An Employment Lawyer's Take on Age Discrimination in Silicon Valley*, The Daily Journal (Nov. 2018) and Entrepreneur Magazine (Oct. 2018).

Feature by Jennifer Messoni Pardini, *The Power of One*, Gentry Magazine (Sept. 2018).

Feature by Peter Kane (Editor), *Meet the Lawyer Suing Equifax and Apple*, S.F. Weekly (Feb 2018).

Scott Edward Cole & Matthew Roland Bainer, *The Quest for Class Certification*, Employment Law Strategist (Sept. & Oct. 2003).

Scott Edward Cole & Matthew Roland Bainer, *To Be or Not to Be a Penalty: Defining the Recovery Under California's Meal and Rest Period Provisions*, Golden Gate U. L. Rev. (Spring 2005).

Scott Edward Cole & Matthew Roland Bainer, *To Certify or Not to Certify: A Circuit-By-Circuit Primer of the Varying Standards for Class Certification in Actions under the Federal Labors Standards Act*, B.U. Pub. Int. L.J. (Spring 2004).

Scott Edward Cole, *Kullar v. Footlocker Retail, Inc.: A New Standard for Class Action Settlement Approval*, CELA Bulletin (April 2009).

Matthew Roland Bainer, *Ninth Circuit Provides Much Needed Guidance on Evidentiary Burdens in Overtime Misclassification Litigation*, CELA Bulletin (May 2009).

Kevin Robert Allen, *Putting the "Rest" Back in Rest Break*, Alameda County Bar Association - Labor & Employment Section News (Autumn 2009).

Michael Scott Lubofsky, *Barristers to Blogs: Softening Ethical Restrictions in the Digital Age*, Los Angeles Daily Journal (June 14, 2010).

Representative Class Action/Complex Litigation Matters:

Scott Cole & Associates, APC has represented hundreds of thousands of individuals in hundreds of legal matters, including well over 300 class actions and/or complex litigation cases. The firm has experience in environmental, commercial and personal injury matters but, for over two decades, has been almost entirely devoted to the prosecution of class action wage and hour matters, only a small sampling of which are listed below. The firm is currently investigating wage and hour violations by numerous companies and are prepared to prosecute these as California and/or nationwide cases. Far from being a comprehensive list of the firm's class action experience, examples of the types of cases SCA litigates include:

Employment Class Action Litigation Experience [Partial List Only]:

Augustus/Davis v. ABM Security Services, Inc (aka American Comm. Security Service, Inc.

San Francisco County Superior Court Case No. CGC-05-444421

(Consolidated with Los Angeles County Superior Court Case No. BC336416)

Scott Cole & Associates, APC filed a claim against American Commercial Security Services, Inc. for violations of California law for denial of meal and rest periods toward security guards. The action achieved class certification status in 2009. Following summary judgment proceedings, a judgment of over \$89 million was entered against the defendant along with a successful interim motion for tens of millions in attorneys' fees. The judgment hinged on the issue of whether "on-duty" rest breaks were legally sufficient. After the Court of Appeal ruled against Plaintiffs on the issue, the case went to the California Supreme Court where Plaintiffs prevailed and, in so doing, created a new legal standard clarifying that "on-duty" rest breaks are invalid. The matter has since settled for \$110 million.

Brandt, et al. v. California State Automobile Association, et al.

United States District Court, District of Nevada, Case No. 3:03-CV-00310

This wage and hour class action was brought on behalf of all Nevada claims adjusters working for CSAA between January 1997 and the present. This lawsuit alleged that, during these years, CSAA mis-classified these workers as exempt "administrators" and refused to pay them for overtime hours worked and fraudulently promised to pay them overtime compensation upon settlement of a companion case (*Thomas v. Cal. State Auto. Assoc.*, below). SCA served as co-counsel, *pro hac vice*, for the proposed class of employees in this matter.

Bulow, et al. v. Wells Fargo Investments, LLC

United States District Court, Northern District of California, Case No. 3:06-CV-7924

This matter was filed as a nation-wide class action against Wells Fargo Investments, on behalf of its Financial Consultants to recover overtime pay, compensation for denied meal and rest periods (California only) and reimbursement for business related service and supply expenses (California only). This matter settled for \$6.9 million.

Cano, et al. v. United Parcel Service, Inc.

Alameda County Superior Court Case No. RG03089266

This wage and hour complex litigation matter involved the alleged mis-classification of overtime non-exempt Operations Management Specialists, Operational Excellence Specialists and/or Industrial Engineering Specialist at this company's California facilities. This action settled in 2004 for \$4.5 million.

Chaidez, et al. v. Odwalla, Inc.

San Mateo County Superior Court Case No. CIV430598

This wage and hour complex litigation matter involved the alleged misclassification of overtime non-exempt California Route Sales Representatives. SCA served as primary counsel for this proposed class of employees. This action settled for \$2.2 million.

Chang, et al. v. Tower Mart

Sacramento County Superior Court, Case No. 34-2009-00044408-CU-OE-GDS

Scott Cole & Associates, APC filed this lawsuit, alleging violations of California law for failure to pay overtime to Tower Mart's California store managers. It is also alleged that the company denied these managers meal and rest periods. This matter settled for \$1.5 million.

Chatellier, et al. v. The White House/Black Market Stores Inc.

Santa Clara County Superior Court Case No. 1-04-CV-030489

This lawsuit involved claims against this retail clothing store for violations of California law for failure to pay overtime to its Store Managers as well as for the alleged denial of meal and rest periods. The settlement achieved in this action represented one of the highest per-workweek wage and hour settlements at the time.

Christman, et al. v. Good Guys, Inc.

San Diego County Superior Court Case No. GIS21939

This legal action alleged violations of California law for unpaid overtime wages and for failure to provide rest and meal periods on behalf of multiple employee classifications. This action settled for up to \$1.05 million.

CKE Overtime Cases

Los Angeles County Superior Court Case No. BC283274 (JCCP No. 4274)

This class action was brought against fast food chain Carl's Jr. for violations of California's overtime laws on behalf of the company's California restaurant chain Managers. The coordinated litigation settled for up to \$9.0 million in 2004.

Dailey, et al. v. Performant Financial Corporation

Alameda County Superior Court Case No. RG10493644

Scott Cole & Associates, APC filed this class action in 2010, on behalf of the company's non-exempt employees seeking wages for alleged violations of California law for unpaid overtime and denial of meal and/or rest periods. After defeating the defendant's summary judgment motion and filing its motion for class certification, SCA settled this case for \$1.2 million.

Davis, et al. v. Universal Protection Security Systems, Inc., et al.

San Francisco County Superior Court Case No. CGC-09-495528

Scott Cole & Associates, APC filed a claim in 2009 against Universal Protection Security Systems, Inc. for violations of California law for denial of meal and rest periods toward security guards. This case settled in 2013 for \$4 million.

DeNeveu, et al. v. Ross Stores, Inc.

Alameda County Superior Court Case No. RG10504571

Scott Cole & Associates, APC filed this class action in December 2009, alleging violations of California law for failure to pay overtime to Ross's salaried Store Manager positions. It was also alleged that the company denied these managers rest and meal periods.

Despres (Cornn), et al. v. United Parcel Service, Inc.

United States District Court, Northern District of California, Case No. 3:03-CV-02001

This wage and hour class action litigation was brought to remedy violations of meal and rest period regulations on behalf of the company's California ground delivery drivers. SCA served as co-counsel for the certified class of drivers. This action settled for \$87 million, an unprecedented settlement amount for such claims.

Escow-Fulton, et al. v. Sports and Fitness Clubs of America dba 24 Hour Fitness USA, Inc.

San Diego County Superior Court Case No. GIC881669; Consolidated Case No. GIC873193)

Scott Cole & Associates, APC filed this class action against this health and fitness company on behalf of the company's California "Group X" Instructors to recover regular and overtime pay, related penalties and un-reimbursed expenses. The action achieved class certification status in 2009. In 2011, the parties agreed to settle the class' expense reimbursement claims for \$10 million. The parties then filed cross-motions for summary adjudication and on August 2, 2011, the court issued an Order finding 24 Hour Fitness' session rate compensation scheme to be an invalid piece rate. The parties then agreed to settle the class' unpaid wage claims for \$9 million, and the summary adjudication order was vacated pursuant to settlement.

Fakhro, et al. v. Turner's Outdoors, Inc.

Los Angeles County Superior Court Case No. BC388874

This lawsuit alleges violations of California law for failure to pay overtime to the company's California Store Managers. It was also alleged that the company denied these managers rest and meal periods. The Court granted final approval to a classwide settlement in 2009.

Gilhuly v. Kmart Corporation

United States District Court, Northern District of California, Case No. 4:10-CV-0360

Scott Cole & Associates, APC filed this class action in December 2009, alleging violations of California law for failure to pay wages, including unpaid overtime compensation, to Kmart's Sales Coach, Operations Manager and Merchandise Manager positions. It was also alleged that the company denied these managers rest and meal periods.

Grindstaff, et al. v. Kohl's Department Stores, Inc.

Los Angeles County Superior Court Case No. BC341954; Consolidated Case No. BC327426)

This action alleged violations of California law for failure to pay overtime to assistant store managers. It was also alleged that the company denied its assistant store managers rest and meal periods. This action settled in 2008 for \$6 million.

Grootboom v. Security Industry Specialists, Inc.

Alameda County Superior Court Case No. RG09435440

This class action was filed on behalf of the company's California-based security guards to recover unpaid wages and compensation for missed meal and rest periods in violation of California law. This action settled in 2009 for \$775,000.

Holm, et al. v. Borders, Inc.

San Francisco County Superior Court Case No. CGC-05-445357

Scott Cole & Associates, APC served as counsel for the proposed class against this retail chain for violation of California law for failure to pay Inventory and/or Sales Managers overtime wages. It was also alleged that the proposed class had been denied rest and meal periods. This matter settled in 2007 for \$3.5 million.

In Re Walgreen Co. Wage and Hour Litigation

United States District Court, Central District of California, Case No. 2:11-CV-07664

Scott Cole & Associates, APC served as court-appointed Lead Counsel after a very-adversarial hearing process in this consolidated action of nine lawsuits against Walgreen Co. bringing a variety of wage and hour claims on behalf of retail store workers in California. The case settled for \$23 million.

Ingraham v. Orchard Supply Hardware, Corp.

San Mateo County Superior Court Case No. 457004

Scott Cole & Associates, APC filed this matter on behalf of all company employees who were forced to maintain, as a condition of employment, a company-issued uniform. This class action also seeks recovery of unpaid wages, compensation for the improper denial of overtime pay and for missed meal and rest periods. This matter resolved in 2008 on behalf of approximately 22,000 class members for \$1.75 million.

Kelly, et al. v. Walgreen Co.

San Francisco County Superior Court Case No. CGC-07-464347

Scott Cole & Associates, APC filed an action against this retailer on behalf of employees who were allegedly subject to security searches for which they were not compensated, in violation of California law. Also alleged was that the company denied these employees rest and meal periods. The action settled for \$7.5 million with SCA serving in the lead role.

Kullar v. Foot Locker, Inc.

San Francisco County Superior Court Case No. CGC-05-447044

This action was brought against this sporting retailer on behalf of California employees who were allegedly forced to purchase shoes of a distinctive color or design as a term and condition of their employment and in violation of state law. The Court approved a \$2.0 million settlement that resolved this action. After two separate appeals by an objector challenging the settlement, the Court of Appeal affirmed the trial court's judgment. This case has now established what's known as the "Kullar standard" for court approval of class action settlements.

Kurihara v. Best Buy Co., Inc.

United States District Court, Northern District of California, Case No. 3:06-CV-01884

We filed an action against this retailer on behalf of employees who were allegedly subject to security searches for which they were not compensated, in violation of California law. Also alleged was that the company denied these employees rest and meal periods. In 2007, the Court certified a class of over 16,000 Best Buy employees. The action settled for \$5 million in 2010.

Lyons v. Elephant Bar Restaurant

Alameda County Superior Court Case No. RG08422299

Scott Cole & Associates, APC filed an action against this restaurant chain challenging violations of California law for denial of meal and rest periods on behalf of the restaurant's hourly, non-exempt employees.

Mambuki, et al. v. Securitas Security Services USA, Inc.

Santa Clara County Superior Court Case No. 1-05-CV-047499 (JCCP No. 4460)

Scott Cole & Associates, APC filed a claim against this defendant for violations of California law (for denial of meal and rest periods) on behalf of the company's California-based security guards. This coordinated proceeding settled in 2008 for \$15 million.

McFann, et al. v. Volt Telecommunications Group, Inc.

Riverside County Superior Court Case No. RIC475410; JCCP No. 4533)

Scott Cole & Associates, APC filed this action on behalf of company field technicians to recover reimbursement for business-related expenses and for unpaid wages. The Court approved an Arbitration Award entered pursuant to a \$3.45 million class wide settlement in 2009.

Menchykv. Beverages & More, Inc.

Alameda County Superior Court Case No. RG05196918

Scott Cole & Associates, APC filed this action for violations of California law for unpaid overtime wages and for failure to provide meal and rest periods. Although a small putative class (98 class members), it settled for \$1.2 million, representing one of the highest per-workweek settlements in California at the time.

Moore v. Albertsons Inc.

United States District Court, Northern District of California, Case No. 3:04-CV-03731

Scott Cole & Associates, APC filed this action for violations of California's overtime laws on behalf of the company's California Drug Managers. This action settled for \$2.35 million, again representing one of highest per-workweek settlements in the state at the time.

Nunez v. AC Square, Inc., et al.

San Mateo County Superior Court Case No. CIV479622

Scott Cole & Associates, APC filed this class action on behalf of all California Technicians employed by AC Square (during the applicable claims period) to recover unpaid wages including overtime pay, meal and rest period compensation, related penalties and un-reimbursed expenses. This action settled for \$800,000.

O'Brien v. Edward D. Jones & Co., LP.

United States District Court, Northern District of Ohio, Case No. 1:08-CV-00529

We filed a nation-wide (and New York State) class action against this financial securities company on behalf of the company's financial services representatives to recover overtime pay and related penalties. SCA served on a Lead Counsel Committee in this action, which settled in 2007 for \$19 million.

O'Hara, et al. v. Factory 2-U Stores, Inc.

Alameda County Superior Court Case No. 834123-5

This class action, filed in 2000, alleged mis-classification of Factory 2-U's California Store Managers and Assistant Store Managers as exempt from overtime pay. In 2001, the Alameda County Superior Court certified two sub-classes (Managers and Assistant Managers) and granted final approval to a settlement of the action for \$2 million.

Ramirez, et al. v. The Coca Cola Company, et al.

San Bernardino County Superior Court Case No. RCV 056388 (JCCP No. 4280)

This is one of two companion actions SCA prosecuted against this soft drink giant for violations of California's overtime laws. This action was brought on behalf of over 4,000 hourly workers at the company's bottling, distribution and sales centers who were allegedly forced to work "off-the-clock" for Coca Cola and/or whose time records were ordered modified by the company. This well-publicized action settled for \$12 million and on very favorable terms for the claimants. SCA filed the first action on these issues and ultimately worked with co-counsel for the proposed class of workers.

Rowe, et al v. California Commerce Casino, Inc.

Los Angeles County Superior Court Case No. BC321283

(Consolidated with Case Nos. BC288079 and BC320171)

Scott Cole & Associates, APC filed a claim against this casino for violations of California law for failure to pay overtime to their dealers. Additionally, it was alleged that the casino demanded that its dealers pay a portion of their wages into a "tip pool" from which the supervisors (who had authority over the dealers) drew extra income. SCA and its co-counsel settled the action, in part, and obtained certification of the remaining claims following an adversarial proceeding.

Schweinsburg v. Paragon Systems, Inc.

United States District Court, Central District of California, Case No. 2:09-CV-08139

Scott Cole & Associates, APC filed a claim in 2009 against Paragon Systems, Inc., for violations of California law for denial of meal and rest periods toward non-exempt security guards. This case settled for the policy limit of \$885,410.

Thomas, et al. v. Cal. State Auto. Assoc., et al.

Alameda County Superior Court Case No. CH217752

Scott Cole & Associates, APC filed this class action litigation on behalf of all California claims adjusters working for CSAA after mid-January 1997. This lawsuit alleged that, during those years, CSAA mis-classified these workers as exempt "administrators" and refused to pay them for overtime hours worked. This lawsuit settled for \$8 million. SCA commenced this action and served as co-counsel for the nearly 1,200 claims representatives.

Tierno v. Rite Aid Corporation

United States District Court, Northern District of California, Case No. 3:05-CV-02520

Scott Cole & Associates, APC filed this action against Rite Aid Corporation on behalf of its salaried California Store Managers. It was alleged that defendant, purportedly the nation's third largest drug store chain, failed to pay overtime to those workers and denied

them their meal and rest periods. In 2006, the federal court certified the class in this action, and approved a \$6.9 million non-reversionary settlement in 2009.

Torres, et al. v. ABC Security Services, Inc.

Alameda County Superior Court Case No. RG04158744

Scott Cole & Associates, APC filed this litigation, alleging violations of California law for denial of meal and rest periods on behalf of the company's security guards. This action received class certification status in 2006 and settled for \$495,000.

Other Mass and/or Complex Litigation Experience:

In Re Tosco SFR Litigation

Contra Costa County Superior Court Case No. C97-01637

During incidents on April 16, 1997 and, again, on January 7, 1998, the Tosco (old Unocal) Refinery in Rodeo, California released toxic chemicals airborne into the environment. These harmful substances traveled airborne into neighboring communities, seriously affecting the health of citizens and local workers. SCA served as Lead Counsel in this complex litigation and represented thousands of members of the community in that role. SCA settled this matter for \$2.5 million, the funds from which were disbursed to over 2,000 claimants who participated in the settlement.

In Re Unocal Refinery Litigation

Contra Costa County Superior Court Case No. C94-04141

In response to Unocal's 16-day airborne release of chemicals over the County of Contra Costa in 1994, SCA filed a class action against the corporation on behalf of thousands of victims and thereafter served as one of a handful of firms (among dozens of law firms of record) on the Plaintiffs' Steering Committee. After hard-fought litigation, the matter eventually settled for \$80 million. This case is the context for Mr. Cole's book "Fallout," published in 2018 (2605 Media LLC).

In Re Westley Tire Fire Litigation

Santa Clara County Superior Court Case No. CV 801282

On September 22, 1999, lightning struck and ignited a pile of approximately 7 million illegally stored waste tires in Westley, California, a town about 70 miles east of San Francisco. Over the subsequent five weeks, the fire spewed smoke and carcinogens over a large portion of the State of California. SCA served as the (sole) Lead and (shared) Liaison Counsel over a Plaintiffs' Steering/Management Committee in the consolidated actions against the owners and operators of this tire pile and related entities. These cases sought compensation for those individuals and businesses suffering personal and/or property damages as a result of these toxic substances and the fire's fall-out. In 2001, SCA reached a settlement with one defendant (CMS Generation Co.) for \$9 million. In 2005, two of the remaining defendants settled for an aggregate amount of roughly \$1.4 million.

Onyeige, et al. v. Union Telecard Alliance, LLC

U.S.D.C. (N.D. Cal.) Case No. 3:05-CV-03971; U.S.D.C., District of New Jersey, MDL No. 1550)

Scott Cole & Associates, APC filed an action against Union Telecard Alliance, LLC alleging negligent misrepresentation and deceptive advertising practices related to its

marketing of pre-paid telephone calling cards. This action settled for \$22 million.

Whitten v. Tilly's, Inc.

Los Angeles County Superior Court Case No. BC548252

Scott Cole & Associates, APC filed this action on behalf of California retail employees who were allegedly subject to security searches for which they were not compensated. It was also alleged that the company failed to provide these workers with meal and rest breaks. The case settled for \$2.8 million.

Witriol, et al. v. LexisNexis, et al.

U.S.D.C., Southern District of California, Case No. 3:06-CV-02360

Scott Cole & Associates, APC filed an action against this company for its allegedly-unlawful disclosure of private credit, financial and/or other personal information. This action settled for up to \$2.8 million.

Notable Appellate Experience:

SCA has substantial appellate experience, highlighted by the examples below. For information regarding other and/or unreported cases/opinions not listed here, please contact our firm.

Augustus, et al. v. ABM Security Services, Inc. (2016) 2 Cal.5th 257 (Case No. S224853)

Baddie v. Berkeley Farms, Inc. (9th Cir. 1995) 64 F.3d 487 (Case No. 93-17187)

Dunbar v. Albertson's, Inc. (2006) 141 Cal.App.4th 1422 (1st Dist., Div. 1, Case No. A111153)

Kullar v. Foot Locker Retail, Inc. (2008) 168 Cal.App.4th 116 (Case No. A119697)

Montano v. The Wet Seal Retail, Inc. (2015) Not Reported in Cal.App.4th (2015 Cal.App. LEXIS 1199, 2nd Dist., Div. 4, Case No. B244107)

O'Hara v. Factory 2-U Stores, Inc. (2003) Not Reported in Cal.Rptr.3d, 2003 WL 22451991 (1st Dist, Div. 4, Case No. A101452)

Taylor v. Park Place Asset Management, et al. (1999) (1st Dist., Div. 5, Case No. A086407)

Whiteway v. Fedex Kinko's Office and Print Services (9th Cir. 2009) 319 Fed.Appx. 688 (Case No. 07-16696)

Scott Cole & Associates, APC // Class Action Attorneys
555 12th Street, Suite 1725 // Oakland, California 94607
Tel: (510) 891-9800 // Fax: (510) 891-7030 // Web: www.scalaw.com

EXHIBIT 35

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF ANTHONY G. SIMON
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Anthony G. Simon, declare as follows:

2 1. I am an attorney at the law firm of THE SIMON LAW FIRM, P.C.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
9 with years in practice, most recent hourly rates reported to the Court during the pendency of this
10 litigation, hourly rates during the pendency of litigation, hours spent, and total lodestar. I hereby
11 attest that the billing rates used on the attached Exhibit A conform to the professional rates set at
12 my firm. Further detail regarding the litigation and trial experience of each professional can be
13 found, to the extent available, in the firm resume attached hereto as Exhibit C.

14 4. The detailed descriptions of the time spent by the attorneys and other professionals
15 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
16 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
17 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
18 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
19 time records are available for the Court's review should the Court desire such records.

20 5. The total number of hours expended on this litigation by my firm, as approved by
21 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
22 consolidation through July 31, 2020 is 24.35 hours. The total lodestar for my firm is \$6,835.00.

23 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
24 ("expenses") totaling \$2,107.15, which were necessary in relation to this litigation and submitted,
25 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
26 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this
27 litigation are reflected in the books and records of my firm. These books and records are prepared
28

1 from expense vouchers, check records, and other documents and are an accurate record of the
2 expenses.

3 7. Attached hereto as Exhibit C is the firm resume for my firm.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th
5 day of August, 2020, at St. Louis, Missouri.

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8 Anthony G. Simon
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EXHIBIT A

Simon Law Firm, P.C.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Simon, Anthony	Partner (29 years)	\$ 500.00	8.20	\$ 4,100.00
Roseman, Carrie	Paralegal (26 years)	\$ 150.00	0.60	\$ 90.00
Pompey, Gina	Paralegal (29 years)	\$ 150.00	14.00	\$ 2,100.00
Daiker, Caroline	Law Clerk (2 years)	\$ 150.00	0.30	\$ 45.00
Friedman, Anthony	Associate (11 years)	\$ 400.00	1.25	\$ 500.00
TOTAL			24.35	\$ 6,835.00

EXHIBIT B

EXHIBIT B**The Simon Law Firm**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	\$ 29.20
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	\$ 22.62
06. Court Fees	\$ 310.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$ 102.00
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	\$ 1,643.33
25. Assessments	
TOTAL	\$ 2,107.15

EXHIBIT C



The Simon Law Firm, P.C.
Attorneys and Counselors at Law

FIRM PROFILE

The attorneys at The Simon Law Firm have extensive courtroom experience representing individuals and businesses in a wide range of cases. Since its inception, The Simon Law Firm has twice obtained the largest jury verdict in the State of Missouri. The Simon Law Firm has been dubbed one of the “winningest firms” in the nation, and U.S. News ranked The Simon Law Firm as one of the “Best Law Firms” in multiple areas of litigation. For business clients, The Simon Law Firm prosecutes complex cases ranging from intellectual property to contract disputes. For individuals, The Simon Law Firm represents those who have been injured by dangerous products, environmental waste, predatory lending, consumer fraud, unfair labor practices, discrimination, prescription drugs, medical malpractice, and automobile and trucking accidents.

CLASS ACTION AND COMPLEX LITIGATION

The Simon Law Firm has a distinguished record of success in class action litigation as well as patent litigation against Apple and other handset manufacturers related to the iOS phone operating systems. The Simon Law Firm has obtained tens of millions of dollars in relief for millions of consumers, homeowners, and employees. Our attorneys have argued class actions before the Missouri Supreme Court five times since 2009. They regularly appear before the Missouri Court of Appeals on complicated class action issues and have successfully argued class action issues before the Eighth Circuit Court of Appeals. In 2011, three members of The Simon Law Firm were voted the “Most Influential Appellate Attorneys” in Missouri because of their class action success on behalf of consumers. The Simon Law Firm’s attorneys have been recognized as the “winningest” plaintiff attorneys in Missouri. The Simon Law Firm has been lead counsel in dozens of class actions involving a wide range of legal matters including the FLSA, ERISA, FDCPA, constitutional challenges, and the UDAP statutes of various states. The Simon Law Firm’s class action attorneys have handled hundreds of complex class action suits. They have published articles and given presentations around the country on a wide-range of class action topics. Currently, The Simon Law Firm serves as lead class counsel in a consumer protection class action MDL in the Eastern District of Missouri *In Re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practices Litigation*, MDL 2382 and previously served as lead class counsel in *In Re: Blue Buffalo Company, Ltd., Marketing and Sales Practices Litigation*, 4:14-md-2562; *Jost v. Commonwealth Land Title Insurance Co.*, Case No. 4:08-cv-734 and *Todd, et al. v. Tempur Sealy International, Inc., et al.*, Case No. 3:13-cv-4984.

Notable Class Action Settlements

- *Woods v. QC Financial Services Inc., d/b/a/ Quik Cash*, Case No. 12SL-CC00318 (St. Louis County Cir. Ct. Feb. 2012) (\$25 million settlement obtained via class arbitration in predatory lending class action).
- *Bauer v. DFM Investment Co.*, No. 07CC-003756 (St. Louis County Cir. Ct. June 2011) (\$3.5 million settlement in consumer fraud class action).

- *Richards v. Lou Fusz Automotive Network*, No. 08SL-CC04594 (St. Louis County Cir. Ct. Aug 2011) (\$2.5 million settlement in consumer fraud class action).
- *Hooper v. Advance America*, No. 2:08-cv-4045 (Mo. W.D. Nov 2010) (predatory lending class action settlement that yield a refund of \$2 million in cash, \$3.8 million in debt reduction, and nearly \$11 million total in overall debt relief).
- *Frazier v. Elco Chevrolet Inc.*, No. 07CC-03928 (St. Louis County Cir. Ct. June 2010) (\$2.3 million settlement in consumer fraud class action).
- *Titus v. Burns & McDonnell Inc.*, No. 4:09-cv-117 (Mo. W.D. Sept. 2011) (\$1.15 million settlement in ERISA class action).
- *Jost v. Commonwealth Land Title Insurance Co.*, No. 4:08-734-CDP. (multi-state FLSA collective action settlement obtained after conditional certification granted by Judge Perry in the ED of MO).

Recent Multidistrict Litigation

- *In re: Unified Messaging Solutions*, MDL No. 2371 (Patent infringement related to messaging technology).
- *In re: Imprelis Herbicide Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2284 (defective herbicide that killed hundreds of thousands of trees).
- *In re: Aurora Dairy Corp. Organic Milk Marketing and Sales Practices Litigation*, MDL No. 1907 (Aurora organic milk).
- *In Re: Bridgestone/Firestone, Inc. Tires Products Liability Litigation*, (Ford Explorer SUVs and Firestone tires).
- *Vioxx Litigation* MDL (The Simon Law Firm was responsible for prosecuting 363 separate cases against Merck. In Nov of 2007, a global settlement was reached in the amount of \$4.85 billion to settle eligible claims).
- *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practices Litigation*, 4:12-md-02382-HEA (Class Action related to Ridgid wet/dry vacs).
- *In Re: Blue Buffalo Company, Ltd., Marketing and Sales Practices Litigation*, 4:14-md-2562 (Class action related to Blue Buffalo's marketing campaign misleading consumers about the nature of its pet food).
- *Todd, et al. v. Tempur Sealy International, Inc., et al.*, Case No. 3:13-cv-4984 (Class action related to Tempur Sealy's misleading marketing campaign regarding the health benefits of its products).

LITIGATION AGAINST HANDSET MANUFACTURERS

- *Smartphone Technologies LLC v. Apple Inc.*, Case No. 6:11-cv-00604 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. Apple Inc.*, Case No. 6:13-cv-00196 (Eastern District of Texas, Tyler)
- *Cathas Advanced Technologies LLC v. Apple Inc.*, Case No. 1:12-cv-00669 (Dist. of Delaware)
- *Innovative Display Technologies LLC v. Apple Inc.*, Case No. 2:14-cv-00301 (Eastern District of Texas, Marshall)



- *Smartphone Technologies LLC v. ASUSTeK Computer Inc., et al.*, Case No. 6:14-cv-00803 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. AT&T, Inc., et al.*, Case No. 6:11-cv-00561 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. HTC Corporation, et al.*, Case No. 6:10-cv-00580 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. Huawei Technologies Co., Ltd., et al.*, Case No. 6:12-cv-00245 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. Huawei Technologies Co., Ltd., et al.*, Case No. 6:14-cv-00146 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. LG Electronics, Inc., et al.*, Case No. 6:12-cv-00291 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. Research In Motion Corporation, et al.*, Case No. 6:10-cv-00074 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. TCL Communication Technology Holdings Limited, et al.*, Case No. 6:14-cv-00237 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. ZTE Corporation, et al.*, Case No. 6:12-cv-00350 (Eastern District of Texas, Tyler)
- *Smartphone Technologies LLC v. ZTE Corporation, et al., et al.*, Case No. 6:14-cv-00147 (Eastern District of Texas, Tyler)

HONORS AND AWARDS

As litigation has become more complicated and competitive, the highly skilled lawyers of The Simon Law Firm have repeatedly excelled to achieve the following honors and awards:

- **PILG Award**

The Public Interest Law Group of Saint Louis University has awarded The Simon Law Firm their 2012 Excellence in Pro Bono and Public Service Award.

- **Martindale-Hubbell**

The following The Simon Law Firm attorneys have earned an AV rating, the highest bestowed by the Martindale-Hubbell. This rating reflects the highest standard of professional excellence.

- **Best Lawyers in America**

Best Lawyers has come to be regarded – by both the legal community and the public – as the definitive guide to legal excellence in the US. Best Lawyers is a peer-review survey in which 15,000 leading attorneys throughout the country confidentially cast more than half a million “votes” on the legal abilities of other lawyers in their specialties.

- **Missouri & Kansas Super Lawyers**

Super Lawyers is an organization that supervises a “selection process is to create a credible, comprehensive and diverse listing of outstanding attorneys that can be used as a resource to assist attorneys and sophisticated consumers in the search for legal counsel.” John Simon has been recognized as being among the Top 10 attorneys in the Missouri & Kansas Super Lawyers and among the Top 50 St. Louis attorneys.



- **John C. Shepherd Professionalism Award**

This is an annual award given to one young lawyer in the St. Louis area. This honor is awarded only to attorneys who most exemplify the tenets of professionalism of the Bar Association of Metropolitan St. Louis.

- **Million Dollar Advocates**

Million Dollar Advocates is a prestigious group of trial lawyers in the United States. Membership is limited to attorneys who have won million and multi-million dollar verdicts and settlements. Less than 1% of U.S. lawyers are members.

- **The International Network of Boutique Law Firms**

The International Network of Boutique Law Firms. The Simon Law Firm is a member of this organization in the areas of plaintiff personal injury, product liability and mass tort litigation.

SELECTED CASES

Notable Appellate Wins

- *Brewer v. Missouri Title Loans*, 364 S.W.3d 486 (Mo. 2012) (class action in which the Missouri Supreme Court found that *AT&T Mobility v. Concepcion* was not controlling because the arbitration clause at issue was unconscionable under Missouri law).
- *Huch v. Charter Comm'ns, Inc.*, 290 S.W.3d 721 (Mo. 2009) (a class action that achieved "Best Appellate Win of the Year" in Missouri).
- *Hooper v. Advance America, Inc.*, 589 F.3d 917 (8th Cir. 2009) (class action).
- *Woods v. QC Fin. Serv., Inc.*, 280 S.W.3d 90 (Mo. App. E.D. 2008) (class action).
- *Marchosky v. St. Luke's Episcopal-Presbyterian Hospitals*, 363 S.W.3d 121 (Mo. App. E.D. 2012) (reversed a verdict that had been recognized as the defense verdict of the year in Missouri in 2011).

Other Notable Verdicts & Settlements

- *Randy Dorman v. Bridgestone/Firestone, Inc.*

A jury awarded \$105 million to a man who was seriously injured when a multi-piece wheel explosively separated while he was airing up a tire. This caused the rim to strike his face with such force that it could have lifted a 3000-pound car 15 feet off the ground.

- *Maldonado v. Regal Riverfront Hotel*

A boxer was awarded \$41 Million by a jury for brain damage due to a hotel's failure to have an ambulance at a boxing match. He was eventually diagnosed with severe brain damage.

- *Walsh v. Mid-South Trucking*

\$10 million settlement of a claim brought against a trucking company. An 80,000 pound tractor trailer crossed the center line, killing the occupants of an oncoming car. The lawyers of The Simon Law Firm determined that the truck driver had over 230 separate violations of the federal regulations in the ten months he had been employed by the trucking company.



- *Creative Internet Advertising Corporation v. Yahoo! Inc., et al.*

A federal jury awarded Acacia Research Corporation's (Nasdaq: ACTG) subsidiary, Creative Internet Advertising Corporation, \$6.6 million in a patent infringement trial with Yahoo! Inc.

- *Jane Doe v. Pharmaceutical Company*

Suit was filed in St. Louis Circuit Court alleging that the company failed to follow federal regulations pertaining to handling hazardous chemicals in the lab and that the company had failed to warn the mother of the dangers associated with exposure to phenylacetic acid. The petition alleged that the company negligently exposed a pregnant mother to phenylacetic acid vapors generated when the chemical, a known fetotoxin, was heated in an unventilated oven less than 10 feet away without the mother's knowledge. The mother was eleven weeks pregnant at the time; her daughter was later born with severe birth defects. The cost of care for the child was estimated to be \$6 million. Settlement amount: \$9.5 million.

- *John Doe v. Switchgear Manufacturer*

A 48 year old man suffered third degree burn injuries to his upper body and had his arm amputated after he was electrocuted while at work in March of 2006. He was ordered by his supervisor to place a lead identification tag on an energized cable inside an energized 15,000 volt switchgear, a job which violated OSHA regulations and which other more highly-trained workers had refused to perform. To perform the task, he had to remove a protective removable barrier which should have shut off the electrical power automatically, however, the wires remained "live" and the worker was electrocuted. Suit was filed in St. Louis Circuit Court. Claims were brought against the supervisor under the "something more" theory of liability, thereby defeating worker's compensation immunity and claims were also brought against the manufacturer of the switchgear. The case was settled for \$6 million against the switchgear manufacturer and \$4 million against the supervisor. Total settlement: \$10 million.

- *Jone v. Coleman*

A claim was brought against Coleman by the mother of a young man named Cary Lam. Cary went camping with his uncle. They lit a lantern for warmth in the middle of a cool night, and Cary died of carbon monoxide poisoning. The Coleman propane cylinder that was used did not mention the risks of carbon monoxide and stated that the propane should be used in a ventilated area. Both 2' x 2' windows on the tent were wide open at the time of the accident. The case of Jone v. Coleman was settled in March of 2009 for a confidential amount. Coleman did not admit liability.

- *Guidry, et al. v. UBS Realty Investors L.L.C., et al.*

The plaintiffs had alleged that they had been denied their continuing exclusive right to provide cable service to a large apartment complex. Simul-Vision had originally entered its contract with the Seven Trails West Apartment complex in 1984. That contract provided that Simul-Vision would be the exclusive provider of cable television service to residents of Seven Trails. The jury's May 19, 2006 verdict recognized that the breach defeated the original intentions of the parties that Simul-Vision would continue to have exclusive rights to provide cable service until a separate cable company would take over Simulvision's existing cable system at the complex, compensating Simul-Vision on a per subscriber basis.

- *Brown v. Laclede Gas Co., Inc.*

A gas utility company paid \$8 Million to settle this wrongful death case filed on behalf of the family of Louis Brown, who was killed in a natural gas explosion at his home.



- *Storage Technology Company v. Custom Hardware Engineering & Consulting, Inc.*
After four years of protracted litigation, Fenton-based Custom Hardware Engineering & Consulting, originally sued for copyright infringement, received a cash settlement and promise not to sue from StorageTek, who had initiated the litigation, and its parent Sun Microsystems.

- *Donald Edwards, et al. v. Air Products and Chemicals, Inc.*
\$2.3 Million settlement for a worker in a products liability suit. A liquid oxygen cylinder fell over and exploded.

- *Inverizon International, Inc. v. Verizon Communications, Inc.*
Confidential Settlement of trademark infringement case where the defendant was accused of “reverse confusion.” The owner of a consulting company had sued Verizon Communications for trademark infringement, claiming that the use of that name confused his customers.

- *Andrew Beavers v. Paradise Valley Residents Association*
\$2.5 million settlement for a 16-year old boy who was paralyzed from the chest down after an automobile accident on an improperly maintained road (no guardrail at a sharp curve). There had been seven prior accidents at the site.

- *Michael Lebrun v. Mine Safety Appliances Co.*
\$6.5 million settlement of a product liability suit. The plaintiff was a fire fighter who suffered brain damage when the oxygen alarm on his oxygen tank malfunctioned while he fought a fire in a high-rise retirement center. This suit resulted in a national recall of the product.

- *Jason Frede and Alicia Frede v. Ford Motor Company et al.*
Plaintiffs alleged serious injuries resulting from multiple design features of the Ford Explorer. In addition to the rollover issues often associated with the Explorer, this case involved a claim for Ford’s defective design of the vehicle’s door latch system. As the vehicle rolled over on the highway, both doors flew open, causing the occupants to be thrown about, held in the car only by their seat belts (both occupants were wearing seat belts). Both Plaintiffs sustained their injuries as a result of the doors coming open. The Plaintiffs received a settlement that was confidential in amount.

ATTORNEY BIOGRAPHIES

John G. Simon

John is the founder and managing attorney of The Simon Law Firm. He received his B.S. magna cum laude in 1983 and his J.D. in 1986 from Saint Louis University. John is a member of the American Board of Trial Advocates and a Fellow of the American College of Trial Lawyers. Among his many accolades, he has been listed as one of the Top 10 attorneys in Missouri & Kansas Super Lawyers® in 2009, 2013, 2014, 2015, 2016 and 2017. John was designated “Lawyer of the Year” by The Best Lawyers in America® for Personal Injury Litigation in 2018 and 2011; Mass Tort Litigation/Class Action in 2016; and in Product Liability Litigation in 2015. John was called to Fellowship in the American College of Trial Lawyers in 2011. In 2014, he was welcomed into the Fellowship of the Litigation Counsel of America and inducted into the Inner Circle of Advocates – which consists of the top 100 plaintiff attorneys in the United States. As of April 2018, the firm employs 13 attorneys and represents clients across the country. As a highly-respected member of the legal profession, John frequently leads legal seminars, sharing his expertise on advanced trial advocacy, products liability litigation and bad faith litigation. His publications include *An Overview of Punitive Damages in Business Tort Litigation in Missouri*,



Simon, John and von Aschwege, Anne-Marie, Summer, 2007. 54 ST. LOUIS BAR JOURNAL No. 1, p. 28; *Pharmaceutical Litigation: The Plaintiff's Overview*, Simon, John and Vieth, Erich, Spring, 2005. 51 ST. LOUIS BAR JOURNAL No. 4. Since 2000, John has shared his experience with law students by serving as an adjunct professor in Trial Advocacy at Saint Louis University's School of Law. He lectures and publishes articles on a regular basis; however, his true professional devotion is bringing about positive change by forcing companies to make safer products.

Anthony G. Simon

Tony is a registered patent attorney. His practice focuses on intellectual property and other complex commercial litigation. Tony has served as lead trial counsel in hundreds of patent, copyright, trademark, antitrust and other intellectual property cases in courts across the United States. This includes cases against Apple and other handset manufacturers for patent infringement. Tony has tried cases to verdict in both state and federal courts, has argued in several federal courts of appeal across the country, and has handled numerous Markman and other pretrial and preliminary hearings. Tony has a Bachelor of Science degree in Electrical Engineering from the University of Notre Dame, and he earned his law degree at St. Louis University School of Law. In his 26 years of practice, Tony has represented both plaintiffs and defendants. He has been a partner at one of the largest firms in St. Louis and at a boutique patent firm before starting the IP Group at The Simon Law Firm. He has litigated cases against, and has been co-counsel with, a majority of the large intellectual property law firms across the country. Tony has been selected by his peers for inclusion in The Best Lawyers in America® since 2010 in the practice areas of Antitrust Litigation, Intellectual Property Litigation and Patent Litigation. The Best Lawyers in America® named Tony St. Louis Lawyer of the Year for Patent Litigation 2013, Intellectual Property Litigation in 2014, and Patent Litigation in 2015 and 2018. Tony has been on the Missouri and Kansas Super Lawyers® List since 2010, and listed on Missouri and Kansas Super Lawyers® Top 50 St. Louis since 2014. Tony has received an AV Preeminent® Rating by his peers with Martindale Hubbell. ALM has named Anthony G. Simon as a 2015 Top Rated IP Attorney.

Amy Collignon Gunn

Amy graduated from Saint Louis University School of Law, cum laude in 1996. While there, she served as the managing editor of the *Saint Louis University Law Journal* and received the honor of having her article chosen for publication, *Searching for an Acceptable Reasonable Doubt Jury Instruction in Light of Victor v. Nebraska*, 40 St. Louis U. L.J. 145 (1996).

Amy joined The Simon Law Firm in 2002, after practicing for six years as a defense attorney in the areas of general negligence and product liability. This experience provides Amy a unique perspective, which helps her understand how better to represent her clients, those who have been injured or lost a loved one due to someone else's carelessness.

Amy has tried cases in numerous states and jurisdictions and through her dedication has obtained for her clients millions of dollars in compensation. Amy has been selected by her peers for inclusion in The Best Lawyers in America® since 2009. In 2018, she was selected St. Louis "Lawyer of the Year" for Medical Malpractice Law - Plaintiffs, and in 2017 she was selected as "Lawyer of the Year" for Mass Tort Litigation / Class Actions - Plaintiffs. Amy has been recognized for her commitment to her clients and the legal community through receipt of the



John C. Shepherd Professionalism Award in 2006, and the Lon O. Hocker Trial Lawyer Award in 2007. Amy was named “Up and Coming Lawyer” by the *Missouri Lawyers Weekly* in 2007, and received the *St. Louis Business Journal’s* 40 Under 40 Award in 2008. Amy was the recipient of the Women’s Justice Rising Star Award in 2009. Amy has been listed by Missouri & Kansas Super Lawyers® in the area of Personal Injury – Plaintiff: Medical Malpractice since 2008. Amy has also been listed on the Missouri & Kansas Super Lawyers® Top 50 Women list since 2010. Also in 2009, Amy received the Women’s Justice Rising Star Award. In 2013, Amy was presented with the Thomas G. Strong Trial Attorney Award. She was welcomed into the Fellowship of the Litigation Counsel of America in 2014. Amy enjoys an AV® Rating by her peers with Martindale Hubbell and has been accepted as a Fellow of the American Bar Foundation and she was a Barrister Member of the American Inns of Court from September 2010 to April 2012. Each year, Amy helps organize The Simon Law Firm, P.C. Seminar to Benefit Legal Services of Eastern Missouri, which to date has raised over \$254,945. For the past 14 years, Amy has been an adjunct professor of law at The Washington University School of Law teaching Pre-Trial Litigation. Amy is licensed to practice law in Missouri, Illinois, the United States Court of Federal Claims and the United States Court of Appeals Eighth Circuit. Additionally, she is a member of numerous local, state and national bar associations. She is the 2017-2018 president of the Women Lawyers’ Association of Greater St. Louis and co-chair of the Women’s Caucus of the Missouri Association of Trial Attorneys where she also sits on the Board of Governors.

Timothy M. Cronin

Tim is a skilled trial attorney that focuses his practice on defective products, medical malpractice, and personal injury litigation involving catastrophic injuries or death. Tim has obtained settlements or verdicts exceeding a million dollars for his clients on several occasions. Tim received his undergraduate degree from the University of Illinois at Urbana/Champaign with a major in Economics, and spent one semester in a study abroad program in Dublin, Ireland. Tim graduated *magna cum laude* from Saint Louis University School of Law, and obtained a certificate in civil litigation. He was a recipient of the Dean’s Honor Scholarship, received four Academic Excellence Awards during his studies, and also earned the top grade in his class in Trial Advocacy, Moot Court, and Civil Practice. Tim was made a member of the Order of the Woolsack after graduation. Tim is a member of the Missouri Bar Association, Illinois Bar Association, Bar Association of Metropolitan St. Louis, St. Clair County Bar Association, East St. Louis Bar Association and the Missouri Association of Trial Attorneys. Tim was honored as a Missouri and Kansas Super Lawyers® Rising Star in 2014, 2015, 2016 and 2017. He was recognized by Best Lawyers in America® in 2018 for Medical Malpractice Law - Plaintiffs and Product Liability Litigation - Plaintiffs in 2017 and 2018.

Kevin M. Carnie, Jr.

Kevin graduated *summa cum laude* and Phi Beta Kappa from Saint Louis University in 2005 and earned his law degree at Saint Louis University School of Law, graduating *cum laude* in 2008. While in law school, Kevin was an editor of the Saint Louis University Public Law Review and received three academic excellence awards. He was also inducted into the Order of the Woolsack, an honor bestowed upon law students graduating in the top 10 percent of their class. Kevin helps people and businesses harmed by the wrongful actions of others. He has recovered more than \$50 million for personal injury victims and businesses. His clients benefit from his



attention to detail and experience in trial and appellate courts throughout the nation. In 2015, he was named an Up & Coming Lawyer by Missouri Lawyers Weekly. He was also honored as a Missouri & Kansas Super Lawyers® Rising Star in 2014, 2015, 2016 and 2017. Kevin began his career at one of the largest law firms in the St. Louis area. While there, he represented some of the largest companies in the nation, as both plaintiffs and defendants, in a wide range of litigation matters. This experience allows him to maintain a diverse practice. Kevin's personal injury practice focuses on product liability. He handles product liability cases of all kinds, including accidents involving cranes, automobiles, construction equipment, heavy machinery, factory equipment, and medical devices. His practice also includes other personal injury cases, like medical malpractice, auto accidents, trucking accidents, and §1983 excessive force cases. Kevin's business litigation experience includes antitrust claims, insurance coverage issues, securities fraud, real estate, consumer fraud, class action, banking litigation, patent infringement, and contract disputes.

Anthony R. Friedman

Tony practices intellectual property law with a focus on litigation. He is experienced in handling complex cases in all phases of litigation at trial and on appeal – as both plaintiff and defense counsel. Tony is also experienced in litigating cases involving a wide array of technologies including pharmaceuticals, biotechnology, e-commerce, computer software, automotive and networking technologies. Tony devotes the majority of his practice to patent litigation and counseling related to pharmaceutical, biotechnology, medical device and chemical products. Tony has particular experience representing clients in patent litigation and consultation arising under the Hatch-Waxman Act. His work includes developing trial strategies and representing companies in patent infringement litigation in the U.S. District Courts and before the U.S. Court of Appeals for the Federal Circuit. Tony has advised companies on freedom-to-operate, due diligence, licensing and prosecution issues, as well as inter partes review and post-grant review proceedings. He has also advised and counseled clients in business transactions that involve intellectual property rights. Tony graduated from the Washington University School of Law, St. Louis, Missouri, J.D., *cum laude* and received the following Honors and participated in the following activities: Professor David M. Becker Scholarship Recipient; Research Assistant to Professor Pauline Kim, Employment and Work Law; Research Assistant to EEOC Litigation Project University of Missouri, Columbia, Missouri, B.S., *with honors*, Biological Sciences, Minor in Chemistry. Tony is a registered patent attorney at the U.S. Patent & Trademark Office. He is admitted to practice before the Northern District of Illinois; Eastern District of Texas; and the U.S. Court of Appeals for the Federal Circuit. Tony was recognized as a Missouri & Kansas Super Lawyers® Rising Star in 2016 and 2017. In 2015, he was named an Up & Coming Lawyer by *Missouri Lawyers Weekly*.

Erica Blume Slater

Erica represents individuals who have been injured in complex product liability and medical negligence cases throughout Missouri, Illinois and Arkansas. Erica joined The Simon Law Firm, P.C. in 2014 after beginning her career practicing insurance defense litigation with a large Midwest regional law firm. While gaining valuable knowledge and experience defending individuals and corporations in product liability, premise liability and insurance coverage matters, Erica helped try several multi-million dollar cases to verdict in state and federal courts.



At The Simon Law Firm, Erica's trial practice focuses on product liability, personal injury and medical malpractice. Erica graduated *cum laude* from Marquette University in 2008 with degrees in International Affairs and History. She earned her law degree from Saint Louis University School of Law, *cum laude* in 2011. Erica has received the following awards: Best Lawyers in America® St. Louis Personal Injury Litigation Plaintiffs 2018, Women's Justice Awards Rising Star, Missouri Lawyers Weekly 2017, Missouri Lawyers Top Plaintiffs Verdict/Judgement Award, Missouri Lawyers Weekly 2017, Missouri & Kansas Super Lawyers® Rising Stars, 2015-2017, Up & Coming Lawyers, Missouri Lawyers Weekly 2016 Women's Justice Leader of Tomorrow Award, Missouri Lawyers Weekly 2011, Academic Excellence Award in Legal Professions, Samuel I. Sievers Annual Writing Excellence Award Student Legal Writers' Association Writing Excellence Award, Alpha Sigma Nu Jesuit Honor Society. Erica is a member of the Missouri Bar Association, Illinois State Bar Association American Bar Association, American Bar Foundation, Fellow, Bar Association of Metropolitan St. Louis, Young Lawyers Division, Women Lawyers' Association of Greater St. Louis, Board Member 2012-2017, Missouri Association of Trial Attorneys, American Association for Justice Theodore McMillian American Inns of Court, St. Louis 2014-2017 and the Saint Louis University School of Law Alumni Advisory Committee

John M. Simon

Joining The Simon Law Firm, P.C. in 2015, Johnny continues a proud tradition of excellence in the art of advocacy on behalf of people and businesses in need. A tradition that was established by his father—a tradition he intends to uphold. Johnny's practice focuses on business litigation and a diverse array of personal injury cases, including product liability, medical malpractice, § 1983 excessive force cases, and trucking/auto accidents. Johnny spent three-and-a-half years at Marquette University studying business, finance, and economics. After graduating *cum laude* from Marquette University, Johnny spent six months in Washington D.C. working in the field of Middle East Policy, grappling with some of the world's most difficult problems. While working in D.C., Johnny applied to law school, and was accepted to Boston College Law School. After graduating *cum laude* from Boston College Law School, Johnny returned to St. Louis and joined his father at The Simon Law Firm, P.C. as a trial lawyer. Johnny has received the following awards: Up & Coming Lawyers, *Missouri Lawyers Weekly* 2017, Alpha Sigma Nu, Jesuit Honor Society and Beta Gamma Sigma, Business Honors Society. Johnny is a member of the following: Theodore McMillian Inns of Court, Associate, 2017-present, Chicago Bar Association, Missouri Bar Association, Missouri Association of Trial Attorneys, Bar Association of Metropolitan St. Louis, Massachusetts Academy of Trial Attorneys, Boston Bar Association Johnny focuses his practice on Business Litigation, Class Actions, Defective Products, Medical Malpractice and Personal Injury.

Elizabeth S. Lenivy

Elizabeth Washam provides representation in the areas of product liability, medical malpractice, and personal injury. Liz is licensed to practice law in both Missouri and Illinois, as well as the U.S. District Courts for both the Western and Eastern Districts of Missouri. Liz, joined The Simon Law Firm, P.C. in 2016. Prior to joining our firm, she was an associate with another local firm where she was primarily devoted to insurance defense in product liability, premises liability and personal injury claims. Here she learned the craft of advocacy for plaintiffs, but as an opponent. She brings her experience as an injury defense attorney to our representation, offering



insight into the way that insurance companies operate. As a student, Liz exhibited the same level of dedication and excellence that she brings to her cases today. She studied English at Saint Louis University and graduated *summa cum laude* with her B.A., as well as a certificate in legal studies. While only an undergrad, she received the Excellence in Academics and Excellence in Advocacy awards from the pre-law department. Liz went on to earn her law degree from Saint Louis University, graduating *cum laude*. While in law school, she served as an editor for the *Saint Louis University Law Journal*. She also received the Academic Excellence Award twice: once for Alternative Dispute Resolution and again for an Education Law Seminar. Liz received the *Missouri Lawyers Weekly* Influential Appellate Advocates Award 2018. Liz is a member of the Bar Association of Metropolitan St. Louis, Pro Bono Committee Member, Young Friends of Legal Services of Eastern Missouri, Board Member Women Lawyers' Association of Greater St. Louis, Missouri Association of Trial Attorneys Theodore McMillian Inns of Court, St. Louis, Associate, 2017 – Present, American Association for Justice and the Missouri Asian American Bar Association. Liz focuses her practice on Defective Products, Medical Malpractice and Personal Injury.

Mary E. Simon

Mary Simon is experienced in personal injury, product liability and medical malpractice, applying her compassionate approach, relentless work ethic and strong-minded determination to each and every case she handles. Mary is a dedicated advocate on behalf of those who have been harmed, injured or otherwise disenfranchised due to negligence of others. Mary is licensed to practice law in Missouri, as well as the U.S. District Courts for both the Western and Eastern Districts of Missouri. After Mary earned a Bachelor of Arts in Political Science and Sociology, with a minor in Spanish, from Loyola University of Chicago, she went on to obtain her J.D., with a concentration in civil litigation at Saint Louis University School of Law. During her undergraduate career, Mary interned for the United States Congress and studied abroad in Madrid, Spain. Mary has always been led by her desire to succeed on behalf of others. This commitment to excellence is what led her to serve as the co-president of the Women's Law Student Association, the chair of the Philanthropy Committee for the Student Bar Association, a staff editor of the Public Law Review and to work in the legal aid clinic for the Catholic Legal Assistance Ministry. Mary has received the following honors and awards: Saint Louis University School of Law Academic Excellence Award in Legal Professions and Saint Louis University School of Law Community Service Award. Mary is a member of the Bar Association of Metropolitan St. Louis, Young Lawyers Division, Women Lawyers' Association of Greater St. Louis, Missouri Association of Trial Attorneys, Alpha Sigma Nu Jesuit Honor Society, Alpha Kappa Delta International Sociology Honor Society. Mary focuses her practice on Personal Injury, Product Liability and Medical Malpractice.

Patrick McPhail

Attorney Patrick McPhail brings to The Simon Law Firm, P.C. a number of important and inspiring qualifications, including his unparalleled dedication, skill and desire to succeed. His primary areas of focus include defective products, medical malpractice, personal injury, business litigation and class action. Once working for our firm as a law clerk, his impressive upward trajectory has led him to become an invaluable asset to our legal team. Pat is licensed to practice law in Missouri, as well as the U.S. District Courts for both the Western and Eastern Districts of Missouri, and the U.S. Court of Appeals, Eighth Circuit. Pat is also active in the community



erving as volunteer lawyer for the Public Defender Assistance Initiative. After earning his B.S. *cum laude* in Political Science from Southern Illinois University, Pat graduated *magna cum laude* with his J.D. from Saint Louis University School of Law. He has a wealth of legal experience under his belt, commencing from his time as a student clerk for the Honorable Audrey G. Fleissig, a United States District Judge, in the United States District Court for the Eastern District of Missouri. Pat also served as an editor of the *Saint Louis University Law Journal*. While in school, he worked as a teaching assistant for both Legal Research and Writing and Moot Court, in addition to being a Moot Court team member competing in national competitions. Pat has received the following honors and awards: Judge Robert G. Dowd, Sr. Appellate Advocacy Award and 4 Academic Excellence Awards. Pat is a member of the Bar Association of Metropolitan St. Louis and Public Policy Committee Member.

Elizabeth C. McNulty

Before joining the Simon Law Firm as an attorney, Elizabeth worked as a law clerk while also attending Washington University School of Law (Wash U). Spending two years as a law clerk has given Elizabeth invaluable experience with defective product, medical malpractice, and personal injury cases. Juggling law school and a full work load at the Firm was not always easy, but allowed Elizabeth to further develop her relationship with clients and to continue working on their cases. Elizabeth's relentless drive and desire to help others right the wrongs they have experienced are what make her a trusted advocate for her clients. After earning a Bachelor of Science in Economics, *summa cum laude* from the University of Kentucky, Elizabeth came to St. Louis to attend law school at Wash U. During law school, Elizabeth served as an editor for the Washington University Journal of Law and Policy and the treasurer of Phi Alpha Delta. While in law school, Elizabeth was able to discover her passion for advocating for those who cannot advocate for themselves. Elizabeth is licensed to practice law in Missouri and Illinois, as well as the U.S. District Courts for the Western and Eastern Districts of Missouri. Elizabeth is a member of the Bar Association of Metropolitan St. Louis, Women Lawyers' Association of Greater St. Louis, Missouri Association of Trial Attorneys, Missouri Bar Association and American Bar Association.

COMMUNITY INVOLVEMENT

The Simon Law Firm is proud to be a vibrant participant in the St. Louis community. Annually, our firm sponsors seminars and contributes to many local causes:

- **Simon Law Firm Trial Practice Seminar to Benefit Legal Services of Eastern Missouri** Beginning in 2005 the Simon Law Firm founded a trial practice seminar designed to do two things: 1) provide ongoing education for attorneys and 2) raise money for Legal Services of Eastern Missouri. Since 2005, the seminar has grown dramatically, regularly attracting over 100 attendees. Lectures are given by attorneys and judges on a diverse range of topics by people recognized as experts in their fields, and attorneys pay to attend. Every dollar is donated to Legal Services.



- **Project XOXO**

In 2009, The Simon Law Firm recognized that local charities were experiencing a perfect storm that jeopardized their work. Due to a bad economy, their services were needed more than ever, but their funding was as low as it had ever been. As a result, people suffered. In response to this, the Simon Law Firm reached out to other firms and organizations in St. Louis in an effort to start a massive legal charity project. The result is Project XOXO. Sponsored by the Bar Association of Metropolitan St. Louis (BAMSL) and the Missouri Association of Trial Attorneys (MATA), the project is designed to reach out to firms, big and small, for donations for local charities. The event culminates with a reception at the Old Courthouse where donors are recognized, and those who run the charities who are receiving support can share with donors the good their money will do. Project XOXO hopes to raise \$100,000 in 2013. Visit www.projectxoxo.com for updates on donations and a chance to give.

- **Kids' Chance Inc. of Missouri**

Provides educational scholarships for children whose parents have been killed or seriously injured in a Missouri compensable Workers' Compensation accident.

- **Habitat for Humanity Charity Golf Tournament**

HFHI seeks to eliminate poverty housing and homelessness from the world, and to make decent shelter a matter of conscience and action. Habitat invites people of all backgrounds, races and religions to build houses together in partnership with families in need.

- **Black History Month/The Lawyers Association**

Each February, the Lawyers Association of St. Louis teams up with the Mound City Bar Association to present its annual Black History Month dinner program.

- **Dan Devereaux Memorial Trust for the Danny Boy Golf Classic**

Awards scholarships to local grade school, middle school and high school students.

- **Legal Services Justice for All Ball**

Proceeds help provide civil legal services for low-income people. Only one in five people who contact Legal Services will be assisted due to limited funding. The funds raised from this Ball narrow the gap.

- **Daughters of St. Paul**

Fund-raising for needs ranging from the educational expenses of the St. Paul sisters to roof repairs and new equipment.

- **Project Angel Tree/Motion for Kids**

Provides Christmas gifts for children whose parents are incarcerated.



EXHIBIT 36

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)

) CLASS ACTION

DECLARATION OF AARON BRODY IN
SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, AARON BRODY, declare as follows:

2 1. I am a senior attorney at the law firm of STULL, STULL & BRODY.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees,
5 Melissa Emert of our firm was appointed to the Plaintiffs' Executive Committee. In that role,
6 she and the other attorneys of Stull, Stull & Brody worked on setting up discovery assignments;
7 set up the client vetting questionnaire; conducted client vetting; worked on the consolidated
8 amended complaint; worked on plaintiffs' initial disclosures; worked on third party discovery
9 issues; worked on plaintiffs' interrogatory responses; reviewed and analyzed documents
10 produced by defendants; reviewed the settlement agreement; and conferred regularly with co-
11 counsel and members of the Plaintiffs' Executive Committee.

12 3. The individuals of my firm who worked on this matter are listed in Exhibit A,
13 along with years in practice, most recent hourly rates reported to the Court during the pendency
14 of this litigation, hours spent, and total lodestar. I hereby attest that the billing rates used on the
15 attached Exhibit A conform to the professional rates set at my firm. Further detail regarding the
16 litigation and trial experience of each professional can be found, to the extent available, in the
17 firm resume attached hereto as Exhibit C.

18 4. The detailed descriptions of the time spent by the attorneys and other
19 professionals of my firm in this litigation was prepared from contemporaneous, daily time
20 records prepared and maintained by my firm, and submitted, vetted and approved by the Chair of
21 the Plaintiffs' Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018
22 Case Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148).
23 Detailed time records are available for the Court's review should the Court desire such records.

24 5. The total number of hours expended on this litigation by my firm, as approved by
25 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
26 consolidation through July 31, 2020 is 506.6 hours. The total lodestar for my firm is
27 \$257,580.50.

28

EXHIBIT A

Stull Stull & Brody

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Levine, Mark	Associate (38 years)	\$ 850.00	4.7	\$ 3,995.00
Emert, Melissa	Associate (31 years)	\$ 835.00	126.5	\$ 105,627.50
Bishop, Patrice	Associate (21 years)	\$ 830.00	29.2	\$ 24,236.00
Bishop, Patrice	Associate (21 years)	\$ 350.00	265.6	\$ 92,960.00
Klein, Michael	Associate (16 years)	\$ 825.00	5.5	\$ 4,537.50
D'Agnew, Jason	Associate (16 years)	\$ 350.00	58.8	\$ 20,580.00
Slyne, Patrick	Associate (31 years)	\$ 350.00	15.2	\$ 5,320.00
Harrigan, Paul	Paralegal	\$ 295.00	1.1	\$ 324.50
TOTAL			506.60	\$ 257,580.50

EXHIBIT B

EXHIBIT B**STULL, STULL & BRODY**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	\$ 14.71
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$ 38.06
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	\$ 22.50
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	\$ 44.25
25. Assessments	\$ 25,000.00
TOTAL	\$ 25,119.52

EXHIBIT C

STULL, STULL & BRODY
ATTORNEYS AT LAW

6 EAST 45TH STREET
Fifth Floor
NEW YORK, NY 10017
TELEPHONE: (212) 687-7230
FACSIMILE: (212) 490-2022

8383 Wilshire Blvd.
Suite 800
Beverly Hills, California 90211
TELEPHONE: (323) 456-8638
FACSIMILE: (323) 455-8601

BRIEF BIOGRAPHY OF STULL, STULL & BRODY

For more than forty five years, Stull, Stull & Brody's ("SS&B") high-quality legal representation has been nationally recognized.

SS&B's efforts were recognized by a late member of the United States Congress, the Representative Paul E. Gillmor, Rep. Ohio 5th District. As The Honorable Congressman Gillmor wrote in connection with *In re Merck & Co., Inc. Securities, Shareholder Derivative and ERISA Litig.*, Case No 3:05-CV-01151 (MDL 1658):

I was one of the court appointed lead plaintiffs in *In re Safety-Kleen Rollins Shareholders Litigation*, Civil Action No. 3:00-CV1343-17, which was pending before Judge Joseph Anderson in the District of South Carolina. In that case, which alleged, among other things, violation of the Securities Exchange Act of 1934, I and the other court appointed lead plaintiffs selected Stull, Stull & Brody to be one of the lead counsel for the plaintiffs. That case resulted in a settlement recovery for the class of a very substantial portion of the money that could have been recovered if the case had gone to trial net of fees, expenses and administration fees.

During the course of that litigation, which lasted for about five years, Stull, Stull & Brody kept me apprised of all significant developments in the action such as class certification, settlement negotiations, litigation strategy, pending motions, court rulings and trial preparation. I would regularly speak to counsel by telephone at which time the foregoing topics would typically be discussed and I would have the opportunity to ask questions and provide input.

(Letter from Rep. Paul E. Gillmor of January 2, 2007, annexed hereto)

Based upon SS&B's results, the "Top 100 Settlements Semi-Annual Report" for the second half of 2012, which "identifies the largest securities class action settlements filed after the passage of the Private Securities Litigation Reform Act of 1995, ranked by the total value of the settlement fund[,]" shows that SS&B ranked in the top ten in a section that lists the law firms that served as lead or co-lead counsel for each litigation in the Top 100 settlements and identifies the most frequent lead or co-lead counsel appearing in the Top 100 settlements.

Indeed, SS&B has earned a national reputation for the zealous representation of plaintiffs in complex litigations, including securities class actions, ERISA actions and consumer class actions. SS&B has litigated hundreds of cases achieving an aggregate of more than two billion dollars in recoveries for aggrieved class members. SS&B's skill and expertise are demonstrated by its results, recovering at least \$100 million for aggrieved investors while serving in a leadership role in each of the following class actions:

- ◆ *In re Merck & Co., Inc., Sec., Derivative & "ERISA" Litig.*, MDL No. 1658 (SRC), Case No. 2:05-CV-01151-SRC-MF (D.N.J.); Case No. 2:05-CV-02367-SRC-MF (D.N.J.) (recovery of \$1.062 billion).
- ◆ *In re Initial Public Offerings Securities Litig.*, 21 MC 92 (S.D.N.Y. 2009) (recovery of \$586 million; SS&B served on plaintiffs' executive committee)
- ◆ *In re BankAmerica Corp. Securities Litig.*, MDL No. 1264 (E.D. Mo. 2002) (recovery of \$490 million, which at that time was the highest ever securities settlement in a case without an institutional lead plaintiff)
- ◆ *In re Geodyne Resources, Inc. Securities Litig.* (S.D.N.Y and Harris County Tex.) (recovery of \$125 million cash plus an additional \$75 million of contingent benefits)
- ◆ *In re Computer Associates Sec. Litig.*, Master File No. 98-CV-4839 (TCP) (E.D.N.Y. 2003) (recovery of 5.7 million shares valued at \$133.5 million)
- ◆ *Spahn v. Edward D. Jones & Co., L.P.*, 04-CV-00086 (E.D. Mo. 2007) (recovery of \$72.5 million in credits for current Edward Jones customers and \$55 million in cash for former Edward Jones customers. In addition, defendants paid class notice and settlement administration costs)
- ◆ *In re Peregrine Systems, Inc. Sec. Litig.*, Civil Action No. 02-CV-870 J (RBB) (S.D. Ca. 2006, S.D. Ca. 2009) (recovery of \$117.5 million)
- ◆ *In re American Express Financial Advisors Sec. Litig.*, 04-CV-1773 (S.D.N.Y.) (recovery of \$100 million in cash and implementation of significant remedial measures. In addition, defendants paid an estimated \$15 to \$18 million for class notice and settlement administration costs)
- ◆ *In re Ikon Office Solutions, Inc. Sec. Litig.*, MDL No. 1318 (E.D. Pa. May 9, 2000) (recovery of \$111 million, the then-largest ever securities settlement in the Eastern District of Pennsylvania)
- ◆ *In re AOL Time Warner ERISA Litig.*, Civil Action No. 02 CV 8853 (SWK) (S.D.N.Y.) (recovery of \$100 million in cash to the company's 401(k) plan in what the court noted was "one of the largest ERISA settlements to date")

- ◆ *In re Salomon Brothers Treasury Litig.*, Consolidated Action No. 91 Civ. 5471 (RPP) (S.D.N.Y. 1994) (recovery of \$100 million)

SS&B maintains offices in Manhattan and California, enabling the firm to efficiently handle litigations on a nationwide basis. Due to the consistency and seniority of its attorneys, including six attorneys who have been with the firm for more than twenty years, SS&B is able to leverage its vast experience efficiently and effectively to achieve favorable results on behalf of class members in many cases. SS&B's lawyers possess outstanding credentials and the firm has received numerous acknowledgements for its achievements.

SS&B's excellent results are also reflected in the field of ERISA litigation, where SS&B has been court appointed as lead counsel (six times) or liaison counsel (twice) for plaintiffs in eight of the approximately twenty largest recoveries, including:

- ◆ *In re AOL Time Warner ERISA Litig.*, Civil Action No. 02 CV 8853 (SWK) (S.D.N.Y.) (recovery of \$100 million in cash to the company's 401(k) plan in what the court noted was "one of the largest ERISA settlements to date")
- ◆ *In re Global Crossing Ltd. ERISA Litig.*, Master File No. 02-cv-7453 (GEL) (S.D.N.Y.) (SS&B served as liaison counsel; recovery of \$79 million in cash to the company's 401(k) plan)
- ◆ *Overby v. Tyco International, Ltd.*, Case No. 02-CV-1357-B (D.N.H.) (recovery of \$70.525 million in cash to the company's 401(k) plan; over 80 million pages of discovery were produced to counsel and over 250 days of deposition were taken)
- ◆ *In re Lucent Technologies, Inc. ERISA Litig.*, Civil Action No. 01-cv-3491 (JAP) (D.N.J.) (recovery of \$69 million in cash and stock to the company's 401(k) plan)
- ◆ *In re WorldCom, Inc. ERISA Litig.*, Master File No. 02-4816 (DLC) (S.D.N.Y.) (SS&B served as local counsel; recovery of \$47.15 million in cash to the company's 401(k) plan)
- ◆ *Harrington v. Household International, Inc.*, Civil Action No. 02 C 8257 (SY) (N.D. Ill.) (recovery of \$46.5 million in cash to the company's 401(k) plan)
- ◆ *National City Corp. Sec., Derivative & ERISA Litig.*, 1:08-cv-07000-PAG (N.D. Ohio) (recovery of \$43 million in cash to the company's 401(k) plan)
- ◆ *In re Cardinal Health, Inc. ERISA Litig.*, No. C2-04-643 (ALM) (S.D. Ohio) (recovery of \$40 million in cash to the company's 401(k) plan)

Court opinions recognizing SS&B's high-quality legal representation include:

The complexity of this ERISA litigation cannot be questioned, nor can the skill and expertise of counsel who

are known nationally for their successful representation of ERISA clients in class action matters.

Griffin v. Flagstar Bancorp, Inc., 2:10-cv-10610, 2013 U.S. Dist. LEXIS 173702, *24-25 (E.D. Mich. Dec. 12, 2013).

The firms involved, I think we heard from several of them today, the papers that have been submitted, it is clear of the dedication, devotion, professionalism, and in the court's view efficiency of these firms, so there is no question in the court's mind of the quality of the representation.

In re American Express Fin'l Advisors Sec. Litig., 04 Civ. 1773 (DAB) (S.D.N.Y. July 13, 2007).

Class counsel are qualified attorneys with considerable ERISA experience. Their prosecution of this lawsuit has secured the substantial Settlement now under consideration. Throughout this litigation, they have shown themselves to be capable and qualified to represent the Class.

In re AOL Time Warner ERISA Litig., 02 Civ. 8853 (SWK), 2006 U.S. Dist. LEXIS 70474, at *10 (S.D.N.Y. 2006).

In sum, counsel litigated this case during its early phases aggressively and in a manner that demonstrated legal expertise in this area of the law....

...
...The high quality of plaintiffs' counsel's work culminated in the successful resolution of this complex case. This was demonstrated by their successful and commendable prosecution of this case through the motion to dismiss stage and the ultimate settlement of this case under favorable terms.

In re Sprint Corp. ERISA Litig., 443 F. Supp. 2d 1249, 1260, 1270 (D. Kan. 2006).

the Court finds that [co-lead counsel and] Stull, Stull & Brody have a high level of ERISA expertise and are willing to commit each firm's resources to this case such that they fairly and adequately represent all parties on their side.

In re Cardinal Health, Inc. ERISA Litig., 225 F.R.D. 552, 556 (S.D. Ohio 2005).

In fact, this is one of the largest, if not the largest, securities fraud settlement in this district. The settlement size is particularly noteworthy as class counsel did not have the benefit of an SEC or other regulatory agency investigation

and so prosecuted the case without assistance. The management of the case was also of extremely high quality. As detailed in the affidavit requesting attorneys' fees, class counsel organized the discovery and accompanying document review in an efficient and non-duplicative manner...

[C]lass counsel is of high caliber and has extensive experience in similar class action litigation. Each of the co-lead counsel firms has a national reputation for advocacy in securities class actions, and there is no doubt that this standing enhanced their ability both to prosecute the case effectively and to negotiate credibly....

...The submissions were of consistently high quality, and class counsel has been notably diligent in preparing filings in a timely manner even when under tight deadlines.

In re Ikon Office Solutions, Inc. Sec. Litig., 194 F.R.D. 166, 194-95 (E.D. Pa. 2000).

The court takes note of the competence of both plaintiffs' counsel and defendants' counsel and their extensive experience in litigating securities class actions. The competence of plaintiffs' counsel resulted in this case being vigorously and efficiently prosecuted against very able opponents over a twenty month period and was a factor in bringing about settlement.

Schaffer v. Timberland Co., 94-634-JD (D.N.H. 1997).

This case is a "model for how commercial litigation should be conducted and can be resolved."

Bash v. Diagnostek, CV 94-794 M (D.N.M.).

Indeed, I indicate to . . .counsel for plaintiff that they have done an admirable job in this case in bringing it to finality and in bringing back to the shareholders of this corporation some moneys as a result of certain things which occurred during the course of the operation of this corporation which perhaps should not have occurred.

Finkel v. O'Brien, Civ. No. 85-2539 (D.N.J. March 27, 1990).

I am satisfied that counsel in this case are highly competent, very skilled in this very specialized area and were at all times during the course of the litigation . . . well prepared, well spoken, []knew their stuff and []were a credit to their profession. They are the top of the line.

In Re Electro-Catheter Corp. Sec. Litig., Civ. No. 87-41 (D.N.J. September 7, 1989).

SS&B's expertise has also been recognized by the following courts: *In re Frontier Group Insurance, Inc. Sec. Litig.*, 172 F.R.D. 31 (E.D.N.Y. 1997); *In re Allegheny International Inc. S'holder Litig.*, 86-835 (W.D. Pa.) (Order, December 10, 1987, Diamond J.); *Zucker v. United States Steel*, C-1-79-588 (S.D. Ohio) (Order, October 14, 1981, Rubin, C.J.); *Friedman v. Colgate Palmolive*, 80 Civ. 2340 (CPS) (E.D. N.Y.) (Order, June 16, 1981, Sifton, J.); *Zuckerman v. Sparton*, G79-457-C.A. (W.D. Mich.) (Opinion and Order, April 14, 1981, Fox, J.); *Mottoros v. Abrams*, 524 F. Supp. 254 (N.D. Ill. 1981); *Koenig v. Smith*, 79 C 452 (ERN) (E.D.N.Y.) (Memorandum Opinion and Order, December 3, 1980, Neaher, J.); *Koenig v. Kenneally*, 79 Civ. 0487 (LBS) (S.D.N.Y.) (Opinion No. 49289, November 5, 1979, Sand, J.); *In Re Commonwealth Oil-Tesoro Petroleum Sec. Litig.*, MDL No. 347 (Order, July 24, 1979, Higginbotham, J.); *Wietschner v. McCulloch*, CV 78-4036-RMT (C.D. Ca.) (Order, June 29, 1979, Takasugi, J.); *Fruchthandler v. LTV Corp.*, 77C 1879 (E.D.N.Y.) (Order, May 10, 1978, Nickerson, J.); *Lewis v. Adikes*, 76 F.R.D. 68 (E.D.N.Y. 1977); *Lewis v. Black*, [1976-77 Transfer Binder] Fed. Sec. L. Rep. (CCH) ¶ 95,738 (E.D.N.Y. 1976) (Mishler, C.J.); and *Fruchthandler v. Blakely*, 73 F.R.D. 318 (S.D.N.Y. 1976).

SEMINAL CASES

Throughout its 40 year history, SS&B has been involved with a number of seminal cases that have significantly affected the landscape of securities litigation.

- ◆ In *Merck & Co., Inc. v. Reynolds*, 559 U.S. 633 (2010), in a case brought on behalf of investors in Merck securities alleging that they were defrauded due to misrepresentations made by Merck, the United States Supreme Court issued a ruling making it easier for defrauded investors to file actions claiming violation of the Securities Exchange Act of 1934 by holding that the statute of limitations does not begin to run until the investor should have known that a materially false statement was knowingly or recklessly made.
- ◆ In *Rand v. Monsanto Company*, 926 F.2d 596 (7th Cir. 1991), the firm appeared on behalf of the plaintiff in a landmark decision establishing the principle that a class representative plaintiff need not be willing to bear all of the class' costs in an action to satisfy the adequacy of representation requirement of Federal Rule of Civil Procedure 23.
- ◆ In *In re Lucent Technologies, Inc. ERISA Litig.*, Civil Action No. 01-cv-3491 (JAP) (D.N.J. 2005), the firm was largely responsible for a frequently-cited district court decision that denied defendants' motion to stay the ERISA litigation until a related securities class action was resolved. SS&B's briefing in opposition to the stay motion highlighted the significant differences between ERISA and securities class actions, even when those actions involve the same factual issues. The court ruled that "resolution of the securities class action . . . will not necessarily resolve all issues in this matter" and "[t]he legal issues here will still have to be determined, and a stay or continuance shall not change that fact."

- ◆ In *Small v. Fritz Companies Inc.*, 30 Cal. 4th 167 (2003), the firm successfully argued before the California Supreme Court that a non-trading shareholder has the right to sue a corporation for damages where the shareholder relies on false financial statements issued by the corporation. The decision represented a significant change in legal doctrine and was widely heralded as a potent new weapon for investors.
- ◆ In *Howard v. Everex*, 228 F.3d 1057 (9th Cir. 2000), SS&B successfully advocated that a corporate officer can be liable in a private anti-fraud action for signing a document filed with the SEC that he knows (or is reckless in not knowing) contains misrepresentations, even if the officer was not involved in preparing the document. The Ninth Circuit decision was a precursor to Section 302(a) of the Sarbanes-Oxley Act of 2002 which now requires corporate officers that sign documents filed with the SEC to certify the accuracy of information therein.
- ◆ In *Lewis v. Black*, 74 F.R.D. 1 (E.D.N.Y. 1975), the firm established that neither the personality nor the motive of a proposed class representative was determinative of whether he would provide vigorous advocacy on behalf of the class, thereby preventing defendants from compelling representatives to respond to questions regarding motives and actions in past cases.
- ◆ In *In re Cabletron Systems, Inc. Sec. Litig.*, 311 F.3d 11 (1st Cir. 2002), the firm was instrumental in obtaining a reversal of a district court order dismissing a complaint under the pleading requirements of the Private Securities Litigation Reform Act. This case established in the First Circuit that plaintiffs are not required to name confidential sources in a complaint.
- ◆ In *In re Frontier Group Insurance Litig.*, Master File No. 94 Civ. 5213 (E.D.N.Y. 2002), the firm was instrumental in defeating a *Daubert* challenge, thereby enabling the expert to testify as to aggregate damages based on the use of a trading model.
- ◆ In *Harman v. Lyphomed, Inc.*, 122 F.R.D. 522 (N.D. Ill. 1988), the firm established the applicability of the fraud-on-the-market theory of reliance for stocks trading on the NASDAQ.
- ◆ The firm was instrumental in establishing new law on fraud-on-the-market theory in *Finkel v. Docutel/Olivetti Corp.*, 817 F.2d 356 (5th Cir. 1987), *cert. denied*, 485 U.S. 959 (1988), and *Mottoros v. Abrams*, 524 F. Supp. 254 (N.D. Ill. 1981).
- ◆ In *In re Wilmington Trust Corp. ERISA Litig.*, 2013 U.S. Dist. LEXIS 125891 (D. Del. Sept. 4, 2013), among the first reported decisions of its kind, the court granted plaintiffs' motion to proceed without class certification, allowing plaintiffs to represent all participants in an ERISA plan because of the derivative nature of ERISA's fiduciary duties.

Serving in a leadership role, SS&B has obtained more than two billion dollars on behalf of class members. A sampling of such cases includes:

Settled Securities and Antitrust Class Action Cases

- ◆ *In re Merck & Co., Inc., Sec., Derivative & "ERISA" Litig.*, MDL No. 1658 (SRC), Case No. 2:05-CV-01151-SRC-MF (D.N.J.); Case No. 2:05-CV-02367-SRC-MF (D.N.J.) (recovery of \$1.062 billion).
- ◆ *In re Initial Public Offerings Sec. Litig., 21 MC 92 (S.D.N.Y.)* (recovery of \$586 million, SS&B served on Plaintiffs' Executive Committee)
- ◆ *In re BankAmerica Corp. Sec. Litig.*, MDL No. 1264 (E.D. Mo.) (recovery of \$490 million)
- ◆ *In re Geodyne Resources, Inc. Sec. Litig.* (S.D.N.Y and Harris County Tex.) (recovery of \$125 million cash settlement plus contingent benefits of additional \$75 million)
- ◆ *In re Computer Associates Sec. Litig.*, Master File No. 98-CV-4839 (TCP) (E.D.N.Y.) (recovery of 5.7 million shares valued at \$133.551 million)
- ◆ *Spahn v. Edward D. Jones & Co., L.P.*, 04-CV-00086 (E.D. Mo.) (recovery of \$72.5 million in credits for current Edward Jones customers and \$55 million in cash for former Edward Jones customers. In addition, defendants paid an estimated \$15 to \$18 million for class notice and settlement administration costs)
- ◆ *In re Peregrine Systems, Inc. Sec. Litig.*, Civil Action No. 02-CV-870 J (RBB) (S.D. Ca.) (recovery of \$117,567,922)
- ◆ *In re American Express Financial Advisors Sec. Litig.*, 04-CV-1773 (S.D.N.Y.) (recovery of \$100 million in cash and implementation of significant remedial measures. In addition, defendants paid all class notice and settlement administration costs, which is estimated to be \$15 to 18 million)
- ◆ *In re Ikon Office Solutions, Inc. Sec. Litig.*, MDL No. 1318 (E.D. Pa.) (recovery of \$111 million)
- ◆ *In re Salomon Brothers Treasury Litig.*, Consolidated Action No. 91 Civ. 5471 (RPP) (S.D.N.Y. 1994) (recovery of \$100 million)
- ◆ *In re Priceline.com, Inc. Sec. Litig.*, Master File No. 3:00CV01884 (AVC) (D. Conn.) (recovery of \$80 million)
- ◆ *In re Westinghouse Sec. Litig.*, Civil Action No. 91-354 (W.D. Pa.) (recovery of \$67.25 million)

- ◆ *Bachman v. AG Edwards, Inc.*, Cause No. 22052-01266-02 (Mo. Cir. Ct.) (recovery of \$60 million)
- ◆ *In re Thomas & Betts Sec. Litig.*, Case No. 00-2127 (W.D. Tenn.) - related case: *Pifko v. KPMG LLP*, Civ. Action No. 01-CV-2553 (W.D. Tenn.) (recovery of \$51.15 million)
- ◆ *In re Tenneco Inc. Sec. Litig.*, Civ. Action No. H-91-2010 (S.D. Tex.) (recovery of \$50 million)
- ◆ *In re Apria Healthcare Group Sec. Litig.*, Master File No. 797060 (Cal. Super. Ct, Orange Cty) (recovery of \$42 million)
- ◆ *Levitan v. McCoy, Jr.*, Case No. 00 C 5096 (N.D. Ill.) (recovery of \$39.9 million)
- ◆ *In re Cannon Group Sec. Litig.*, 86-5559-WMB (JRx) (C.D. Ca.) (recovery of \$33 million)
- ◆ *Teichler v. DSC Communications Corp.*, CA 3-85-2005-T (N.D. Tex.) (recovery of \$30 million)
- ◆ *Berger v. Compaq Computer Corp.*, Civ. Action No. 98-1148 (S.D. Tex.) (recovery of \$28.65 million)
- ◆ *In re: Northeast Utilities Sec. Litig.*, Civil Action No. 397 CV 00189 AVC (D. Ct.) (recovery of \$25 million)
- ◆ *Lasky v. Brown (United Companies Financial Corp.) Sec. Litig.*, Civil Action No. 99-1035-B-M2 (M.D. La.) (recovery of \$20.5 million)
- ◆ *Lasker v. Kanas (North Fork Bancorporation)*, Index No. 103557/06 (NY Sup. Ct.) (recovery of \$20 million and other consideration)
- ◆ *Feinberg v. Hibernia Corp.*, Civil Action No. 90-4245 (E.D. La.) (recovery of \$20 million)
- ◆ *In re Dreyfus Aggressive Growth Mutual Fund Litig.*, Master File No. 98 Civ. 4318 (HB) (S.D.N.Y.) (recovery of \$18.5 million)
- ◆ *In re Rambus, Inc. Sec. Litig.*, Master File No. C-06-4346-JF (N.D. Cal.) (recovery of \$18.33 million)
- ◆ *In re C.R. Bard, Inc. Sec. Litig.*, Master File No. 90-948 (AMW) (D.N.J.) (recovery of \$17.9 million)
- ◆ *Spring v. Continental Illinois Corp.*, 84 C 4648 (N.D. Ill. 1987) (recovery of \$17.5 million)

- ◆ *In re Rhythms Sec. Litig.*, Civil Action No. 02-K-35 (GCL) (D. Co.) (recovery of \$17.5 million)
- ◆ *Morse v. Abbott Laboratories*, C.A. No. 90 C 1982 (N.D. Ill.) (recovery of approximately \$14 million on a claims-made basis. SS&B served as co-lead trial counsel in representing a class of purchasers of common stock of Abbott Laboratories. On March 15, 1994, the jury returned a verdict in favor of the plaintiff class in the amount of \$15,279,219. The case was settled during the pendency of post-trial motions.)
- ◆ *In re Green Tree Financial Corp. Stock Litig.*, Master File No. 97-2666 (JRT/RLE) (D. Minn.) (recovery of \$12.45 million)
- ◆ *In re Elscint Sec. Litig.*, Civ. Action No. 85-2662-K (D. Mass.) (recovery of \$12 million)
- ◆ *In re National Medical Enterprises Sec. Litig. II*, Case No. CV 93-5224 TJH (Bx) (C.D. Ca.) (recovery of \$11.65 million)
- ◆ *Bash v. Diagnostic, Inc.*, Civil Action No. 94-784 (D.N.M.) (recovery of \$10.7 million)
- ◆ *In re Cybermedia, Inc. Sec. Litig.*, Master File No. 98-1811CBM (Ex) (C.D. Ca.) (recovery of \$10.5 million)
- ◆ *In re Cabletron Systems, Inc. Sec. Litig.*, C 97-542 (D.R.I.) (recovery of \$10.5 million)
- ◆ *In re Physicians Corp. of America Sec. Litig.*, Case No. 97-3678-CIV (S.D. Fla.) (recovery of \$10.2 million)
- ◆ *In re Complete Management Inc. Sec. Litig.*, Master File No. 99 Civ. 1454 (NRB) (S.D.N.Y.) (recovery of \$10.15 million)
- ◆ *In re U.S.A. Detergent Sec. Litig.*, 97-CV-2459 (D.N.J.) (recovery of \$10 million)
- ◆ *In Re: Biopure Corp. Sec. Litig.*, Docket No. 03-CV-12628 (NG) (D. Mass.) (cash recovery of \$10 million)
- ◆ *In re Nice Systems, Ltd. Sec. Litig.*, Master File No. 2:01 CV 737 (Judge Greenaway) (D.N.J.) (recovery of \$10 million)
- ◆ *Harman v. Lyphomed*, 88 C 476 (N.D. Ill.) (recovery of \$9.99 million)
- ◆ *In re Beverly Enterprises, Inc. Sec. Litig.*, Master File No. CV 88-01189-RSWL (Tx) (C.D. Ca.) (recovery of \$9.975 million)

- ◆ *Bharucha v. Reuters Holdings PLC*, Case. No. 90-cv-03838 (E.D.N.Y.) (recovery of \$9.5 million)
- ◆ *Greenfield v. Compuserve Corp.*, Case No. 96-CV-06-4810 (Franklin County, Ohio) (recovery of \$9.5 million)
- ◆ *In re Stratosphere Sec. Litig.*, Master File No. CV-S-96-00708-PMP (RLH) (D. Nev.) (recovery of \$9 million)
- ◆ *In re Steven Madden Ltd. Sec. Litig.*, No. 00-CV-3676 (JG) (E.D.N.Y.) (recovery of \$9 million)
- ◆ *In re Gibraltar Financial Corp. Sec. Litig.*, CV 87-07876 MRP (Gx) (C.D. Ca.) (recovery of \$8.5 million)
- ◆ *In re FHP Sec. Litig.*, Master File No. SACV 91-580-GLT (RWRx) (C.D. Ca.) (recovery of \$8.25 million)
- ◆ *Zucker v. Maxicare Health Plans, Inc.*, Case No. 88-02499-LEW (Tx) (C.D. Ca.) (recovery of \$8.1 million)
- ◆ *In re Orion Pictures Corp. Sec. Litig.*, Master File No. 91 CV 1903 (CBA) (E.D.N.Y.) (recovery of \$8 million)
- ◆ *Berlinsky v. Alcatel*, 94-CIV-9084 CBM (S.D.N.Y.) (recovery of \$8 million)
- ◆ *In re Triton Energy Corp. Sec. Litig.*, Master File No. 3:92-CV-1069-H (N.D. Tex.) (recovery of \$8 million)
- ◆ *Ganesh v. Computer Learning Center*, Civil Action No. 98-CV-00859 (E.D. Va.) (recovery of \$7.5 million)
- ◆ *In re Metris Companies, Inc. Sec. Litig.*, Civil Action No. 02-CV-3677 JMR/FLN (D. Minn.) (recovery of \$7.5 million)
- ◆ *In re Cityscape*, CV 97 5668 (E.D.N.Y.) (recovery of \$7 million)
- ◆ *In re Dime Savings Bank of New York Sec. Litig.*, MDL Docket No. 846 (E.D.N.Y.) (recovery of \$6.8 million)
- ◆ *In re Western Digital Sec. Litig.*, SACV 91-375(A) GLT (RWRx) (C.D. Ca.) (recovery of \$6.75 million)
- ◆ *In re Bank of New England Corp. Class Action and S'holder Litig.*, C.A. Nos. 89-2582-S, 89-2811-S (D. Mass.) (recovery of \$6.5 million)
- ◆ *Bobbitt v. Andrew J. Filipowski*, No. 06-11072-PBS (D. Mass.) (recovery of \$6.3 million)

- ◆ *In re Berkshire Realty Company, Inc. S'holder Litig.*, C.A. No. 17242 (Del. Ch.) (recovery of \$6.25 million)
- ◆ *Gerstein v. Micron Technology, Inc.*, Civil No. 89-1262 (D. Id.) (recovery of \$6 million)
- ◆ *In re Ziff-Davis, Inc. Sec. Litig.*, Master File No. 98-CIV-7158 (SWK) (S.D.N.Y.) (recovery of \$6 million)
- ◆ *Dynegy Inc. v. Bernard V. Shapiro*, No. 2002-00080 (129th Judicial District, Harris Cty, TX) (recovery of \$6 million)
- ◆ *In re FleetBoston Financial Corp. Sec. Litig.*, Civ. No. 02-4561 (WGB) (D.N.J.) (recovery of \$5.5 million)
- ◆ *In re Ascend Communications Sec. Litig.*, Case No. 97-9376 MRP (AN) (C.D. Ca.) (recovery of \$5.45 million)
- ◆ *Miller v. International Murex Technologies Corp.*, Civ. No. 93 Civ. 336 (E.D.N.Y.) (recovery of \$5.4 million)
- ◆ *In re Brightpoint, Inc. Sec. Litig.*, Case No. IP 01 1796 C-T/K (recovery of \$5.25 million)
- ◆ *Kushner v. Wang Laboratories*, Civil Action No. 89-1963-Y (D. Mass.) (recovery of \$5 million)
- ◆ *In re SouthEast Banking Corp. Sec. Litig.*, Master File No. 90-0760-CIV-MOORE (S.D. Fla.) (recovery of \$5 million)
- ◆ *Wells v. Southmark Corp.*, CA3-85-1518-G (N.D. Tex.) (recovery of \$5 million)
- ◆ *In Re: Interlink Electronics Inc. Sec. Litig.*, 05-CV 08133 (AG) (SH) (C.D. Cal.) (recovery of \$5 million)
- ◆ *Chilton v. Smith Barney Fund Management LLC*, 1:05-cv-07583-WHP (S.D.N.Y.) (recovery of \$4.95 million)
- ◆ *In re Regeneron Pharma., Inc. Sec. Litig.*, Civil Action No. 03 CV 311 (RWS) (S.D.N.Y.) (recovery of \$4.7 million)
- ◆ *In re Sunglass Hut Intl., Inc. Sec. Litig.*, Case No. 97-0191-CIV-MOORE (S.D. Fl.) (recovery of \$4.5 million)
- ◆ *Clive T. Miller v. Apropos Technology, Inc.*, No. 01 C 8406 (N.D. Ill.) (recovery of \$4.5 million)
- ◆ *In re Fidelity Holdings Sec. Litig.*, Case No. CV 00 5078 (CPS) (VVP) (E.D.N.Y.) (recovery of \$4.45 million)

- ◆ *Adam Burstyn v. Worldwide Xceed Group, Inc.*, Case No. 01 CV 1125 (GEL) (S.D.N.Y.)(recovery of \$4.4 million)
- ◆ *In re NetEase.com Sec. Litig.*, Civil Action No. 01-CV-9405 (RO) (S.D.N.Y.) (recovery of \$4.35 million)
- ◆ *In re Flextronics, Inc. Sec. Litig.*, No. C-03-2102 PJH (N.D. Ca.) (recovery of \$4.25 million)
- ◆ *Schaffer v. Timberland Co.*, 94-634-JD (D.N.H.) (recovery of \$4.2 million)
- ◆ *In re HMO America Sec. Litig.*, Civ. No. 92 C 3305 (CPK) (N.D. Ill.) (recovery of \$4 million)
- ◆ *In re Nanophase Technologies Corp. Sec. Litig.*, Case No. 98 C 3450 (N.D. Ill.) (recovery of \$4 million)
- ◆ *In re Quintex Sec. Litig.*, Master File No. CV-89-6182-R (C.D. Ca.) (recovery of \$4 million)
- ◆ *Walsingham v. Biocontrol Tech. Inc.*, Civil Action No. 96-809 (W.D. Pa.) (recovery of \$3.7 million)
- ◆ *In re Irvine Sensors Corp. Sec. Litig.*, Master File No. SA 02-00159 GLT (MLGx) (C.D. Ca.) (recovery of \$3.5 million)
- ◆ *Miller v. Material Sciences Corp.*, Civil Action No. 97-CV-2450 (N.D. Ill.) (recovery of \$3.25 million)
- ◆ *In re iTurf Inc. S'holder Litig.*, Consolidated Civil Action No. 18242 NC (Del. Ch.) (recovery of \$3.25 million)
- ◆ *In re Safety Kleen Rollins S'holder Litig.*, Case No. 3:00-1343-17 (D.S.C.)(recovery of \$3.15 million)
- ◆ *In re Kay Jewelers Sec. Litig.*, Civil Action No. 90-1663A (E.D. Va.) (recovery of \$3 million)
- ◆ *Clarkson v. Greyhound Lines, Inc.*, 96-11329-C (Dist. Ct., Dallas Cty, Tex.) (recovery of \$3 million)
- ◆ *In re TwinLab Corp. Sec. Litig.*, Master File No. 00-CV-6975 (DRH) (E.D.N.Y.) (recovery of \$3 million)
- ◆ *In re Spectrian Corp. Sec. Litig.*, Master File No. C-97-4672-CW (N.D. Ca.) (recovery of \$2.975 million)
- ◆ *In re Arotech Corp. Sec. Litig.*, Master File No. 07-CV-1838 (E.D.N.Y.) (RJD) (VVP) (recovery of \$2.9 million)

- ◆ *In re Mutual Funds Investment Litig.*, MDL 1586, Case No. 04-MD-15863 (JFM) (D. Md.); *Parthasarathy v. RS Investment Management, L.P.*, Case No. 04-cv-3798-JFM (D. Md.) (recovery of \$2.83 million)
- ◆ *Moriarty v. Molina*, Case No. 99-0255-CIV-MORENO (S.D. Fla. 2003) (recovery of \$2.8 million)
- ◆ *In re Peritus Software Services, Inc. Sec. Litig.*, Civ. Action No. 98CV10955 WGY (D. Mass.) (recovery of \$2.8 million)
- ◆ *In re 2TheMart.com, Inc. Sec. Litig.*, Case No. 99-1127 DOC (ANx) (C.D. Ca.) (recovery of \$2.7 million)
- ◆ *McBride v. Vision Twenty-One, Inc.*, Case No. 99-138-CIV-T-25F (M.D. FL.) (recovery of \$2.5 million)
- ◆ *In re Pharmaprint Inc. Sec. Litig.*, Civ. No. 00-61 (AJL) (D.N.J.) (recovery of \$2.3 million)
- ◆ *In Re: Columbia Entities Litig.*, 04-CV-11704 (D. Mass.) (settled for a reduction in the overall rate charged as advisory fees (i.e., “breakpoints”) when a mutual funds advised by the advisers reach certain levels of assets under management, enhanced shareholder communications, and a \$100,000 contribution to research expenses for the benefit of the settling funds)

Settled ERISA Cases

- ◆ *In re AOL Time Warner ERISA Litig.*, Civil Action No. 02 CV 8853 (SWK) (S.D.N.Y.) (recovery of \$100 million in cash to the company’s 401(k) plan in what the court noted was “one of the largest ERISA settlements to date”)
- ◆ *In re Global Crossing Ltd. ERISA Litig.*, Master File No. 02-cv-7453 (GEL) (S.D.N.Y.) (recovery of \$79 million in cash to the company’s 401(k) plan; SS&B served as liaison counsel))
- ◆ *Overby v. Tyco International, Ltd.*, Case No. 02-CV-1357-B (D.N.H.) (recovery of \$70.525 million in cash to the company’s 401(k) plan; over 80 million pages of discovery were produced to counsel and over 250 days of deposition were taken)
- ◆ *In re Lucent Technologies, Inc. ERISA Litig.*, Civil Action No. 01-cv-3491 (JAP) (D.N.J.) (recovery of \$69 million in cash and stock to the company’s 401(k) plan)
- ◆ *In re WorldCom, Inc. ERISA Litig.*, Master File No. 02-4816 (DLC) (S.D.N.Y.) (recovery of \$47.15 million in cash to the company’s 401(k) plan; SS&B served as local counsel)

- ◆ *Harrington v. Household International, Inc.*, Civil Action No. 02 C 8257 (SY) (N.D. Ill.) (recovery of \$46.5 million in cash to the company's 401(k) plan)
- ◆ *National City Corp. Sec., Derivative & ERISA Litig.*, 1:08-cv-07000-PAG (N.D. Ohio) (recovery of \$43 million in cash to the company's 401(k) plan)
- ◆ *In re Cardinal Health, Inc. ERISA Litig.*, No. C2-04-643 (ALM) (S.D. Ohio) (recovery of \$40 million in cash to the company's 401(k) plan)
- ◆ *Zilhaver v. UnitedHealth Group, Inc.*, Case No. 06-cv-2237 (JMR) (D. Minn.) (recovery of \$17 million in cash to the company's 401(k) plan)
- ◆ *In re Sears, Roebuck & Co. ERISA Litig.*, No. 02 C 8324 (JWD) (N.D. Ill.) (recovery of \$14.5 million in cash to the company's 401(k) plan)
- ◆ *Kenney v. State Street Corp.*, No. 09-10750-PBS (D. Mass.) (recovery of \$10 million in cash to the company's 401(k) plan)
- ◆ *Russell v. Conseco Services, LLC* 1:02-cv-1639-LJM (S. D. Ind.) (recovery of \$9.975 million in cash to the company's 401(k) plan)
- ◆ *In re 2014 Avon Products, Inc. ERISA Litig.*, 1:14-cv-10083-LGS (S.D.N.Y) (recovery of \$6.25 million in cash to the company's 401(k) plan is pending preliminary approval)
- ◆ *In Re SunTrust Banks, Inc. ERISA Litigation*, Docket No. 1:08-cv-03384-RWS (N.D. Ga. Oct 31, 2008) (recovery of \$4.75 million in cash to the company's 401(k) plan)
- ◆ *In re: Diebold ERISA Litig.*, Case No. 06-cv-00170 (SEL) (N.D. Ohio) (recovery of \$4.5 million in cash to the company's 401(k) plan)
- ◆ *In re Sprint Corp. ERISA Litig.*, Master File No. 2:03-CV-02202-JWL (D. Kan.) (recovery of \$4 million in cash to the company's 401(k) plan, and increased benefits to participants in the company's 401(k) plans including: increased vesting of employee accounts; increased company matching of employer contributions; participant-friendly plan amendments; and improved participant communications)
- ◆ *Walter v. Level 3 Communications, Inc.*, 1:09-cv-00658-REB (D. Colo.) (recovery of \$3.2 million in cash to the company's 401(k) plan)
- ◆ *In Re: Wilmington Trust Corp. ERISA Litig.*, 1:11-cv-00101-SD (D. Del.) (recovery of \$3 million in cash to the company's 401(k) plan and recognizing that "SS&B's ERISA litigation experience, particularly litigation appearing similar to the issue at bar, indicates extensive experience and knowledge of applicable law.")

- ◆ *Griffin v. Flagstar Bancorp, Inc.*, 2:10-cv-10610-PDB-MKM (E.D. Mich) (recovery of \$3 million in cash to the company's 401(k) plan, representing 85% of likely recoverable damages, was recognized as "excellent" by the court)
- ◆ *Lipman v. Terex Corp.*, 3:10-cv-00006-RNC (D. Conn.) (recovery of \$2.5 million in cash to the company's 401(k) plan)

SS&B's advocacy in these and other ERISA actions, which have been brought on behalf of 401(k) retirement plan participants and beneficiaries, has also yielded new law in the ERISA field, including the *Lucent* and *Wilmington Trust* opinions cited in the Seminal Cases section above.

Settled Consumer Class Action Cases

- ◆ *Szymczak v. Nissan North America Inc.*, 10-cv-07493-VB (S.D.N.Y.)(recovery including cash and direct monetary benefits of over \$14 million on behalf of multi-state nationwide class of car owners of certain Nissan vehicles for damage to vehicles' transmissions caused by leaking radiator fluid)
- ◆ *Lubitz, et al. v. DaimlerChrysler Corp.*, BER-L-4883-04 (NJ Super., Bergen Cty) (recovery valued at \$14.5 million to owners of Jeep Grand Cherokees, model years 1999 through 2004 for defective brake assemblies on behalf of a nationwide settlement class).
- ◆ *In re: The Home Depot, Inc. Data Security Breach Litig.*, Case No.: 1:14-md-02583-TWT (N.D. Ga) (SS&B served as a member of the court appointed Consumer Plaintiffs' Steering Committee, recovery of \$13 million to the settlement class and provision for 18 months of Identity Guard® Essentials monitoring services for settlement class members who had information compromised, plus attorneys' fees, costs, and expenses and Home Depot the costs of notifying the class and administering the settlement)
- ◆ *In Re Anthem, Inc. Data Breach Litig.*, Case No. 15-MD-02617-LHK (N.D. Ca.) (SS&B developed unique claims on behalf of current and former federal employees in a massive data breach of health insurer Anthem, Inc. and its multiple state subsidiaries involving theft of Anthem insureds' PHI and PII, including social security numbers and medical records; a proposed settlement between the plaintiffs and Anthem set up a \$115 million settlement fund and required Anthem to enhance its cybersecurity)
- ◆ *Spillman v. Hiko Energy, LLC*, Docket No. 651798/2015 (N.Y. Sup Ct. May 21, 2015) (recovery of \$2.1 million as part of *Chen v. Hiko Energy LLC*, Case No. 7:14-cv-01771 (SDNY))
- ◆ *Hughley, et al. v. University of Central Florida Board of Trustees*, Case No. 2016-CA-001654-O (Circuit Court of the Ninth Judicial Circuit, FL) (SS&B served as

one of three lead counsel representing students and employees of the University in a security data breach involving plaintiffs' PII; settlement included numerous injunctive relief measures concerning UCF's information practices and its information security organization including additional data security personnel; data risk assessments; addition of a vendor management program; security enhancements; external information security firm and extended identity theft protection for class members)

- ◆ *Suvino v. Time Warner Cable, Inc.*, Docket No. 1:16-cv-07046 (S.D.N.Y.) (facilitated Americans with Disabilities Act compliance on Time Warner's website)
- ◆ *Asseal v. Preferred Care Partners, Inc., and iCare Health Solutions LLC*, Docket No. 64187942 (Circuit Court of the Seventeenth Circuit, FL) (facilitated Preferred Care's compliance of their health care benefits plan for healthcare subscribers)

Settled Derivative Cases

- ◆ *In re Trump Hotels S'holder Derivative Litig.*, 98-Civ-7820 (GEL) (S.D.N.Y.) (recovery of assets for corporation valued at approximately \$10 million)
- ◆ *Esther Sadowsky Testamentary Trust v. Brendsel (Federal Home Loan Mortgage Corp.)*, 05-cv-2596 (S.D.N.Y.) (recovery of approximately \$100 million for the company as well as significant corporate governance measures)
- ◆ *In re Bank of New York Corporate Derivative Litig.*, Index No. 604465/99 (Sup. Ct. NY) (recovery of \$26.5 million for the company and the adoption of significant corporate governance measures)
- ◆ *In re FirstEnergy S'holder Derivative Litig.*, 03-CV-1826 (N.D. Oh.) (recovery of approximately \$25 million for the company and the adoption of significant corporate governance measures)
- ◆ *In re Hewlett-Packard Company Derivative Litig.*, 1:06-cv-071186 (Cal. Super. Ct., Santa Clara County), 2426-VCN (Del. Ch.) (resulted in numerous widespread and substantial corporate governance changes directed toward HP's code of business ethics and guidelines were implemented as a result of a derivative action stemming from the board of directors' alleged leak of an investigation that ultimately led to the firing/resignation of various high level officers and directors of HP.)
- ◆ *Molloy v. Boynton*, No. 3:17-cv-01157-TJC-MCR (S.D. Fl.) (alleging wrongful demand refusal on behalf of holders of Rayonier, Inc.) (settlement effecting significant corporate governance measures was approved)
- ◆ *In re Emerson S'holder Litig.*, 87-CV-4046 (JBW) (E.D.N.Y.) (recovery of \$7.5 million for the company and the adoption of significant corporate governance measures)

- ◆ *Gallic v. Appelbaum*, 3:06-cv-5523-FLW-TJB (D.N.J.) (recovery for the company of \$1,387,471 as a repayment for backdated stock options received; repricing of stock options worth potentially \$8,113,847; and significant corporate governance changes designed to strengthen the granting of, and accounting for, stock options)
- ◆ *Hirt v. United States Timberlands Serv. Co., LLC*, C.A. No. 19575 (Del. Ch.) (recovery for the company of \$3.1 million in the form of an offer increase of about 9%, from \$2.75 per partnership unit to \$3.00 per partnership unit)
- ◆ *In re Foundry Networks, Inc. Deriv. Litig.*, 1:06-cv-068878 (Cal. Super. Ct., Santa Clara Cty) (recovery for the company of \$2.1 million, repricing of certain allegedly backdated stock options, and significant corporate governance reforms)
- ◆ *Lasker v. Massengill (In re State Court Western Digital Corp. Deriv. Litig.)*, 06-CC-00159 (Cal. Super. Ct., Orange Cty) (recovery of \$522,680 for the company and significant corporate governance changes designed to strengthen its granting of, and accounting for, stock options)
- ◆ *In re Titan Corp. Derivative Litig.*, GIC 832018 (Cal. Super. Ct., San Diego Cty) (recovery of increased merger consideration from \$22.76 to \$23.10 per share of Titan common stock, a reduction in the termination fee; and, additional disclosures relating to the merger)
- ◆ *Ekas v. Burris (Citrix Systems, Inc.)*, 07-016114-11 (Fla. Cir. Ct., Broward Cty) (resulted in significant corporate governance changes designed to strengthen the granting of, and accounting for, stock options)
- ◆ *In Re Jabil Circuit Options Backdating Litig.*, 06-CV-01257 (M.D. Fla.) (resulted in significant corporate governance changes designed to strengthen the granting of, and accounting for, stock options)
- ◆ *Edelstein v. Brodie*, Case No. 3:07-cv-00596-FLW-JJH (D.N.J.) (resulted in significant corporate governance changes designed to strengthen the granting of, and accounting for, stock options)
- ◆ *Soojian v. Jacobs f/b/o Royal Dutch Petroleum Company*, No. 04-cv-4160 (D.N.J.) (resulted in the adoption of significant corporate governance changes)

Attorneys

SS&B maintains offices in New York and California. The below sets forth basic educational information and select legal experience for each of SS&B's attorneys.

New York Office

Jules Brody was named by *Super Lawyers* magazine as a Super Lawyer in 2010, 2013, and 2014. Mr. Brody is a graduate of Brooklyn College, magna cum laude, and received his LL.B. from the New York University School of Law in 1964. Mr. Brody was named to the Dean's List and was an editor of the Law Review. Mr. Brody was the author of "The Equitable Power to Assess Counsel Fees" which was published in the New York University Intramural Law Review in May 1964. At NYU, Mr. Brody was a John Norton Pomeroy Scholar and received the American Jurisprudence Prize in Commercial Law and graduated in the top 10% of his class. He was admitted to the New York State Bar in 1964. Mr. Brody received his LL.M. in taxation from the graduate division of the NYU School of Law in 1967. Mr. Brody is also admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second, Fourth and Fifth Circuits, and has been specially admitted to practice before various U.S. District Courts throughout the United States.

Howard T. Longman was named by *Super Lawyers* magazine as a Super Lawyer in 2014-2017. Mr. Longman is co-chair of Stull, Stull and Brody's Consumer Class Action Litigation Group. Mr. Longman who grew up in Virginia, received his undergraduate degree from the University of Virginia and his J.D. from New York Law School in 1982. Mr. Longman is a member of the New York State Bar and has also been admitted to practice before the United States District Court for the Southern and Eastern Districts of New York and other courts around the country on a *pro hac vice* basis. Some of the notable cases which Mr. Longman developed from inception and acted in a lead role through conclusion include: *In Re Peregrine Sec. Litig.*, Southern District of California (recovery of \$117,567,922); *In Re Rambus Sec. Class Action Litig.*, Northern District of California (\$18 million settlement); *In Re Biopure Sec. Litig.*, District of Massachusetts (\$10 million settlement); *In re Geodyne Sec. Litig.*, Harris County Texas and Southern District of New York (\$125 million cash settlement plus contingent benefits of additional \$75 million); *In Re Dreyfus Aggressive Growth Mutual Fund Litig.*, Southern District of New York (\$18.5 million settlement resulting in a recovery to class members of over 80% of class members' losses) and *Szymczak v. Nissan North America Inc.*, 10-cv-07493-VB (S.D.N.Y.) (co-lead counsel in case which resulted in cash recovery and direct monetary benefits valued at over \$14 million obtained on behalf of a multi-state nationwide class of owners of certain Nissan vehicles with damage to transmissions as the result of radiator fluid leakage).

Patrick Slyne received his J.D. from the University of Wyoming in 1988. He is a member of the Colorado, Connecticut and Wyoming state bars, and is admitted to practice before the United States District Courts for Wyoming, Connecticut, Eastern District of New York, and Southern District of New York, and the United States Court of Appeals for the First Circuit and Ninth Circuit. Notable cases for which Mr. Slyne had substantial responsibility include: *In re Hewlett-Packard Co. Deriv. Litig.* (Del. 2008) (conferred substantial benefit on HP through corporate governance changes to improve the functioning, interaction and working relationships among senior HP officers and

outside members of the HP board of directors); *Esther Sadowsky Testamentary Trust v. Brendsel (Federal Home Loan Mortgage Corporation)* (S.D.N.Y. 2006) (assisted Freddie Mac in securing \$100 million cash from D&O carriers and \$9 million cash from certain counter parties for alleged breaches of fiduciary duties in accounting for and reporting of complex multi-billion dollar derivatives transactions); *In re Computer Associates Sec. Litig.* (E.D.N.Y. 2003) (recovered 5.7 million CA shares worth \$133.551 million for alleged improper revenue recognition on multi-year enterprise software license contracts); *In re IKON Office Solutions, Inc. Sec. Litig.* (E.D. Pa. 2000) (recovered \$111 million cash for alleged misrepresentation of earnings and prospects in office equipment leasing and services business); *In re Westinghouse Sec. Litig.* (W.D. Pa. 1999) (recovered \$67.25 million cash for alleged overstatement of financial position due to unrecognized losses in real estate portfolios); *In re Salomon Brothers Treasury Litig.* (S.D.N.Y. 1994) (recovered \$100 million cash for alleged manipulation of public market prices of U.S. Treasury securities); *In re Tenneco Inc., Sec. Litig.* (S.D. Tex. 1992) (recovered \$50 million cash for alleged overstatement of financial results for failure to mark-to-market dealer inventories of heavy machinery and equipment).

Melissa R. Emert received her undergraduate degree from the State University of New York at Stony Brook and her J.D. from Brooklyn Law School in 1988. Ms. Emert was co-chair of Stull, Stull & Brody's Consumer and Antitrust Class Action Litigation Groups. Ms. Emert is a member of the New York State Bar and has also been admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. On March 31, 2016, in appointing Ms. Emert as co-lead counsel in *In re: Daily Fantasy Sports Litigation*, MDL No. 16-02677-GAO, Judge O'Toole found that she and the other appointed counsel "are able litigators who bring ample experience, knowledge, and resources to this complex litigation." On December 14, 2017, Ms. Emert was appointed as a member of the Plaintiffs' Steering Committee by the court in *In re: German Automotive Manufacturers Antitrust Litigation*, No. 3:17-md-02796 (N.D. Cal.); Ms. Emert was appointed as a member of Plaintiffs' Steering Committee by the Court on January 3, 2018 in *In Re: Sonic Corp. Customer Data Security Breach Litigation*, No. 1:17-md-02807 (N.D. Ohio); Ms. Emert was appointed as a member of Plaintiffs' Executive Committee by the Court on May 15, 2018 in *In re: Apple Inc. Device Performance Litigation*, 18-md-02827-EJD (N.D. Cal.); and Ms. Emert was appointed as a member of Plaintiffs' Steering Committee by the Court on June 15, 2018 in *In Re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, No. 3:18-md-2828-SI (N.D. Cal.). Ms. Emert left the firm in June 2020 and is currently a Partner with the law firm of Kantrowitz, Goldhamer & Graifman.

Aaron L. Brody received his undergraduate degree, *summa cum laude*, in 1990, and his J.D. from New York University School of Law in 1995. At NYU, Aaron Brody concentrated on securities law and was a staff editor on the Review of Law and Social Change. Aaron Brody is a member of the New York State Bar and is admitted to practice before the United States District Courts for the Southern and Eastern Districts of New York. Cases in which Aaron Brody had substantial responsibility include: *In re Initial Public Offerings Sec. Litig.* (recovery of \$586 million); *In re BankAmerica Corp. Sec. Litig.*, MDL No. 1264 (recovery of \$490 million); *Spahn v. Edward D. Jones & Co.*

L.P., 04-CV-00086 (recovery of \$127.5 million); and *In re American Express Financial Advisors Sec. Litig.*, Civil Action No. 04-CV-1773 (S.D.N.Y.) (recovery of \$118 million).

Tzivia Brody received her undergraduate degree, *magna cum laude*, in 1992, and her J.D. from the Benjamin M. Cardozo School of Law in 1995. Ms. Brody is a member of the New York State Bar and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York. Cases in which Ms. Brody had substantial responsibility include *In re Computer Associates Sec. Litig.*, (recovery estimated at \$133.551 million) and *In re Ikon Office Solutions, Inc. Sec. Litig.* (recovery of \$111 million).

California Office

Patrice L. Bishop received her undergraduate degree from New York University and her J.D. from Loyola Law School - Los Angeles in 1994. Ms. Bishop is a member of the California State Bar and is admitted to practice before the Supreme Court of the United States, United States District Courts for the Northern, Central, Southern and Eastern Districts of California, the District of Colorado, the Northern and Central Districts of Illinois, and the United States Court of Appeals for the Second, Eighth and Ninth Circuits. Ms. Bishop has been with the firm for over 17 years. During that time, among other cases, Ms. Bishop worked closely with Mr. Longman on *In Re Peregrine Sec. Litig.*, Southern District of California (recovery of \$117,567,922). She was also the lead attorney in *In re Metris Companies, Inc. Sec. Litig., District of Minnesota* (recovery of \$7.5 million), taking nearly every percipient and expert witness deposition for plaintiffs and making nearly every argument in court. Her work in *Kimeldorf, et al. v. First Union Real Estate Equity and Mortg. Inv., et al.* resulted in a temporary restraining order and preliminary injunction restraining a proposed merger, and significantly enhanced terms for preferred shareholders. She has also participated, including examining and cross-examining witnesses, in two separate trials, each over six weeks long, in cases brought under the federal securities laws.

PAUL E. GILLMOR
5TH DISTRICT, OHIO

COUNTIES: ASHLAND (PART), CRAWFORD,
DEFIANCE, FULTON, HENRY, HURON, LUCAS (PART),
MERCER (PART), PAULDING, PUTNAM, SANDUSKY, SENECA,
VAN WERT, WILLIAMS, WOOD, WYANDOT (PART)

DEPUTY MAJORITY WHIP



Congress of the United States
House of Representatives

Washington, DC 20515-3505

January 2, 2007

COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEES:
ENVIRONMENT AND HAZARDOUS MATERIALS
CHAIRMAN
TELECOMMUNICATIONS AND THE INTERNET
HEALTH
COMMITTEE ON FINANCIAL SERVICES
SUBCOMMITTEES:
CAPITAL MARKETS, INSURANCE AND
GOVERNMENT SPONSORED ENTERPRISES
FINANCIAL INSTITUTIONS AND CONSUMER CREDIT

Via Federal Express and ECF

The Honorable Stanley R. Chesler
United States District Judge
Martin Luther King, Jr. Federal Building
and United States Courthouse
50 Walnut Street
Newark, NJ 08608

Re: In re Merck & Co, Inc., Securities, Shareholder Derivative and ERISA Litig.
(MDL 1658); Case No. 3:05-cv-01151 SRC-MF

Dear Judge Chesler:

I was one of the court appointed lead plaintiffs in *In re Safety-Kleen Rollins Shareholders Litigation*, Civil Action No. 3:00-CV1343-17, which was pending before Judge Joseph Anderson in the District of South Carolina. In that case, which alleged, among other things, violation of the Securities Exchange Act of 1934, I and the other court appointed lead plaintiffs selected Stull, Stull & Brody to be one of the lead counsel for the plaintiffs. That case resulted in a settlement recovery for the class of a very substantial portion of the money that could have been recovered if the case had gone to trial, net of attorneys fees, expenses and administrative fees.

During the course of that litigation, which lasted for about five years, Stull, Stull & Brody kept me apprised of all significant developments in the action such as class certification, settlement negotiations, litigation strategy, pending motions, court rulings and trial preparation. I would regularly speak to counsel by telephone at which time the foregoing topics would typically be discussed and I would have the opportunity to ask questions and provide input.

Respectfully submitted,

Paul E. Gillmor

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202-225-8405

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NORWALK, OH 44857
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TIFFIN
96 SOUTH WASHINGTON STREET, SUITE 400
TIFFIN, OH 44883
419-448-9016

EXHIBIT 37

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF JAMES C. VLAHAKIS
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, James C. Vlahakis, declare as follows:

2 1. I am a Senior Partner at the law firm of SULAIMAN LAW GROUP, LTD.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Steering Committee. The Plaintiff Steering Committee served as a pre-vetted and
6 pre-approved reserve group that was available to provide assistance and additional support to
7 leadership.

8 3. I began to practice law in 1996. Exhibit A lists my most recent hourly rate reported
9 to the Court during the pendency of this litigation, hours spent, and total lodestar. I hereby attest
10 that the billing rates used on the attached Exhibit A conform to the professional rates set at my
11 firm. Further detail regarding my litigation and trial experience is attached hereto as Exhibit B.

12 4. The detailed descriptions of my work on this litigation was prepared from
13 contemporaneous, daily time records prepared and maintained by me and my firm, and submitted,
14 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
15 pursuant to the Court's July 3, 2018 Case Management No. 3: Protocol for Work Performed and
16 Expenses Incurred (Dkt. 148). Detailed time records are available for the Court's review should
17 the Court desire such records.

18 5. The total number of hours expended on this litigation by my firm, as approved by
19 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
20 consolidation through July 31, 2020 is 194.20 hours. The total lodestar for my firm is \$144,679.00.

21 7. Attached hereto as Exhibit B is the resume for my firm.

22 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
23 day of August, 2020, at Burr Ridge, Illinois.

24 s/James C. Vlahakis

25 James C. Vlahakis

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EXHIBIT A

Sulaiman Law Group, Ltd.

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Vlahakis, James C.	Counsel - 24 years	\$ 745.00	194.20	\$ 144,679.00
TOTAL			194.20	\$ 144,679.00

EXHIBIT B

SULAIMAN LAW GROUP, LTD.

2500 HIGHLAND AVE. SUITE 200
LOMBARD, IL 60148
630-581-8181

Sulaiman Law Group, LTD. d/b/a Atlas Consumer Law (“SLG”), is a boutique law firm that specializes in representing consumers in the prosecution of federal statutes that have been enacted to protect consumers from various forms of mistreatment. The primary focus of SLG is to represent consumers in individual and class action cases involving the financial services industry, which includes mortgage services, debt collectors and credit reporting agencies. On behalf of disadvantaged clients, SLG has prosecuted hundreds of civil actions against financial services based defendants.

SLG represents consumers throughout the United States, primarily within the boundaries of the Seventh Circuit Court of Appeals, and federal district courts in California, Colorado, Florida and Texas. Notable jury verdicts include a multimillion dollar verdict against Ocwen Loan Servicing, LLC resulting from its mishandling of a consumer’s mortgage.

James C. Vlahakis. With over twenty four years of experience, Mr. Vlahakis acts as Senior Counsel for SLG. Mr. Vlahakis primarily prosecutes consumer class actions against telemarketers, creditors and debt collectors. Mr. Vlahakis is a former defense attorney, having worked at Hinshaw & Culbertson, LLP (“Hinshaw”) for close to twenty years. While at Hinshaw, Mr. Vlahakis had a nationwide practice where he represented corporations facing a variety of consumer class action. Mr. Vlahakis represented various Fortune 500 companies and governmental entities involving the following statutes: the Fair Debt Collections Practices Act (“FDCPA”); the Telephone Consumer Protection Act (“TCPA”); the Racketeer Influenced and Corrupt Organizations Act, the Rehabilitation Act of 1973; Title VI and 42 U.S.C. § 1983. Mr. Vlahakis has defended Illinois based governmental officials in several high-profile civil rights lawsuits involving wrongful death claims, as well wrongful conviction cases involving accusations of excessive force, torture and planted evidence. Mr. Vlahakis is an experienced class action attorney. *See, e.g., Jamison v. First Credit Servs.*, 290 F.R.D. 92 (N.D. Ill. Mar. 28, 2013) (defeating a motion to certify a proposed TCPA class action); *Pesce v. First Credit Servs.*, 2012 U.S. Dist. LEXIS 188745 (N.D. Ill. June 6, 2012)(decertifying a preliminarily certified TCPA class action); *Hargett, et al, v. Adams, et al*, 02-cv-01456 (N.D. Ill. Jan. 13, 2005)(post-trial Memorandum Opinion and Order granting judgment in favor of defendants who were accused of 25 separate civil rights violations in a class action involving the State of Illinois’ implementation of the Illinois Sexually Violent Persons Commitment Act). In defending the *Hargett* action, Mr. Vlahakis has served as a specially appointed Illinois Assistant Attorney General.

Mr. Vlahakis represents clients in the Seventh Circuit Court of Appeals where he has sustained favorable district court rulings and reversed unfavorable district court rulings. Most recently, Mr. Vlahakis obtained a reversal of a district court’s dismissal of a putative FDCPA based class action in *Preston v. Midland Credit Mgmt*, 948 F.3d 772 (7th Cir. 2020). Mr. Vlahakis has also appeared before the Federal Communications Commission, and has obtained favorable declaratory relief relative to the TCPA. *See*, FCC’s Order of October 30, 2014, FCC 14-164, in CG Docket Nos. 02-278 and 05-338.

Contact information: (630)581-5456 jvlahakis@sulaimanlaw.com

EXHIBIT 38

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF ARIANA J. TADLER
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, ARIANA J. TADLER, declare as follows:

2 1. I am the Founding and Managing Partner of the law firm of TADLER LAW LLP
3 (“Tadler Law”). In June 2019, I left the law firm of Milberg Tadler Phillips Grossman LLP
4 (“MTPG”) and continued my service in this Action, as described in paragraph 2 below, at Tadler
5 Law. This Declaration of Ariana J. Tadler in Support of Named Plaintiffs’ Motion for Final
6 Approval of Proposed Settlement, and for Attorneys’ Fees, Expenses, and Service Awards is
7 submitted in support of the time and expenses reported by TADLER LAW and MTPG, and also
8 includes information, with a corresponding Declaration of Jennifer Czeisler in Support of Named
9 Plaintiffs’ Motion for Final Approval of Proposed Settlement, and for Attorneys’ Fees, Expenses,
10 and Service Awards, in support of the time and expenses reported by Milberg Phillips Grossman
11 LLP (“MPG”) for the period following my departure of MTPG.

12 2. Pursuant to the Court’s May 15, 2018 Order Consolidating Related Actions and
13 Appointing Interim Co-Lead Plaintiffs’ Counsel and Executive and Steering Committees, I was
14 appointed to the Plaintiffs’ Executive Committee while a partner at MTPG. I was also appointed
15 to serve as co-chair of the Offensive Discovery and ESI Coordination Committee and be
16 responsible for coordinating discovery propounded on behalf of the Plaintiffs and the Class
17 consistent with the requirements of the Federal Rules of Civil Procedure. I, complemented by
18 Melissa Clark (then of MTPG), worked closely with co-chair, Karin Swope, and her partner, Eric
19 Fierro, of Keller Rohrback LLP in performing the responsibilities associated with our assigned
20 committee. These duties included coordinating ESI best practices, negotiating with defendant
21 concerning an e-discovery plan, developing an ESI protocol, ensuring that appropriate protective
22 orders were in place, drafting requests for discovery, and applying best practices to optimize data
23 search and management to support plaintiffs’ claims. We carried forth these tasks consistent with
24 the directives received from Interim Co-Lead Counsel. In the scope of our obligations on behalf
25 of the Offensive Discovery and ESI Coordination Committee, we also provided guidance on the
26 collection, production, and processing of responsive ESI in a cost-effective manner. Our efforts
27 helped preserve the integrity of ESI and enabled counsel to prepare for the evidentiary

28 TADLER DECL IN SUPPORT OF MTN FOR FINAL APPROVAL OF PROP SETTLEMENT,
AND FOR ATTORNEYS’ FEES, EXPENSES, AND SERVICE AWARDS - 5:18-md-02827-
EJD

1 admissibility of ESI. While these charges were distinct from the role played by the Defensive
2 Discovery and Plaintiff Coordination Committee, the two committees coordinated as appropriate,
3 regarding ESI related issues relating to defensive discovery. We also worked, from time to time,
4 with the Experts Committee to assess ESI needs and issues; we did so consistent with the directives
5 received from Interim Co-Lead Counsel. In addition, I and my team at MTPG represented plaintiff
6 Judy Milman in this action, with Jennifer Czeisler of MTPG managing communications and
7 coordinating responsibilities associated with Ms. Milman's service as a plaintiff. Post transition to
8 Tadler Law, our duties, as set forth above, continued and principally included coordinating directly
9 with lead counsel and the Offensive Discovery team to optimize the analysis of documents
10 produced in this action (including, but not limited to, identifying and applying analytics, analyzing
11 production data, identifying deficiencies, and reviewing, developing and negotiating search
12 terms); working to pursue and resolve disputed search terms; compiling support for motions to
13 compel including legal research and compilation of metrics and material data points; reviewing
14 and contributing to submissions to and participating in discovery conferences before Judge
15 Westerfield; and providing guidance relating to forensic imaging of plaintiffs' devices. In addition,
16 we continued to coordinate with Jennifer Czeisler of MTPG to manage communications and
17 coordinating responsibilities associated with plaintiff Judy Milman in this action.

18 **3. Time and Lodestar: Tadler Law and MTPG**

19 a. **TADLER LAW:** The individuals of Tadler Law who worked on this
20 matter are listed in **Exhibit A1**, along with years in practice, most recent hourly rates reported to
21 the Court during the pendency of this litigation, hours spent, and total lodestar. I hereby attest that
22 the billing rates used on the attached **Exhibit A1** conform to the professional rates set at Tadler
23 Law. Further detail regarding the litigation and trial experience of each professional can be found,
24 to the extent available, in the **Tadler Law firm resume** attached hereto as **Exhibit C1**.

25 b. **MTPG:** The individuals of MTPG who worked on this matter are listed in
26 **Exhibit A2**, along with years in practice, most recent hourly rates reported to the Court during the
27 pendency of this litigation, hours spent, and total lodestar. I hereby attest that the billing rates used

28 TADLER DECL IN SUPPORT OF MTN FOR FINAL APPROVAL OF PROP SETTLEMENT,
AND FOR ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS - 5:18-md-02827-
EJD

1 on the attached Exhibit A2 conform to the professional rates set at MTPG (and for Ariana Tadler
2 and Melissa Clark, who continued their service, as set at Tadler Law). Further detail regarding the
3 litigation and trial experience of each professional can be found, to the extent available, in the
4 **MTPG historic firm resume** attached hereto as **Exhibit C2**.

5 4. The detailed descriptions of the time spent by the attorneys and other professionals
6 of Tadler Law and MTPG, respectively, in this litigation were prepared from contemporaneous,
7 daily time records prepared and maintained by Tadler Law and MTPG (now MPG), and submitted,
8 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
9 pursuant to the Court's July 3, 2018 Case Management No. 3: Protocol for Work Performed and
10 Expenses Incurred (Dkt. 148). Detailed time records are available for the Court's review should
11 the Court desire such records.

12 5. **Total Hours and Total Lodestar: Tadler Law and MTPG**

13 a. **Tadler Law:** The total number of hours expended on this litigation by
14 Tadler Law, as approved by the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel,
15 from appointment and consolidation through July 31, 2020 is 202.90 hours. The total lodestar for
16 Tadler Law is \$147,940.00.

17 b. **MTPG:** The total number of hours expended on this litigation by MTPG,
18 as approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel, from
19 appointment and consolidation through July 31, 2020, is 937.50 hours. The total lodestar for
20 MTPG is \$705,997.50.

21 6. **Expenses and Charges: Tadler Law and MTPG**

22 a. **Tadler Law:** Attached hereto as **Exhibit B1** is an itemized description of
23 expenses/charges ("expenses") totaling \$100.00, which were necessary in relation to this litigation
24 and submitted, vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-
25 Lead Counsel pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses
26 pertaining to this litigation are reflected in the books and records of Tadler Law. These books and

1 records are prepared from expense vouchers, check records, and other documents and are an
2 accurate record of the expenses.

3 b. **MTPG:** Attached hereto as **Exhibit B2** is an itemized description of
4 expenses totaling \$30,064.74, incurred by MTPG, which were necessary in relation to this
5 litigation and submitted, vetted, and approved by the Chair of the Plaintiffs' Executive Committee
6 and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses
7 pertaining to this litigation are reflected in the books and records of MPG. These books and records
8 are prepared from expense vouchers, check records, and other documents, and are an accurate
9 record of the expenses.

10 7. Attached hereto as **Exhibit C1 and C2**, respectively are the **firm resumes** for
11 **Tadler Law and MTPG (historic resume from prior period)**.

12 8. **Time, Lodestar, and Expenses Reported by MPG:** Attached hereto as **Exhibit**
13 **D** is the Declaration of Jennifer Czeisler in Support of Named Plaintiffs' Motion for Final
14 Approval of Proposed Settlement, and for Attorneys' Fees, Expenses, and Service Awards in
15 support of the **time and expenses reported by MPG** for the time associated with Jennifer Czeisler
16 coordinating communications with plaintiff Judy Milman ("Czeisler Declaration"). As reflected
17 on the report attached to the Czeisler Declaration, the total number of hours expended on this
18 litigation by MPG, as reported by Jennifer Czeisler and as approved by the Chair of the Plaintiffs
19 Executive Committee and Co-Lead Counsel, from appointment and consolidation through July 31,
20 2020 is 8.4 hours. The total lodestar for MPG is \$5,040.00. As reflected on the report attached to
21 the Czeisler Declaration, MPG has no reported expenses.

22

23 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
24 day of August, 2020, at New York, New York.

25

s/Ariana J. Tadler

26

Ariana J. Tadler

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28

EXHIBITS

A1 and A2

Tadler Law LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Tadler, Ariana J.	Partner (26 Years)	\$ 925.00	11.50	\$ 10,637.50
Clark, Melissa	Partner (11 Years)	\$ 725.00	187.50	\$ 135,937.50
Achua, Brooke	Associate (2 years)	\$ 350.00	3.90	\$ 1,365.00
TOTAL			202.90	\$ 147,940.00

Milberg Tadler Phillips Grossman

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Tadler, Ariana J.	Partner (26 Years)	\$ 925.00	244.70	\$ 226,347.50
Clark, Melissa	Partner (11 Years)	\$ 725.00	517.90	\$ 375,477.50
Czeisler, Jennifer S.	Senior Counsel (19 Years)	\$ 600.00	167.40	\$ 100,440.00
Bomzer, Cindy	Paralegal	\$ 325.00	1.30	\$ 422.50
Petrick, Michelle	Investigator (17 years)	\$ 475.00	4.10	\$ 1,947.50
Azar, David	Partner (21 Years)	\$ 625.00	1.30	\$ 812.50
Rado, Andrei	Partner (21 Years)	\$ 650.00	0.20	\$ 130.00
Kelston, Henry	Partner (42 Years)	\$ 700.00	0.60	\$ 420.00
TOTAL			937.50	\$ 705,997.50

EXHIBITS

B1 and B2

In Re: Apple Inc. Device Performance Litigation

EXHIBIT B

Tadler Law

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$ 100.00
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	
TOTAL	\$ 100.00

In Re: Apple Inc. Device Performance Litigation

EXHIBIT B

Milberg Tadler Phillips Grossman

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	\$ 163.98
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 4,550.69
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$ 190.00
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	\$ 60.07
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	\$ 100.00
25. Assessments	\$ 25,000.00
TOTAL	\$ 30,064.74

EXHIBITS

C1 and C2

EXHIBIT C1

New York, NY ■ San Francisco, CA



Tadler Law LLP is a woman-owned litigation boutique law firm that represents consumers, investors, and businesses in complex and class action litigation nationwide. The firm's lawyers are regularly recognized as leaders in the plaintiffs' bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, among other ranking organizations. Partners Ariana J. Tadler and A.J. de Bartolomeo were recognized as Top Lawyers in America in the 2020 U.S. News & World Report Best Lawyers list and were recently recognized in *The Best Lawyers in America*® for class actions and mass torts.

LEADERS IN COMPLEX AND CLASS ACTION LITIGATION

Data Breach and Privacy Litigation: Our lawyers have extended the breadth of their respective practices on behalf of consumers and made their mark litigating class actions alleging massive data breaches and other violations of consumers' personal and data privacy. Our attorneys have spearheaded numerous highly technical cases and have successfully advanced novel legal theories to protect consumers from ever-evolving cybersecurity and data privacy threats. Representative matters include *In Re: Marriott International, Inc. Custom Data Security Breach Litigation*, MDL Case No. 19-md-2879 (D. Md.) (Plaintiffs' Steering Committee ("PSC")); *Adkins, et al. v. Facebook, Inc.*, No. C 18-05982 (N.D. Cal.) (appointed Class Counsel); *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (PSC) (settlement approved in January 2020 in excess of \$380 million for affected consumers, plus potential for \$125 million more for out-of-pocket expenses and credit monitoring); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (PEC; \$117.5 million settlement; Second Amended Order Granting Final Approval of Settlement issued July 22, 2020); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (PSC; \$10 million settlement); *Torres, et al. v. Wendy's International, LLC*, 16-cv-00210 (M.D. Fla.) (class counsel; \$3.4 million settlement); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel); *In re Anthem, Inc. Data Breach*, No. 15-MD-02617 (N.D. Cal.) (plaintiffs' counsel; settlement created a \$115 million non-reversionary cash fund, delivered more than \$500 million in value to the class, and required extensive injunctive relief to prevent a future breach); *In re Premera Blue Cross Customer Data Breach Litig.*, No. 3:15-md-2633-SI (D. Or.) (plaintiffs' counsel).

Consumer Litigation: Our lawyers have long been leaders in protecting consumers from fraudulent and deceptive practices. Among other types of cases, our lawyers have led class actions challenging the use of "natural" labeling on food products made from bioengineered crops (GMOs). *E.g.*, *In re Conagra Foods, Inc* No. 11-05379 (C.D. Cal.) (Class counsel; multi-state class certified; class certification affirmed by Ninth Circuit; petition for *writ of certiorari* denied by U.S. Supreme Court; settlement received final approval; appeal pending); *Frito-Lay North America, Inc. "All Natural" Litigation*, No. 12-MD-02413 (E.D.N.Y) (settled); *In re General Mills, Inc. Kix Cereal Litigation*, Case No. 2:12-cv-00249 (KM)(JBC)(D.N.J.) (Court-appointed Interim Co-Lead Class Counsel; case currently stayed).

Other representative consumer matters include: *In re Apple, Inc. Device Performance Litigation*, 5:18-MD-02827-EJD (N.D. Cal.) (class action alleging Apple throttled the performance of certain devices, including iPhones, with degraded batteries; Ms. Tadler is a member of the court-appointed Plaintiffs' Executive Committee ("PEC")); *Correa v. Sensa Products, LLC.*, No. BC476808 (Cal. Super. Court, Los Angeles Cty.) (\$9 million settlement; alleging that the defendant, manufacturer of a weight-loss product, lacked a sufficient scientific basis for certain of its marketing claims). Additionally, Partner A.J. de Bartolomeo is an acting member of the Plaintiffs' Steering Committee in *In Re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871, a case concerning the fraudulent misrepresentation and concealment of safety risks associated with the drug Avandia.

Equal Pay Litigation: Tadler Law is currently representing the United States Women's National Soccer Team's ("WNT") former goalkeeper Hope Solo in her gender-based employment discrimination lawsuit against the United States Soccer Federation ("the Federation"). *Solo v. United States Soccer Federation*, No. 3:18-cv-05215-DMR (N.D.Cal.). Partner A.J. de Bartolomeo joined Solo's legal team to allege that significant pay disparities exist between the U.S. Men's National Soccer Team ("MNT") and the WNT. According to the suit, contrary to the assertions of the Federation, there are no legitimate, non-discriminatory reasons for this gross disparity of wages, nor can it be explained away by any bona fide seniority, merit or incentive system, or any other factor other than sex. Together with co-counsel, Tadler Law has worked diligently to expose these unsustainable defenses, highlighting the fact that the Federation in Fiscal Year 2017 projected a net profit from the WNT of approximately \$5 million, while projecting a net loss of nearly \$1 million for the MNT. Despite this and other clear indicators of success, the Federation refuses to compensate the WNT players at the same rate or better than that which it pays the MNT players. This is an inexcusable violation of the Equal Pay Act and Title VII.

Across many industries, evidence has shown that men tend to have higher wages than female workers for the same work. As a result, women's economic security is endangered, most severely for women of color, disabled women, elderly women, and women who face barriers to education. A women-owned complex and class action litigation boutique, Tadler Law lawyers understand the importance of wage equity, and they hold employers accountable for pay discrimination, whether it is on behalf of a public figure, or private individuals, through counseling, negotiating terms of compensation, and, if necessary, through litigation.

E-Discovery: Ariana J. Tadler pioneered the development of an e-Discovery Practice Group at a plaintiffs' firm while at a prior firm with which she was affiliated for 23 years. She assembled and trained a dedicated team to meet the e-Discovery demands of complex litigation and developed some of the most exceptional e-Discovery capabilities among U.S. law firms. Established more than 15 years ago, that e-Discovery practice grew extensively and today, Tadler Law offers clients the ability to go toe-to-toe with adversaries in the fast-evolving e-Discovery climate. This multidisciplinary group offers clients a full array of counsel services relating to discovery strategy, data preservation, data collection and storage, sophisticated data search and analysis, production, and computer forensic investigation, as well as training on e-Discovery issues, including application of the latest amendments to the Federal Rules of Civil Procedure, local rules, and state law. All Tadler Law lawyers are trained and experienced in the field of e-Discovery and are regularly called on by attorneys and courts to oversee complex discovery in high-stakes litigation. *E.g.*, *In Re: Marriott International, Inc. Custom Data Security Breach Litigation*, MDL Case No. 19-md-2879 (D. Md.) (appointed to PSC and lead offensive discovery); *Adkins, et al. v. Facebook*,

Inc., No. C 18-05982 (N.D. Cal.) (Interim Class Counsel and lead discovery); *In re Apple, Inc. Device Performance Litigation*, 5:18-MD-02827-EJD (N.D. Cal.) (appointed to PEC and responsible for ESI and offensive discovery); *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (appointed to PSC and responsible for offensive discovery); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (appointed to PEC and responsible for leading discovery); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (appointed to the PEC and charged with leading discovery); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel); *In re: Juul Labs, Inc. Marketing, Sales Practices & Prods. Liab. Litigation*, No. 3:19-md-2913 (N.D. Cal.) (managing e-Discovery and other coordinated discovery).

Antitrust Litigation: Tadler Law's team is well versed in litigating national antitrust matters in various industries, including the pharmaceutical industry. To that end, Partners A.J. de Bartolomeo and Brian Morrison are both actively litigating a pharmaceutical antitrust class action in *In re Glumetza Antitrust Litigation*, No. 3:19-cv-5822 (N.D. Cal.) (de Bartolomeo appointed to PEC), a case alleging that defendants violated federal antitrust laws by engaging in a scheme to charge supracompetitive prices for the diabetes prescription drug Glumetza. Both Ms. de Bartolomeo and Mr. Morrison also litigated other large antitrust matters in other industries at their prior firms, including consumer electronics and financial services.

THE TADLER LAW TEAM

ARIANA J. TADLER has extensive experience litigating and managing complex securities and consumer class actions, including high profile, fast-paced cases and data breach litigations. After more than 20 years working at Milberg LLP and then Milberg Tadler Phillips Grossman LLP, Ms. Tadler and her core team established Tadler Law LLP, a complex and class action litigation boutique firm.

Ms. Tadler is consistently recognized as one of the nation's preeminent leading authorities on electronic discovery and pioneered the establishment of an e-Discovery Practice group within a plaintiffs' firm structure. Ms. Tadler is regularly invited to speak on a variety of litigation and discovery-related topics and has authored numerous articles and developed and promoted best practice tips and tools, including *The Jumpstart Outline*, now in its third edition, published by The Sedona Conference®.

Ms. Tadler and her team have actively litigated numerous highly publicized data breach litigations. Ms. Tadler serves on the PSC in the multidistrict litigation in *In Re: Marriott International, Inc. Custom Data Security Breach Litigation*, MDL Case No. 19-md-2879 (D. Md.), and as appointed class counsel in *Adkins, et al. v. Facebook, Inc.*, No. C 18-05982 (N.D. Cal.). Other representative matters include *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (relating to the credit bureau's data breach, which exposed the financial information of more than 145 million consumers; appointed to PSC; final approval granted on January 13, 2010, with \$380+ million settlement for affected consumers plus a potential additional \$125 million for out-of-pocket losses and free credit monitoring for class members); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (class action arising

from a breach affecting approximately 194 million user accounts; appointed to PEC; \$117.5 million common fund settlement approved; Second Amended Order Granting Final Approval of Settlement issued July 22, 2020); *In re Target Corporation Customer Data Security Breach* Litigation, No. 14-md-2522 (D. Minn.) (representing consumers in a class action alleging that Target Corp. failed to protect customers from a massive data breach during the holiday shopping season; appointed to PSC; achieved a \$10 million settlement).

Ms. Tadler is also currently serving on the PEC in the multidistrict litigation *In re Apple Inc. Device Performance Litigation*, No. 5:18-md-02827-EJD (N.D. Cal.). The *Apple* litigation arises from a December 2017 admission by Apple that it had released iOS updates designed to slow down the performance of certain iPhones and iPads. The case alleges that Apple throttled the performance of these devices to conceal problems with their batteries. Ms. Tadler serves as Co-Chair of the Offensive Discovery and ESI Coordination Committee.

Ms. Tadler is currently serving as lead counsel and settlement class counsel in a number of consumer cases involving the mislabeling of products that contained GMOs as “natural,” including *In re ConAgra Foods, Inc.*, No. 11-05379 (C.D. Cal.) in which a multi-state class was certified by the district court, affirmed by the Court of Appeals for the Ninth Circuit and successfully survived Defendants’ petition for a writ of *certiorari* to the United States Supreme Court. A settlement of that matter was approved in 2019, which is now pending appeal.

Ms. Tadler has been recognized for her ability to manage particularly large, complex, fast-paced litigations. Ms. Tadler’s accomplishments include litigation of three cases in the Eastern District of Virginia (a/k/a the “Rocket Docket”) in less than four years, including *In re MicroStrategy Securities Litigation*, a federal securities litigation, in

which plaintiffs’ counsel negotiated settlements valued at more than \$150 million. Ms. Tadler served on the PEC and as plaintiffs’ liaison counsel in the *Initial Public Offering Securities Litigation* in which the court approved a \$586 million cash settlement. Among the thousands of defendants in this coordinated action were 55 prominent investment banks and more than 300+ corporate issuers.

Ms. Tadler also has been retained as Special Discovery Counsel in complex litigation and class actions. She represented the government of Colombia as Special Discovery Counsel in its pursuit of claims alleging smuggling and illegal sales of alcohol by several international companies for violation of United States RICO statutes and other common law claims. The engagement encompassed identifying relevant information responsive to defendants’ requests, confirming and guiding preservation practices, and interviewing and collecting data from more than 100 custodians in 23 Colombian Departments (Colombia’s equivalent to our States in the U.S.). The team also reviewed and produced data in the litigation and was tasked with ensuring compliance with the various privacy laws of Colombia and the United States with regard to personal data, controlled data and the transfer of sensitive information. Lawyers from other firms faced with e-Discovery challenges seek out Ms. Tadler for her guidance and counsel.

Appointed by United States Supreme Court Chief Justice Roberts, Ms. Tadler serves on the Federal Civil Rules Advisory Committee. Additionally, she has been appointed by Committee Chair Judge John D. Bates to the subcommittee tasked with reviewing and considering potential civil rules for multidistrict litigation (MDL) cases.

Ms. Tadler has completed her service on The Sedona Conference®’s Board of Directors and, after five years as Chair, serves as Chair Emeritus of the Steering Committee for Working Group 1 on Electronic Document

Retention and Production, the preeminent “think tank” on e-discovery. In addition, she serves on the Advisory Board of Georgetown University Law Center’s Advanced E-discovery Institute and on the Bloomberg Law Litigation Innovation Board. Ms. Tadler also recently completed her service as Executive Director for the Board of Advisors of the Benjamin N. Cardozo School of Law’s Data Law Initiative.

Ms. Tadler continues to be recognized for her litigation prowess by prominent legal industry rating organizations. Ms. Tadler’s recent accolades include: repeated Band 1 (highest) recognition by Chambers and Partners’ for E-Discovery; selection as Top Lawyers in America in the 2020 U.S. News & World Report Best Lawyers list, recognition in *The Best Lawyers in America*® for class actions and mass torts; named to Legal 500 rankings as a Leading Individual and Recommended Lawyer; selection by Super Lawyers (2010-2019); New York Metro Super Lawyers (2010-2019); Super Lawyers “Top 100 Lawyers in New York Metro Area” (2015-2019); Super Lawyers “Top 50 Women Lawyers in New York Metro Area” (2015-2019); Who’s Who Legal Litigation: Leading Practitioner-E-Discovery (2017); Who’s Who Legal Litigation (2015-2018); Top 50: 2014 Women New York; and AV® Preeminent rating from Martindale Hubbell. The Legal 500 2016 rankings stated: “‘Consummate professional’ Ariana Tadler, who leads the E-Discovery unit [then at her former firm], is ‘exceptional, clear and forceful, a giant in her field’ ... ‘able to navigate technical discovery issues at a very high level.’”

Ms. Tadler is a member of several legal industry associations, including: American Bar Association; American Bar Foundation (Fellow); American Association for Justice (Legal Affairs Committee); Federal Bar Council; New York State Bar Association; National Association of Women Lawyers; New York Women’s Bar Association. Ms.

Tadler is a fellow of the Litigation Counsel of America, an invitation-only trial lawyer honorary society that recognizes the country’s top attorneys. She is also involved in various community and not-for-profit organizations and has served for 15+ years on the board of Mobilization for Justice (MFJ). She recently served as Co-Chair of MFJ’s benefit, which in the face of COVID-19 pivoted to a virtual event and proved to be a success.

Ms. Tadler commits countless hours to mentoring others in their educational and professional pursuits. She is particularly focused on fostering education and career opportunities for women and underprivileged youth.

Ms. Tadler is also a Founding Principal in Meta-e Discovery LLC, an independent data hosting, management and consulting company, which is the result of the 2015 spin-off of Milberg LLP’s prior Litigation Support and Data Hosting services division that Ms. Tadler spearheaded.

Ms. Tadler graduated from Hamilton College in 1989 and received her J.D. from Fordham University School of Law in 1992.

A.J. DE BARTOLOMEO has nearly 30 years of experience prosecuting class actions and complex matters in courts throughout the United States. She has served in court-appointed leadership roles in numerous MDL mass tort and class action lawsuits.

Ms. de Bartolomeo served on the PSCs for *In re Yaz and Yasmin Birth Control Litigation*, *In re Actos Products Liability Litigation*, and *In re Pradaxa Products Liability Litigation*. Ms. de Bartolomeo has also served on Law and Briefing committees and has been involved with Daubert briefings in a number of cases, including *Yaz*, *Actos* and *Pradaxa*. She previously served on the PSC for *In re Transvaginal Mesh Litigation*. She also served as Co-Lead Counsel representing over 300 individuals (including minors) who used

the Fitbit Force™ Wireless Activity + Sleep Wristband and suffered personal injuries and permanent scarring, achieving a 2017 settlement in aggregate matrix formula for a confidential amount.

In class action matters, she received Co-Lead position appointments in *In re Literary Works in Electronic Database Copyright Litigation*, MDL No. 1379 (S.D.N.Y.), *In re Motors Liquidation Company, et al., f/k/a General Motors Corp., et al.* (Bankruptcy Litigation) (S.D.N.Y.), *In re American Express Financial Advisors Securities Litigation* (S.D.N.Y.), and *CalSTRS v. Qwest Communications, et al.* (N.D. Cal.). She was appointed lead counsel in *Powers v. Cable & Wireless, Inc.* (D. Mass and then settled in Delaware Bankruptcy Court.) and *Telstar v. MCI, Inc.*, achieving a settlement of more than \$2.8 million in cash on behalf of class of commercial subscribers alleging FCA violations for unfair billing practices. Ms. de Bartolomeo currently serves on the Plaintiff's Executive Committee in *In re Glumetza Antitrust Litigation*, No. 3:19-cv-5822 (N.D. Cal.) and on the Plaintiffs' Steering Committee in *In Re Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL 1871.

Ms. de Bartolomeo is in the forefront of advancing opportunities for women in the law. A former Chair of the Women's Trial Lawyer Caucus of the American Association of Justice, she oversaw the caucus's work in leadership training, student scholarship, membership, and political outreach.

Ms. de Bartolomeo has repeatedly received recognition for her litigation and leadership skills by legal industry rating organizations. Recent acknowledgements include: named among Top Lawyers in America in the 2020 U.S. News & World Report Best Lawyers list; recognized in *The Best Lawyers in America*® for class actions and mass torts, named to Legal 500 rankings as a Recommended Lawyer; received AV Preeminent® rating by Martindale Hubbell; and recognized by her

peers as a Northern California Super Lawyer every year since 2013.

Other awards and recognition include the Above and Beyond Award, American Association for Justice, 2018; Top 50 Women Lawyers in Northern California, 2017; Distinguished Service Award, American Association for Justice, 2016; and Top Women Attorneys in Northern California for 2014.

A frequent guest speaker and conference presenter, Ms. de Bartolomeo has addressed subjects of ethical procedures for client and case management, best settlement practices and procedures in complex litigation, pharmaceutical fraud, Daubert challenges, Fed. R. Civ. Pro. 37(e), corporate litigation risk management and compliance procedures, and class action notice and settlement administration.

Past and present memberships and directorships include Member, American Bar Association; Member of ABA Sections on Litigation, and on Antitrust Law and Tort and Insurance Practice; Member, American Association for Justice; Member of the AAJ Executive Committee (2016-Present); Board of Governors (2016-Present); Executive Committee Member for Women's Trial Lawyer Caucus (2016-Present); Chair of Women's Trial Lawyer Caucus (2015-2016); Former Member, National Association of Public Pension Attorneys, Task Force on Securities Litigation and Damage Calculation; Former Member, American Bankruptcy Institute.

BRIAN R. MORRISON is a Partner with Tadler Law LLP. Brian focuses on prosecuting class actions and other complex litigation on behalf of consumers and small businesses. He has a strong working knowledge of consumer and product liability laws across various jurisdictions and industries, and he is well versed in handling class certification issues

and the creation and administration of multidistrict litigation.

Before joining Tadler Law, Brian worked at several nationally recognized law firms, including one of the nation's leading class action and litigation firms. He has worked on some of the largest antitrust and consumer protection class actions in recent history, including the Takata airbag multidistrict litigation, the generic pharmaceutical pricing antitrust litigation, and several billion-dollar financial fraud matters. Additionally, he has consulted closely with state attorneys general and local governments to investigate potential recoveries as part of the opioid epidemic.

Brian previously served as a judicial law clerk for the Honorable Jaynee LaVecchia of the Supreme Court of New Jersey, where he worked on a variety of novel and complex legal issues. He also founded and co-chaired the Young Lawyers Division of the Association of the Federal Bar of New Jersey and served as a founding member of the New Jersey Law Journal Young Lawyers Advisory Board. Brian has worked vigorously to expand pro bono opportunities at his previous firms, serving as a member of his firm's pro bono committees.

Brian earned a J.D., *magna cum laude*, from Rutgers Law School and a B.A. in Business Administration with a concentration in Finance from Georgetown University. While in law school, he was a Notes and Comments Editor for the Rutgers Law Journal and co-founded the Rutgers Business Law Association. He also served as a legal intern for the Honorable Theodore McKee, U.S. Court of Appeals for

the Third Circuit, the Honorable Reggie Walton, U.S. District Court for the District of Columbia, the Honorable Jack Sabatino, Superior Court of New Jersey—Appellate Division, and the Honorable Carol Higbee, Superior Court of New Jersey.

JOANN MILITANO is a Senior Associate with Tadler Law LLP, where she primarily focuses on pursuing and mining electronically stored information (ESI) in nationwide class actions and other complex litigation. She has worked on all facets of e-discovery matters for over ten years and has honed a unique set of skills necessary in today's litigation landscape, managing document reviews relating to antitrust matters, data breaches, class action litigation, patent infringement, and other commercial disputes. She is well versed in the use of the Relativity review platform and the application of Technology Assisted Review ("TAR") and other advanced data analytic tools. Ms. Militano has overseen large-scale reviews from inception to completion, tracking productivity, workflow, and budgetary issues. She also has managed and conducted privilege reviews, created detailed privilege logs, drafted and tested search terms and created protocols and other key materials used by review teams. Ms. Militano has solidified her reputation as the go-to ESI and discovery resource in complex litigations. She earned a J.D. from Brooklyn Law School, and a B.A. in Anthropology and History, *magna cum laude*, from SUNY College at Oneonta.

ATTORNEYS FORMERLY WITH TADLER LAW LLP WHO WORKED ON THE LITIGATION

MELISSA RYAN CLARK was a Partner with Tadler Law LLP until June 2020. She has spent more than a decade litigating complex and class action privacy, financial, and consumer cases, and is now associated with another firm.

She has a broad range of class action experience, having represented consumers in data privacy, data breach, and consumer fraud cases against data and tech giants like Facebook, Inc., Google, Apple, Inc., Equifax Inc., and RCN Corp., as well as corporations in other industries, such as Wendy's International, LLC. Ms. Clark also has a strong background in securities fraud litigation and has represented investors in class actions against publicly traded companies like ARIAD Pharmaceuticals, Inc. and Virgin Mobile USA.

Before working with Ms. Tadler at her prior firm, Ms. Clark worked at a boutique firm in New York, where she was part of a securities litigation team that recovered several multimillion-dollar settlements on behalf of investors. Her legal work experience also includes judicial externships with the Honorable Jerry Brown, Chief Judge of the United States Bankruptcy Court, Eastern District of Louisiana and the Honorable Jay C. Zainey of the United States District Court, Eastern District of Louisiana, as well as a clerkship for the San Francisco District Attorney's Office.

In addition to her legal work, Ms. Clark has experience teaching legal research, writing, and management communication skills as a Senior Fellow at Tulane Law School and an Adjunct Writing Instructor at Tulane University's Freeman School of Business.

She is an active member of the New York State Bar Association, where she serves on the Law, Youth & Citizenship Committee and Mock Trial subcommittee, and the American Bar Association, where she serves on the Professional Liability Committee as co-editor of the newsletter.

Ms. Clark received her B.S. from Florida State University in 2004 and her J.D. from Tulane University in 2007. She also attended UC Berkeley-Boalt Hall for a semester, where she received high honors in Securities & Class Action Litigation and was a member of the *California Law Review*. Ms. Clark has been recognized as a New York Super Lawyers "Rising Star" each year since 2011 and was named to the Benchmark Litigation 40 & Under Hot List in 2018.

BROOKE A. ACHUA was an Associate with Tadler Law LLP until December 2019. Her work principally involved sophisticated and complex discovery and forensic data analysis. At her prior firm, she focused her practice in complex civil litigation, representing both plaintiffs and defendants in class action claims, food and beverage labeling litigation, antitrust suits, contract disputes, and trade secret litigation. In this capacity, Ms. Achua managed forensic analysis of electronic discovery in cybersecurity actions, defended small-business owners from a variety of breach of contract claims, and propelled class certification forward through her effective representation of a class of merchants in a price-fixing suit. Ms. Achua used her technical experience and creative problem-solving skills to arrive at legal solutions to serve the needs of her clients.

Ms. Achua was also active in the legal community, including previously serving as an

At-Large Director of the Minnesota Association of Black Lawyers and a member of the Federal bar Association Minnesota Chapter. Before joining Tadler Law, Ms. Achua solidified her commitment to serving underrepresented communities as a Congressional Intern to Congressman Keith Ellison. Most recently, Ms. Achua volunteered her time providing pro bono assistance to low-income victims of domestic violence through the Tubman Pro Bono Safety Project.

Ms. Achua attended Mitchell Hamline School of Law in St. Paul, Minnesota on a full academic scholarship. She graduated with honors and received recognition for her dedication to pro bono work. In law school, Ms. Achua gained valuable court experience at the federal judiciary externing for the Honorable Michael J. Davis at the Minnesota U.S. District Court. Ms. Achua also served as the President of the Mitchell Hamline Black Law Student Association from September 2015 to May 2016, earning her the Judge Pamela G. Alexander Scholarship on behalf of the Minnesota Association of Black Lawyers.

THE FIRM'S PRACTICE AND ACHIEVEMENTS

Milberg Tadler Phillips Grossman LLP ("MTPG") helps clients challenge corporate wrongdoing through class action, mass tort, personal injury, consumer, and shareholder rights services. MTPG was established in 2018 by members of Milberg LLP, a leading class action and complex litigation firm, and Sanders Phillips Grossman LLC, a nationally recognized plaintiffs' law firm representing consumers in mass tort and personal injury cases.¹ MTPG is headquartered in New York City and works with a network of lawyers located across the country.

Milberg LLP, founded in 1965, took the lead in landmark cases that set groundbreaking legal precedents and prompted changes in corporate governance benefitting shareholders and consumers. Milberg LLP pioneered federal class action litigation and is widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing. It has been responsible for recoveries valued at approximately \$56 billion during the life of the firm.

Sanders Phillips Grossman LLC provides exemplary legal representation in the practice areas of Defective Drugs, Defective Medical Devices, Consumer Fraud, Whistleblower, Class Actions, Catastrophic Injury, and Toxic Exposure. As a nationally recognized leading plaintiffs' law firm for the past three decades, the firm and its predecessors have recovered more than one billion dollars for injured consumers. Sanders Phillips Grossman has offices in Seattle, WA; Los Angeles, CA; and Puerto Rico.

Through these firms' strategic partnership, MTPG represents government entities and individuals who have suffered harm from securities fraud, data breaches, antitrust violations, consumer fraud, corporate misconduct, opioids, water contamination, and a wide range of commercial and pharmaceutical malfeasance.

MTPG's ability to pursue claims against defendants is augmented by its investigators, headed by a 27-year veteran of the Federal Bureau of Investigation. The firm's lawyers have been regularly recognized as leaders in the plaintiffs' bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, among others.

MTPG'S LAWYERS ARE INDUSTRY LEADERS IN A VARIETY OF PRACTICE AREAS

Securities and Financial Litigation and Arbitration: In its early years, Milberg LLP built a new area of legal practice in representing shareholder interests under the then recently amended Rule 23 of the Federal Rules of Civil Procedure, which allowed securities fraud cases, among others, to proceed as class actions. MTPG's attorneys have since represented plaintiffs in an array of financial cases, including securities class actions, derivative litigations, accounting malpractice disputes, and FINRA arbitrations. Significant litigation results include: *In re Vivendi Universal, S.A. Securities Litigation* (jury verdict for plaintiff class in January 2010); *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion settlement); *In re Nortel Networks Corp. Securities Litigation* (settlement for cash and stock valued at \$1.142 billion); *In re Merck & Co., Inc. Securities Litigation*, Nos. 05-1151 and 05-2367 (D.N.J.) (a \$1.062 billion recovery); *In re Comverse Technology, Inc. Derivative Litigation*, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.) (\$62 million settlement which also resulted in significant corporate governance reforms).

Consumer Litigation: MTPG's lawyers have long been leaders in protecting consumers from fraudulent and deceptive practices. For example, MTPG lawyers serve as co-lead counsel in class

¹ As of January 1, 2018, Milberg LLP's lawyers are now prosecuting new and active cases out of MTPG.

actions challenging the use of “natural” labeling on food products made with crops grown from seeds that have been genetically engineered using sophisticated laboratory techniques (GMOs). *In re Conagra Foods, Inc.*, No.11-05379 (M.D. Cal.) (multi-state class certified; affirmed by Ninth Circuit; petition for writ of certiorari denied by U.S. Supreme Court); *Frito-Lay North America, Inc. “All Natural” Litigation*, No. 12-MD-02413 (E.D.N.Y.) (recently resolved by a court-approved settlement). Other representative consumer matters include *Correa v. Sensa Products, LLC.*, No. BC476808 (Cal. Super. Court, Los Angeles Cty.) (\$9 million settlement in case alleging that the defendant, manufacturer of a weight-loss product, lacked a sufficient scientific basis for certain of its marketing claims); *In re: Shop-Vac Marketing and Sales Practices Litigation*, No. 4:12-md-02380 (M.D. Pa.) (class action against Shop-Vac and Lowe’s alleging that the companies misrepresented the tank capacity and horsepower of its wet/dry vacuums; settlement led to extended warranties and marketing and advertising changes); *Novak v. Pacific Bioscience Laboratories Products, Inc., and Pacific Bioscience Laboratories Products, Inc.*, Case No. BC582188 (Cal. Super. Court, Los Angeles Cty.) (case alleging that batteries in certain Clarisonic skin brushes are defective; motion for approval of settlement, which would extend owners’ warranties and require the repair or replacement of affected brushes, pending).

Data Breach and Privacy Litigation: MTPG’s Data Breach and Privacy Practice Group litigates class actions alleging massive data breaches and other violations of consumers’ personal and data privacy. Its attorneys have spearheaded numerous highly technical cases and have successfully advanced novel legal theories to protect consumers from ever-evolving cybersecurity and data privacy threats. Representative matters include *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (appointed to Plaintiffs’ Steering Committee (“PSC”)); *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (appointed to the Plaintiffs’ Executive Committee); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (appointed to the PSC; achieved a \$10 million settlement); *Torres, et al. v. Wendy’s International, LLC* 16-cv-00210 (M.D. Fla.) (plaintiffs’ counsel); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel); *In re Anthem, Inc. Data Breach*, No. 15-MD-02617 (N.D. Cal.) (plaintiffs’ counsel; settlement created a \$115 million non-reversionary cash fund, delivered more than \$500 million in value to the class, and required extensive injunctive relief to prevent a future breach (pending approval)); *In re Premera Blue Cross Customer Data Breach Litig.*, No. 3:15-md-2633-SI (D. Or.) (plaintiffs’ counsel); *Carandang v. Google, Inc.* CGC-12-518415 (Cal. Super., San Francisco Cty.) (plaintiff’s counsel; reached confidential resolution); *Ung, et al. v. Facebook, Inc.*, 1-12-CV-217244 (Cal. Super., Santa Clara Cty.) (plaintiff’s counsel).

Antitrust: MTPG’s Antitrust Practice Group prosecutes large, complex antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. It has played an important role in many cases involving price-fixing, supply manipulation, tying arrangements, exclusive dealing, and refusals to deal. Significant antitrust cases include *Blessing v. Sirius XM Radio Inc.*, No. 09-cv-10035 (S.D.N.Y.) (Co-Lead Counsel; class settlement valued at \$180 million); *Sandhaus v. Bayer AG, et al.*, No. 00-cv-6193 (D. Kan.) (Co-Lead Counsel, secured largest consumer recovery from a pay-for-delay case in Kansas: \$9 million settlement); and *In re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho) (Co-Lead Counsel for Indirect Purchaser Plaintiffs, \$5.5 million settlement and agreed upon injunctive relief). The MTPG Antitrust Practice Group continues to act in a number of significant and ongoing antitrust cases including *In re Dealer Management Systems Antitrust Litig.*, MDL No. 2817 (N.D. Ill.) (Dealership Plaintiffs’ Interim Lead Class Counsel); *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J. 2015) (Plaintiffs’ Steering Committee member); *In re Processed Eggs Antitrust Litig.*, MDL No.

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2002 (E.D. Pa., 2008) (Indirect Purchaser Plaintiffs' Co-Lead Counsel); and *In re Disposable Contact Lens Antitrust Litigation*, No. 3:15-md-02626 (M.D. Fla. 2015).

False Claims Act Litigation: MTPG attorneys have expertise in a wide range of federal and state false claims act ("FCA") cases and have returned hundreds of millions of dollars to federal and state treasuries. Their successful results include: *Caris Healthcare* (alleging that Caris submitted false claims by admitting and recertifying patients into hospice when they did not meet Medicare criteria. The United States partially intervened and Caris agreed to pay \$8.5 million to settle the case.); *CareCore* (alleging that CareCore violated the FCA by approving "prior authorizations" for expensive diagnostic procedures without reviewing them for medical necessity. The government intervened, the case settled for \$54 million, and the relator received a 20% (\$10.5 million) share of the settlement); *Bank of America* (alleging that Bank of America improperly recouped insurance proceeds from the U.S. Department of Housing and Urban Development. Settled as part of the \$16.65 billion global settlement regarding Bank of America's mortgage practices – the largest civil settlement with a single entity in American history); *CareAll* (alleging one of Tennessee's largest home healthcare providers made fraudulent submissions of Medicare and Medicaid claims. The government intervened and the case settled for \$25 million with a relator's share of \$3.9 million); *Medline* (case arising from unlawful kickbacks, bribes, and other illegal remuneration to induce health care providers to continue to purchase defendant's medical supplies in which the government declined to intervene. The resulting \$85 million settlement is one of the largest settlements of a non-intervened FCA case to date.); *Bristol-Myers Squibb* (FCA case brought in connection with the company's "off-label" promotion and sales of an anti-psychotic drug. One of seven FCA actions that formed the basis of the government's investigation into BMS's illegal marketing tactics which resulted in a total settlement of over \$515 million.).

E-Discovery: Among the first plaintiffs' firms in the country to assemble and train a dedicated team to meet the e-discovery demands of complex litigation, Milberg LLP, at Ariana J. Tadler's direction, developed some of the most exceptional e-discovery capabilities among U.S. law firms. Established more than 15 years ago, that e-discovery practice has grown extensively and today, MTPG offers clients the ability to go toe-to-toe with adversaries in the fast-evolving e-discovery climate. This multidisciplinary group offers clients a full array of counsel services relating to discovery strategy, data preservation, data collection and storage, sophisticated data search and analysis, production, and computer forensic investigation, as well as training on e-discovery issues, including application of the recent amendments to the Federal Rules of Civil Procedure, local rules, and state law. MTPG's e-discovery attorneys are regularly called on by attorneys and courts to oversee complex discovery in high-stakes litigation. *E.g.*, *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (appointed to Plaintiffs' Steering Committee and responsible for leading discovery); *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (appointed to Plaintiffs' Executive Committee and responsible for leading discovery); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (appointed to the PSC and charged with leading discovery); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel).

NOTEWORTHY RESULTS AND PRECEDENT-SETTING DECISIONS

The quality of MTPG's representation is further evidenced by Milberg LLP's and MTPG's numerous significant recoveries and successes. Those firms and their attorneys have also been responsible for establishing many important precedents. Some of those achievements are described below:

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- ***In re Merck & Co., Inc. Securities Litigation***, Nos. 05-1151 and 05-2367 (D.N.J.). Milberg LLP served as co-lead counsel in this federal securities fraud class action, and following over 12 years of hard-fought litigation, ultimately obtained a combined settlement totaling \$1.062 billion, the largest securities class action settlement ever against a pharmaceutical company, which received final approval on June 28, 2016. This lawsuit involved claims under the Securities Exchange Act of 1934 against Merck and certain of its executives arising out of allegations that defendants made materially false and misleading statements concerning the safety profile and commercial viability of Merck's purported "blockbuster" drug VIOXX. During this litigation, Milberg LLP and co-lead counsel engaged in exhaustive discovery, including the review and analysis of over 35 million pages of documents involving complex scientific and medical issues, as well as the examination of over 59 fact and expert witnesses. Plaintiffs successfully appealed the dismissal of this action on state of limitations grounds to the Third Circuit Court of Appeals, and prevailed in defendants' further appeal to the Supreme Court, resulting in a unanimous decision by the Supreme Court in Plaintiffs' favor which clarified the law regarding the application of the statute of limitations to federal securities fraud claims. Plaintiffs' claims also survived additional motions to dismiss and motions for summary judgment, and the parties reached settlement less than three months before trial was scheduled to commence.
- ***In re Oppenheimer Rochester Funds Group Securities Litigation***, No. 09-md-02063-JLK-KMT (D. Colo.). Milberg LLP, serving as co-lead counsel, litigated this complex securities class action brought on behalf of six separate classes of defrauded investors and obtained settlements totaling \$89.5 million in cash for the classes.
- ***In re Vivendi Universal, S.A. Securities Litigation***, No. 02-5571 (S.D.N.Y.). Milberg LLP lawyers served among lead trial counsel and obtained a jury verdict for a class of defrauded investors after a trial lasting nearly four months. The jury found Vivendi liable for 57 false or misleading class period statements. At the close of the trial, Judge Richard Holwell commented, "I can only say that this is by far the best tried case that I have had in my time on the bench. I don't think either side could have tried the case better than these counsel have."
- ***In re Target Corporation Customer Data Security Breach Litigation***, No. 14-md-02522-PAM (D. Minn.). Partner Ariana J. Tadler serves on the Steering Committee guiding the landmark data breach case. In addition to participating in overall case strategy, the drafting of pleadings and motions, and settlement negotiation, the Milberg LLP team was responsible for leading discovery, which included targeted discovery requests, the establishment of a series of discovery protocols, the selection of a data-hosting provider, and discovery motion practice that involved unique topics warranting special attention. The case, which involved an estimated 110 million consumers whose personal information was compromised, settled for \$10 million, entitling individual consumers to recover losses up to \$10,000.
- ***In re Conagra Foods, Inc., No.11-05379 (M.D. Cal.)***. The firm is co-lead counsel in a class action against ConAgra Foods, Inc., the maker of Wesson Oils, concerning the company's use of the phrase "100% Natural" to market food products made with crops grown from seeds that have been genetically engineered using sophisticated laboratory techniques. The District Court certified eleven separate statewide classes of Wesson purchasers. ConAgra appealed the class certification order to the Ninth Circuit Court of Appeals, which affirmed in a decision considered extremely favorable to consumer class actions. Conagra petitioned the U.S. Supreme Court for review of the Ninth Circuit's decision. The Supreme Court denied the petition.

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- ***In re Chase Bank USA, N.A. “Check Loan” Contract Litig.***, No. 09-2032 (N.D. Cal.). Milberg LLP served on the Executive Committee representing the class in this action against JP Morgan Chase & Co. The complaint alleged that Chase improperly increased by 150% the minimum monthly payment requirement for customers who entered into balance transfer loans with “fixed” interest rates that were guaranteed to remain so for the “life of the loan.” Milberg and its co-counsel achieved a \$100 million settlement for the class.
- ***Mason v. Medline***, No. 07-05615 (N.D. Ill.). Milberg LLP successfully represented a healthcare worker in a False Claims Act case against his former employer, Medline Industries, Inc., one of the nation’s largest suppliers of medical and surgical products, along with its charitable arm, The Medline Foundation. The suit alleged that Medline engaged in a widespread illegal kickback scheme targeting hospitals and other healthcare providers that purchase medical products paid for by federal healthcare programs. Although a party to the settlement agreement, the U.S. Department of Justice chose not to intervene in the lawsuit. Milberg LLP pursued the case on a non-intervened basis and recovered \$85 million on behalf of the federal government -- one of the largest settlements of a False Claims Act case in which the government declined to intervene. The whistleblower was awarded 27.5% of the proceeds.
- ***Blessing v. Sirius XM Radio, Inc.***, No. 09-10035 (S.D.N.Y.). This antitrust case stemmed from the 2008 merger of Sirius Satellite Radio, Inc. and XM Satellite Holdings, Inc. that created Sirius XM, the nation’s only satellite radio company. The plaintiffs alleged that the merger of the only two U.S. satellite radio providers was an illegal move to eliminate competition and monopolize the satellite radio market. Before the merger, Sirius CEO Mel Karmazin convinced regulators not to block the deal by promising that “the combined company will not raise prices” and that the merger would actually result in “lower prices and more choice for the consumer.” After the merger, Sirius quickly reversed course, raised prices by 15-40%, and eliminated multiple radio stations. Milberg LLP achieved a settlement for the class valued at \$180 million.
- ***In re Initial Public Offering Securities Litigation***, No. 21-MC-92 (S.D.N.Y.). Milberg LLP represented investors in 300+ consolidated securities actions arising from an alleged market manipulation scheme. Plaintiffs alleged, among other things, that approximately 55 defendant investment banks, in dealing with certain of their clients, conditioned certain allocations of shares in initial public offerings on the subsequent purchase of more shares in the aftermarket, thus artificially boosting the prices of the subject securities. This fraudulent scheme, plaintiffs alleged, was a major contributing factor in the now infamous technology “bubble” of the late 1990s and early 2000s. As a member of the court-appointed Plaintiffs’ Executive Committee, and with certain partners appointed by the court as liaison counsel, Milberg LLP oversaw the efforts of approximately 60 plaintiffs’ firms in combating some of the most well-respected defense firms in the nation. In granting final approval to a \$586 million settlement on October 5, 2009, the court described the law firms comprising the Plaintiffs’ Executive Committee as the “cream of the crop.”
- ***In re Tyco International Ltd., Securities Litigation***, MDL 1335 (D.N.H.). Milberg LLP served as co-lead counsel in this litigation, which involved claims under the Securities Act of 1933 and the Securities Exchange Act of 1934 against Tyco and its former CEO, CFO, general counsel, and certain former directors arising out of allegations of Tyco’s \$5.8 billion overstatement of income and \$900 million in insider trading, plus hundreds of millions of dollars looted by insiders motivated to commit the fraud. Plaintiffs also asserted claims under the 1933 and 1934 Acts against PricewaterhouseCoopers LLP for allegedly publishing false audit opinions on

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Tyco's financial statements during the class period and failing to audit Tyco properly, despite knowledge of the fraud. On December 19, 2007, the court approved a \$3.2 billion settlement of the plaintiffs' claims lauded Milberg LLP's efforts as co-lead counsel:

This was an extraordinarily complex and hard-fought case. Co-Lead Counsel put massive resources and effort into the case for five long years, accumulating [millions of dollars in expenses] and expending [hundreds of thousands of hours] on a wholly contingent basis. But for Co-Lead Counsel's enormous expenditure of time, money, and effort, they would not have been able to negotiate an end result so favorable for the class. . . . Lead Counsel's continued, dogged effort over the past five years is a major reason for the magnitude of the recovery. . . .

535 F. Supp. 2d 249, 270 (D.N.H. 2007).

- ***In re Biovail Corp. Securities Litigation***, No. 03-8917 (S.D.N.Y.). Milberg LLP, representing Local 282 Welfare Trust Fund and serving as co-lead counsel, litigated this complex securities class action brought on behalf of a class of defrauded investors, alleging that defendants made a series of materially false and misleading statements concerning Canadian company Biovail's publicly reported financial results and the company's then new hypertension/blood pressure drug, Cardizem LA. This was a highly complex case in which counsel took numerous depositions across the U.S. and Canada and obtained documents from defendants and several third-parties, including, among others, UBS, McKinsey & Co., and Merrill Lynch. Milberg LLP obtained a \$138 million settlement for the

class, and Biovail agreed to institute significant corporate governance changes.

- ***In re Nortel Networks Corp. Securities Litigation***, No. 01-1855 (S.D.N.Y.). In this federal securities fraud class action, Milberg LLP served as lead counsel for the class and the court-appointed lead plaintiff, the Trustees of the Ontario Public Service Employees' Union Pension Plan Trust Fund. In certifying the class, the court specifically rejected the defendants' argument that those who traded in Nortel securities on the Toronto Stock Exchange (and not the New York Stock Exchange) should be excluded from the class. The Second Circuit denied the defendants' attempted appeal. On January 29, 2007, the court approved a settlement valued at \$1.142 billion.
- ***In re CMS Energy Corp. Securities Litigation***, No. 02-72004 (E.D. Mich.). Milberg LLP served as co-lead counsel in this federal securities fraud case arising out of alleged round-trip trading practices by CMS Energy Corporation, Judge Steeh approved a cash settlement of more than \$200 million.
- ***In re Deutsche Telekom AG Securities Litigation***, No. 00-9475 (S.D.N.Y.). Milberg LLP served as co-lead counsel in this securities class action alleging that Deutsche Telekom issued a false and misleading registration statement, which improperly failed to disclose its plans to acquire VoiceStream Wireless Corporation and materially overstated the value of the company's real estate assets. In June 2005, Judge Buchwald approved a \$120 million cash settlement.
- ***In re Comverse Technology, Inc. Derivative Litigation***, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.). On December 28, 2009, Milberg LLP announced a \$62 million settlement for the derivative plaintiffs, which was approved by the Court on June 23, 2010. The settlement also resulted in significant corporate governance reforms, including the replacement of the offending directors and officers with new

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independent directors and officers; the amendment of the company's bylaws to permit certain long-term substantial shareholders to propose, in the Company's own proxy materials, nominees for election as directors (proxy access); and the requirement that all equity grants be approved by both the Compensation Committee and a majority of the non-employee members of the Board.

- ***In re Topps Co., Inc. Shareholder Litig.***, No. 600715/2007 (N.Y. Sup. Ct. N.Y. Cnty. Apr. 17, 2007). Milberg LLP served as co-lead counsel in this transactional case, which led to a 2007 decision vindicating the rights of shareholders under the rules of comity and the doctrine of *forum non conveniens* to pursue claims in the most relevant forum, notwithstanding the fact that jurisdiction might also exist in the state of incorporation. This case was settled in late 2007 in exchange for a number of valuable disclosures for the class.
- ***Platinum Partners v. Chicago Board Options Exchange, Inc.***, No. 1-11-2903 (Ill. App. Ct. 2012). MTPG currently represents Platinum Partners, an investment management group, in a case against the Chicago Board Options Exchange, Inc. and Options Clearing Corp., arising from their private disclosure of strike price information to certain insiders prior to that information being made public. Platinum Partners asserted claims against CBOE and OCC under the Illinois Securities Law, the Illinois Consumer Fraud and Deceptive Trade Practices Act, and common law fraud. To date, Platinum Partners has won two separate appeals in the Appellate Court of Illinois, First District. First, on August 10, 2012, Platinum Partners obtained reversal of the circuit court's dismissal of this action with prejudice on the basis that Platinum Partners' claims were barred by the doctrine of regulatory immunity. Six years later, Platinum Partners obtained reversal of the circuit court's decision granting OCC summary judgment on the same basis that OCC's conduct was protected by the doctrine of regulatory

immunity. In both decisions, the appellate court held that, "[w]here defendants privately disclose information about the price adjustment of a stock option to selected market participant before the information is made publicly available, the doctrine of regulatory immunity does not apply."

- ***In re Lord Abnett Mutual Funds Fee Litigation***, 553 F.3d 248 (3d Cir. 2009). This important decision set significant precedent regarding the scope of preemption under the Securities Litigation Uniform Standards Act of 1998 ("SLUSA"). In reversing the District Court's dismissal of the plaintiffs' claims, the Third Circuit held that "SLUSA does not mandate dismissal of an action in its entirety where the action includes only some pre-empted claims." In so holding, the court explained that "nothing in the language, legislative history, or relevant case law mandates the dismissal of an entire action that includes both claims that do not offend SLUSA's prohibition on state law securities class actions and claims that do . . ."
- ***Tellabs, Inc. v. Makor Issues & Rights, Ltd.***, 551 U.S. 308 (2007). In *Tellabs*, in which Milberg LLP was lead counsel for the class, the United States Supreme Court announced a uniform standard for evaluating the sufficiency of a complaint under the PSLRA. The court held that on a motion to dismiss, a court "must consider the complaint in its entirety," accepting "all factual allegations in the complaint as true," as well as "tak[ing] into account plausible opposing inferences." On remand, the Seventh Circuit concluded that "the plaintiffs have succeeded, with regard to the statements identified in our previous opinion as having been adequately alleged to be false and material, in pleading scienter in conformity with the requirements of the PSLRA. We therefore adhere to our decision to reverse the judgment of the district court dismissing the suit." The unanimous decision was written by Judge Richard A. Posner.

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- *South Ferry LP #2 v. Killinger*, 542 F.3d 776 (9th Cir. 2008). The important opinion issued by the Ninth Circuit in this securities fraud class action clarified, in the post-*Tellabs* environment, whether a theory of scienter based on the “core operations” inference satisfies the PSLRA’s heightened pleading standard. In siding with the plaintiffs, represented by Milberg LLP, the Ninth Circuit held that “[a]llegations that rely

on the core operations inference are among the allegations that may be considered in the complete PSLRA analysis.” The court explained that under the “holistic” approach required by *Tellabs*, all allegations must be “read as a whole” in considering whether plaintiffs adequately plead scienter. After remand, the District Court found that the plaintiffs sufficiently alleged scienter under the Ninth Circuit’s analysis.

MTPG’s ATTORNEYS

MANAGING PARTNERS

ARIANA J. TADLER is a Managing Partner at Milberg Tadler Phillips Grossman LLP. She has extensive experience litigating and managing complex securities and consumer class actions, including high profile, fast-paced cases and data breach litigations. Ms. Tadler is recognized as one of the nation’s preeminent leading authorities on electronic discovery and pioneered the establishment of an E-Discovery Practice group within a plaintiffs’ firm structure. Ms. Tadler is regularly invited to speak on a variety of litigation and discovery-related topics and has authored numerous articles and developed and promoted best practice tips and tools, including *The Jumpstart Outline*, now in its third edition, published by The Sedona Conference®.

Ms. Tadler and her team have actively litigated numerous highly publicized data breach litigations on behalf of consumers and data service users. Ms. Tadler was recently appointed to serve on the Plaintiffs’ Steering Committee in the multidistrict litigation *In Re Equifax, Inc. Customer Data Security Breach Litigation* pending in the United States District Court for the Northern District of Georgia, Atlanta Division, relating to the credit bureau’s data breach last year, which exposed the financial information of more than 145 million consumers. Ms. Tadler and her team are principally responsible for the pursuit, management, and utilization of discovery from the defendant as well as the negotiation of key stipulations and proposed orders and agreements governing discovery.

Ms. Tadler was recently appointed to the Plaintiffs’ Executive Committee in *In re: Apple Inc. Device Performance Litig.*, 18-MD-02827 EJD (N.D. Cal.), to spearhead offensive discovery.

Ms. Tadler is one of five court-appointed members of the Plaintiffs’ Executive Committee in *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.), a class action arising from a breach affecting more than 3 billion Yahoo! user accounts. The firm’s team, under Ms. Tadler’s direction, is primarily responsible for the massive and complex discovery in the case.

Ms. Tadler is a member of the court-appointed Steering Committee in *In re Target Corporation Customer Data Security Breach Litigation*, representing consumers in a class action alleging that Target Corp. failed to protect customers from a massive data breach during the holiday shopping season (achieved a \$10 million settlement).

Ms. Tadler is currently serving as lead counsel in a number of consumer cases involving the mislabeling as “natural” products that contained GMOs, including *In re ConAgra Foods, Inc.*, in which a class was certified by the district court, affirmed by the Court of Appeals for the Ninth Circuit and successfully survived a petition for a writ of *certiorari* to the United States Supreme Court by defendants.

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Ms. Tadler successfully represented an alternative energy company in its claims of negligence against one of the Big 4 accounting firms.

Ms. Tadler has been recognized for her ability to manage particularly large, complex, fast-paced litigations. Ms. Tadler's accomplishments include litigation of three cases in the Eastern District of Virginia (a/k/a the "Rocket Docket") in less than four years, including *In re MicroStrategy Securities Litigation* in which plaintiffs' counsel negotiated settlements valued at more than \$150 million. Ms. Tadler served as one of the court-appointed plaintiffs' liaison counsel in the *Initial Public Offering Securities Litigation* in which the court approved a \$586 million cash settlement. Among the thousands of defendants in this coordinated action were 55 prominent investment banks and more than 300 corporate issuers.

Ms. Tadler also has been retained as Special Discovery Counsel in complex litigation and class actions. She represented the government of Colombia as Special Discovery Counsel in its pursuit of claims alleging smuggling and illegal sales of alcohol by several international companies for violation of United States RICO statutes and other common law claims. The engagement encompassed identifying relevant information responsive to defendants' requests, confirming and guiding preservation practices, and interviewing and collecting data from more than 100 custodians in 23 Colombian Departments (Colombia's equivalent to our States in the U.S.). The team also reviewed and produced data in the litigation, and was tasked with ensuring compliance with the various privacy laws of Colombia and the United States with regard to personal data, controlled data and the transfer of sensitive information—all hot topics in the area of e-discovery today. Lawyers from other firms faced with e-discovery challenges seek out Ms. Tadler for her guidance and counsel.

Ms. Tadler was recently appointed by United States Supreme Court Chief Justice Roberts to serve on the Federal Civil Rules Advisory Committee. Additionally, she has been appointed by Committee Chair Judge John D. Bates to the

subcommittee tasked with reviewing and considering potential civil rules for multidistrict litigation (MDL) cases.

Ms. Tadler recently completed her service on The Sedona Conference[®]'s Board of Directors and, after serving for five years as Chair, has continued to serve as Chair Emeritus of the Steering Committee for Working Group 1 on Electronic Document Retention and Production, the preeminent "think tank" on e-discovery. In addition, she serves on the Advisory Board of Georgetown University Law Center's Advanced e-discovery Institute where she has helped educate federal judges and lawyers on e-discovery issues and also serves on the Bloomberg Law Litigation Innovation Board. Ms. Tadler also recently completed her service as Executive Director for the Board of Advisors of the Benjamin N. Cardozo School of Law's Data Law Initiative (CDLI).

Ms. Tadler continues to be recognized for her litigation prowess by prominent legal industry rating organizations. Ms. Tadler's recent accolades include: Band 1 (highest) recognition by Chambers and Partners' for E-Discovery; selection by Super Lawyers 2017 "Top 100 Lawyers in New York Metro Area"; Super Lawyers 2017 "Top 50 Women Lawyers in New York Metro Area"; Who's Who Legal Litigation: Leading Practitioner-E-Discovery (2017); and AV[®] Preeminent rating from Martindale Hubbell. The Legal 500 2016 rankings stated: "'Consummate professional' Ariana Tadler, who leads the E-Discovery unit [of Milberg LLP], is 'exceptional, clear and forceful, a giant in her field' ... 'able to navigate technical discovery issues at a very high level.'"

Ms. Tadler is a member of several legal industry associations, including: American Bar Association; American Bar Foundation (Fellow); American Association for Justice; Federal Bar Council; New York State Bar Association; National Association of Women Lawyers; New York Women's Bar Association; and The New York Inn of Court. Ms. Tadler is a fellow of the Litigation Counsel of America, an invitation-only trial lawyer honorary society that recognizes the country's top attorneys. She is also involved in various community and not-for-

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profit organizations and currently serves on the board of Mobilization for Justice for which she once served as Chair.

With gratitude for and in recognition of the many opportunities that have paved the way for her career growth and success, Ms. Tadler commits countless hours to mentoring others in their educational and professional pursuits. She is particularly focused on fostering education and career opportunities for women and underprivileged youth.

Ms. Tadler is also a Principal in Meta-e Discovery LLC, a data hosting, management and consulting company, which is the result of the 2015 spin-off of Milberg LLP's prior Litigation Support and Data Hosting services division that Ms. Tadler spearheaded.

Ms. Tadler graduated from Hamilton College in 1989 and received her J.D. from Fordham University School of Law in 1992.

R. GLENN PHILLIPS has been practicing since 1984 and has tried more than 100 civil jury trials. He is a Managing Partner at Milberg Tadler Phillips Grossman LLP and also owns Phillips Law Firm, which operates in Washington, California, and nationally handling serious personal injury, product liability, workman's compensation, social security disability, medical malpractice, defective drug/device, and employee rights cases.

Mr. Phillips has received the highest rating from Martindale-Hubbell (5.0 out of 5.0) and is an AV rated attorney.

Mr. Phillips and the Phillips Law Firm are recognized as leaders in pharmaceutical litigation and have been appointed to positions of leadership on various steering committees, science/ discovery committees and JCCPs. Mr. Phillips is actively involved in his firm's defective drug and devices practice. His mass tort practice has an inventory of over 4,000 cases, covering such products as Accutane, Yaz/Yasmin/Ocella, Fosamax, Avandia, Medtronic Infuse, GranuFlo, Mirena, Risperdal, Onglyza, Talcum Powder, and defective devices such as transvaginal mesh, shoulder pain pumps, and DePuy hip implants.

Mr. Phillips is a member of the Washington state bar. He is also a member of the American Association of Justice, an Eagle member of the Washington Association for Justice, and the non-profit organization of Public Justice, and a frequent speaker before such national groups as the National Trial Lawyers, American Association for Justice, Mass Torts Made Perfect, as well as various state trial lawyer groups.

MARC D. GROSSMAN graduated from The University of Michigan in 1989. After completing Brooklyn Law School and Baruch Business School's J.D./M.B.A. program while interning at the Law Department of the United Nations, Mr. Grossman became an associate and later a partner in the law firm of Mergel, Tubman & Grossman in New York City. In addition to his role as a Managing Partner at Milberg Tadler Phillips Grossman LLP, Mr. Grossman is a Founding Partner of Sanders and Grossman P.C. and Baker Sanders Barshay Grossman Fass Muhlstock & Neuwirth, LLC, and a Senior Partner at Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C. and Sanders Viener Grossman LLP.

Since beginning his law career in 1993, Mr. Grossman has focused primarily on representing large groups of plaintiffs against common defendants. In 1999, after six years of practicing plaintiff's personal injury law in state and federal courts in New York and New Jersey, Mr. Grossman founded the law firm of Sanders and Grossman, P.C. specifically to pursue claims on behalf of medical providers. This firm, and its successors, grew dramatically under his leadership, and now represent thousands of medical providers litigating claims against insurance companies, and thousands of injury victims.

Mr. Grossman had a vision of uniting the medical profession by affording them the opportunity to litigate nominal claims that were being written off by medical providers as uncollectible and had not previously been

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practical for most attorneys to litigate. By coordinating discovery, utilizing the most up-to-date case management technology, and recruiting top office administrators and trial attorneys, Mr. Grossman's firm was able to greatly improve efficiencies throughout the litigation process and ultimately the viability of collecting these claims. By filing over 100,000 individual lawsuits, Mr. Grossman's firms garnered the attention of the insurance industry and the medical profession in New York eventually leading to a series of mass settlements on behalf of his clients and recoveries in the hundreds of millions of dollars. In just 2006 and 2007, Mr. Grossman's firm personally litigated, negotiated, and recovered over 100 million dollars for his medical provider clients. The unique experience Mr. Grossman garnered as an innovator and leader in the mass settlement of medical claims and mass torts made him a leader in his field in negotiating and obtaining large recoveries.

Most recently, Mr. Grossman has represented hundreds of injured clients in lead paint litigations, asbestos litigations, mold litigations, and thousands of victims of defective drugs and products. Mr. Grossman received recognition litigating Vioxx cases in New Jersey Superior Court where he served as a liaison to the media as a member of the Vioxx Plaintiffs' Steering Committee's ("PSC's") Public Relations Committee, and as a liaison for the Committee to many financial institutions and governmental agencies, offering a common voice for the hundreds of attorneys handling such cases and the tens of thousands of victims they represent. These efforts and the hard work of many other relentless attorneys ultimately led Merck to agree to one of the largest Civil Settlements in American History for \$4.85 Billion.

In December 2010, Mr. Grossman was nominated and invited to join both The Board of Directors of the New York State Trial Lawyers Association and the Executive Committee of Association of Trial Lawyers of America. Mr.

Grossman is also a member of the Mass Tort Trial Lawyers Association and the Leaders Forum of the American Association of Justice.

Mr. Grossman has actively litigated for other large groups of plaintiffs in the following matters: *In re Avandia Marketing, Sales Practices and Products Liability Litigation*; *In re New York Bextra and Celebrex Product Liability Litigation* in New York's Supreme Court, New York County; Case No. 273, *In re Bextra and Celebrex Litigation*, Superior Court of New Jersey, Atlantic County; *Oxycontin Litigation* in New York's Supreme Court, Richmond County; MDL-1708, *In re Guidant Corp. Implantable Defibrillators Products Liability Litigation* in Minnesota; MDL-1699, *In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation* in California; MDL-1742, *In Re Ortho Evra Products Liability Litigation* in Ohio; MDL-1789, *In re Fosamax Products Liability Litigation* in New York; and MDL-1804, *In Re Stand 'N Seal, Products Liability Litigation*, where one of Mr. Grossman's firms serves on the PSC. One of Mr. Grossman's firms is also a court-appointed member of the PSC in the following mass tort litigations: *In Re Avandia*, *In Re Chantix*, *In Re Zicam*, *In Re Zimmer Knee*, *In Re Fosamax*, and the New Jersey state court coordination of *Levaquin*. One of Mr. Grossman's firms is co-lead in the NY Chantix Coordination and the New Jersey Reglan Coordination, as well as Risperdal in California, all Transvaginal Mesh PSC, and Propecia coordination.

After an \$8 million verdict in *Boles v. Merck* for a victim of Fosamax, Mr. Grossman, along with co-counsel, led the Trial Team in *Rosenberg v. Merck* which was the first bellwether New Jersey Trial in Atlantic County Superior Court.

Mr. Grossman has become well known as a speaker and host of approximately 20 educational seminars designed to educate victims, the medical community, and other

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attorneys. Mr. Grossman has been quoted and has appeared in numerous local and national forums and in the media as a legal commentator and advocate of victims' rights against the corporate greed that plagues our nation.

In January 2016, Mr. Grossman received the 2015 Litigator Award a significant distinction, achieved by less than 1% of all trial attorneys. This award is considered among the top honors bestowed on trial attorneys.

PEGGY J. WEDGWORTH is a managing partner and Chair of the Antitrust Practice Group. She was an Assistant District Attorney in Brooklyn, New York from 1986 to 1989. Since leaving the public sector in 1989, she has handled numerous securities, commodities, antitrust and whistleblower matters, and is a Super Lawyer in New York, New York since 2016 and recommended in the Legal 500 United States for 2016.

Ms. Wedgworth represents defrauded investors and consumers, and she currently represents consumers in *In re Contact Lens Antitrust Litigation*, and was recently appointed as Interim Lead Class Counsel for automobile dealerships in *In re Dealer Management Systems Antitrust Litigation*. She actively litigated *In re Initial Public Offering Securities Litigation* for over five years, which settled for \$586 million, and *In re Merck & Co. Securities Litigation*, which had a combined settlement totaling \$1.062 billion. She also won a jury trial against R.J. Reynolds in a wrongful death tobacco case in Florida state court.

Ms. Wedgworth has litigated antitrust and commodities class actions on behalf of plaintiffs including extensive experience in all aspects of pre-trial discovery in, among other cases, *In re*

Brand Name Prescription Drugs Antitrust Litigation, No. 94-897, 1996 WL 351180 (N.D. Ill. June 24, 1996) (approving \$351 million settlement); *In re NASDAQ Market-Makers Antitrust Litigation*, 187 F.R.D. 465 (S.D.N.Y.) (\$1,027,000,000 settlement); *In re Microsoft Litigation*, MDL 1332 (D. Md.) (consolidated class actions alleging long term unlawful maintenance of a monopoly and other anticompetitive conduct by Microsoft resulting favorable partial settlements); *In re Soybean Futures Litigation*, No. 89-7009 (N.D. Ill.) (\$21,500,000 class settlement providing claiming class members/soybean futures traders a full recovery under plaintiffs' expert's formula); *In re Sumitomo Copper Litigation*, 74 F. Supp. 2d 393, 395 (S.D.N.Y. 1999) ("The recovery is the largest class action recovery in the 75 plus year history of the Commodity Exchange Act."); *Kohen v. Pacific Investment Management Company, LLC*, No. 05-4681 (N.D. Ill.) (certified class of treasury bond futures purchasers alleging manipulation of the futures market); *Leider v. Ralfe*, No. 01-3137 (D.N.J.) (alleging price-fixing and monopolization in the diamond market by DeBeers resulting in a settlement of \$250,000,000 and extensive injunctive relief); and *In re Natural Gas Commodities Litigation*, 03-6186 (S.D.N.Y.) (\$101 million settlement).

Ms. Wedgworth regularly speaks on topics relating to antitrust litigation, multi-district litigation and class action issues, and consumer matters. She is a member of the New York State Bar Association's Antitrust Committee, where she has served as both a speaker and panelist, and the American Bar Association, Antitrust Committee, and a member of the American Association of Justice.

PARTNERS

DAVID AZAR received his B.S. in Finance from Indiana University School of Business in 1991. He graduated from Duke University School of Law, *magna cum laude*, in 1999, where he was a member of the Order of the Coif (top 10% of the class). While in law school, he served as a senior editor of *Law and Contemporary Problems*, and was a member of the Moot Court Board. After law school, he clerked for Chief Justice Veasey of the Delaware Supreme Court.

Mr. Azar focuses his practice on class actions on behalf of defrauded investors and consumers, as well as disputes regarding contracts, partnerships, closely-held corporations, corporate governance, and other complex commercial matters for businesses and individuals. He also provides corporate counseling in pre-litigation and transactional matters, working with transactional or specialty counsel to provide a litigation perspective or to act as an outside general counsel.

Building upon his nine years of experience representing business enterprises and high-net-worth individuals at two of the most prominent business litigation firms, Mr. Azar has prosecuted several multiparty and other class actions that resulted in more than \$300 million in settlements during the past two years alone. Recent significant settlements include obtaining total recovery for investors of \$219 million against Bank of New York Mellon and Wells Fargo in a securities fraud/breach of contract action, which reflected one of the largest recoveries against indenture trustees in United States history. In addition, Mr. Azar was part of the team that served as co-lead counsel in a class action resulting in \$86 million in settlements on behalf of airline passengers who alleged that Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and Korea. Mr. Azar's significant litigation experience includes first-chair trial and appellate work. He is also a contributing author of the *Antitrust Law Developments* (7th Edition), published by the ABA Section of Antitrust Law.

Mr. Azar serves as a volunteer prosecutor through the Los Angeles Bar Association's Trial Advocacy Project, and he has been named by *Los Angeles Magazine* as a Southern California Super Lawyers Rising Star. Mr. Azar has extensive knowledge of dispute resolution, having served as a mediator in more than 160 cases, and he has trained and reviewed other mediators. He served for five years as the editor of the quarterly publication of the Society of Professionals in Dispute Resolution, and was honored with the association's Presidential Recognition award.

KENT A. BRONSON received a B.A. from State University of New York at Binghamton in 1994. He graduated *cum laude* from University of Pittsburgh School of Law in 1998. During law school, Mr. Bronson was a research editor on the Law Review and a recipient of the Dean's Scholarship.

Mr. Bronson's practice is focused on securities, consumer and class action litigation. Prior to joining Milberg LLP, while associated with another law firm, Mr. Bronson was part of a team of attorneys representing New York homeowners in *In re Coordinated Title Insurance Litigation*, Index No. 009600/2003 (N.Y. Sup. Ct. Nassau Cnty.) who alleged that eight insurance companies doing business in New York state overcharged them for title insurance in refinance transactions. The litigation resulted in complete recovery to homeowners submitting valid claims, and reportedly the largest settlement of a consumer class action in Nassau County. The presiding Justice, in approving the \$31.5 million settlement of that litigation, described the prosecution of the case as reflecting "lawyering of the highest quality." Also, in *In re Provident Financial Securities Litigation*, MDL 1301 (E.D. Pa.), Mr. Bronson was one of the attorneys representing the Xerox (GB) Pension Scheme (which reportedly oversees approximately \$2.5 billion in employee retirement funds for the British affiliate of Xerox Corp.) in a securities fraud class action lawsuit alleging that a major credit card company inflated its profits with illegal charges

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to consumers. The Court commented, in approving the \$38 million settlement of that case, on the “extremely high quality” and “skill and efficiency” of plaintiffs’ counsel’s work.

Mr. Bronson has litigated numerous complex class action and shareholder derivative cases in various state and federal courts, including, among others, *In re Biovail Corp. Securities Litigation*, No. 03-8917 (S.D.N.Y.) (in which Milberg LLP served as co-lead counsel on behalf of the Local 282 Welfare Trust Fund, and which was settled for \$138 million and certain corporate governance modifications); *City of Miami Police Relief & Pension Fund v. Ryland Group, Inc.*, No. BC411143 (Cal. Super. Ct. Los Angeles Cnty.); *New Jersey Carpenters Annuity Fund v. Meridian Diversified Fund Management, LLC*, No. 10-5738 (S.D.N.Y.); *New Jersey Carpenters Pension Fund v. infoGroup, Inc.*, No. 5334-VCN (Del. Ch.); and *In re Massey Energy Co. Derivative & Class Action Litigation*, No. 5430-VCS (Del. Ch.).

During law school, Mr. Bronson was a research editor of the University of Pittsburgh Law Review and a recipient of the University of Pittsburgh School of Law Dean’s Scholarship.

Mr. Bronson is admitted to practice in New York State courts, the United States District Courts for the Southern, Eastern and Northern Districts of New York, and the United States Courts of Appeals for the Second and Tenth Circuits.

MELISSA RYAN CLARK has spent more than a decade litigating complex and class action financial, privacy, and consumer cases.

Prior to joining Milberg LLP, Ms. Clark was an associate at a boutique firm in New York, where she was part of a securities litigation team that recovered several multimillion-dollar settlements on behalf of investors.

Her legal work experience also includes judicial externships with the Honorable Jerry Brown, Chief Judge of the United States Bankruptcy Court, Eastern District of Louisiana and the Honorable Jay C. Zainey of the United States District Court, Eastern

District of Louisiana. In addition, Ms. Clark clerked for the San Francisco District Attorney’s Office.

Ms. Clark received her B.S. degree from Florida State University in 2004 and her J.D. from Tulane University in 2007. While at Tulane Law, Ms. Clark was a Senior Justice and Chairperson for the Moot Court Board and a Legal Research & Writing Senior Fellow.

She also studied for a semester at UC Berkeley-Boalt Hall, where she received high honors in Securities & Class Action Litigation and was a visiting member of the *California Law Review*.

Ms. Clark is an active member of the New York State Bar Association, where she serves on the Law, Youth & Citizenship Committee and Mock Trial subcommittee, and the American Bar Association, where she serves on the Professional Liability Committee as co-editor of the newsletter.

Ms. Clark is admitted to practice in the state of New York, the United States District Courts for the Southern, Eastern, and Western Districts of New York, and the United States Court of Appeals for the First Circuit. She has been recognized as a New York Super Lawyers “Rising Star” each year from 2011-2017.

ANNA C. DOVER received a B.A. degree from Wesleyan University, with honors in Psychology, in 1995, and a J.D. degree from the University of California at Davis School of Law in 2001. While in law school, Ms. Dover was a member of the *UC Davis Law Review*.

Ms. Dover joined Milberg LLP in 2005 and spent several years litigating a variety of cases, including securities, antitrust, bankruptcy, and mutual fund fraud cases. During this time, Ms. Dover developed particular experience litigating claims brought under Section 36(b) of the Investment Company Act of 1940, including taking such cases to trial and also second-chaired a bench trial in bankruptcy court. Ms. Dover ultimately found her calling as an attorney who represents whistleblowers and is now the chair of MTPG’s false claims act or “*qui tam*” department. Her practice encompasses lawsuits brought by

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whistleblowers or “relators” on behalf of the government under the federal and state false claims acts, largely in the health care arena. Recent settlements include a \$54 million settlement in an intervened case against CareCore, a company that failed to ensure that the government healthcare programs paid only for those diagnostic tests that were medically reasonable or necessary. The relator was awarded a \$10.5 million share of the settlement. Another recent settlement was in a false claims act lawsuit that exposed the fraudulent submission of Medicare and Medicaid healthcare claims by Careall, one of Tennessee’s largest home healthcare providers. The Government intervened in the whistleblower’s lawsuit and the case settled for \$25 million. The whistleblower Milberg LLP represented received a \$3.9 million share of the settlement.

In addition to her work at MTPG, Ms. Dover is also a longstanding member of the New York Inn of Court and has spoken at several of its CLE seminars over the years. Ms. Dover is fluent in French and conversational in Greek.

Prior to joining Milberg LLP, Ms. Dover litigated legal malpractice and insurance cases at a boutique firm of trial lawyers in Los Angeles.

Ms. Dover is admitted to practice before the United States District Courts for the Southern District of New York and the Central and Southern Districts of California, the United States Court of Appeals for the Fourth and Ninth Circuits, and the United States Supreme Court.

HENRY KELSTON received a B.S. degree, *cum laude*, from Tufts University in 1975, and a J.D. degree from New York University School of Law in 1978, where he was a member of the *Annual Survey of American Law*.

Mr. Kelston’s practice is concentrated in the areas of complex litigation and electronic discovery. He has extensive experience in state and federal court litigation, administrative proceedings, and arbitrations. Mr. Kelston is a regular speaker and CLE presenter on electronic discovery. He is a member of The

Sedona Conference® Working Group 1 on Electronic Document Retention and Production. Prior to joining Milberg LLP, he practiced at Proskauer Rose in New York and Siegel, O’Connor & Kainen in Connecticut.

Mr. Kelston is admitted in the United States District Courts for the Southern and Eastern Districts of New York and the District of Connecticut.

MATTHEW A. KUPILLAS graduated from the State University of New York at Albany in 1990 with a B.A. degree in philosophy. In 1994, Mr. Kupillas received his J.D. degree from New York University School of Law. Mr. Kupillas focuses his practice primarily on class actions on behalf of defrauded investors and consumers, as well as complex commercial litigation.

Mr. Kupillas’ securities practice has included numerous complex litigations nationwide, including *In re Merck & Co., Inc. Securities Litigation*, which resulted in a \$1.062 billion recovery on behalf of injured investors; *In re Medical Capital Securities Litigation*; and *South Ferry LP #2 v. Killinger*.

Mr. Kupillas is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and the United States Courts of Appeals for the Second and Tenth Circuits.

ELIZABETH MCKENNA has spent almost 20 years as a litigator. She currently focuses her practice on antitrust cases involving price-fixing, unlawful monopolization, and other anticompetitive practices, as well as complex and class action consumer protection and privacy cases. Ms. McKenna also represents defrauded individuals and institutional investors in class and other representative actions involving complex financial issues.

Most recently, Ms. McKenna is part of the team appointed Interim Lead Class Counsel for automobile dealerships in *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817 (N.D. Ill.). Ms. McKenna was also part of the team appointed co-lead counsel

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for Indirect Purchaser Plaintiffs in *in re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho), as well as *In re Processed Egg Products Antitrust Litig.*, No. 2:08-md-2002 (E.D. Pa.).

Prior to joining Milberg LLP, Ms. McKenna worked as an attorney in the New York office of Healy & Baillie, LLP (now part of Blank Rome LLP), where she practiced commercial litigation, as well as admiralty and maritime law.

Ms. McKenna graduated from Columbia University in 1991 with a B.A. degree in English, and a J.D. degree from Fordham Law School in 1998. While at Fordham, Ms. McKenna was a Stein Scholar in Public Interest Law & Ethics, a member of the Fordham Environmental Law Journal, and a Co-Director of the Fordham Student Sponsored Fellowship.

Ms. McKenna is admitted to practice in the state courts of New York and in the United States District Courts for the Southern and Eastern Districts of New York.

ANDREI RADO focuses his practice on securities litigation, consumer class actions, and SEC whistleblower matters.

Since the passage of the Dodd-Frank Act in 2010, Mr. Rado has represented numerous whistleblowers before the commission under a program that rewards and protects whistleblowers that report violations of securities laws to the Securities and Exchange Commission. These involved a variety of complaints, including allegations of bribing foreign officials to gain business, accounting fraud, and consumer fraud, against a variety of companies diverse in size and business.

Mr. Rado's securities practice has included numerous complex litigations nationwide, including *In re Initial Public Offering Securities Litigation*, which alleged, in hundreds of consolidated cases then pending in the Southern District of New York, that investment banks manipulated the initial public offerings of hundreds of companies, and mutual fund timing cases alleging that mutual fund managers allowed select investors to profit by improperly timing their trading in fund shares.

Mr. Rado also investigates, launches, and litigates consumer class actions. These cases are as diverse as consumer fraud itself. Early in his career, Mr. Rado litigated a case against jewelry company Zales for improperly denying credit-insurance claims made by unemployed and retired consumers, and a class action against computer maker Gateway for improperly understating in advertising the costs of internet access to consumers, some of whom incurred internet-access fees of hundreds of dollars. More recently, among other cases, Mr. Rado has launched and litigated consumer cases against companies that misled consumers by inflating the technical specifications of their products, and "all natural" food cases, including the first case alleging that products made from genetically modified organisms (GMOs) should not be advertised as natural.

Mr. Rado is editor of MTPG's consumer blog classactioncentral.com

Prior to joining Milberg LLP, Mr. Rado worked as an attorney at a New York City-based investment bank focusing on compliance, with rules and regulations relating to re-sales of control and restricted securities under the Securities Act of 1933. Mr. Rado also worked at another prominent New York City law firm specializing in plaintiffs' securities class action litigation.

Mr. Rado received his Juris Doctor degree from St. John's University School of Law, *cum laude*, in 1999. While in law school, Mr. Rado served as a senior member of the *New York International Law Review*. He is admitted to practice in the courts of the State of New York, as well as the United States District Court for the Southern District of New York. Mr. Rado was born in Bucharest Romania, and lived in Israel for several years before immigrating to New York in the early 80s.

ROBERT A. WALLNER received his B.A. degree from the University of Pennsylvania in 1976 graduating *magna cum laude*. He attended New York University School of Law, earning his J.D. degree in 1979. He was elected to the law school's Order of the Coif and served as an editor of the *New York University Law Review*.

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Mr. Wallner has litigated complex securities, consumer and antitrust class actions throughout the country. He has represented plaintiffs in lawsuits arising out of the Madoff Ponzi scheme, including the court-appointed litigation trustee of two Madoff “feeder funds.” He has also represented investors in *In re Merck & Co., Inc. Securities Litigation* (D.N.J.), which resulted in a \$1.062 billion recovery, *In re Initial Public Offering Securities Litigation* (S.D.N.Y.), *In re CMS Energy Corporation Securities Litigation* (E.D. Mich.), and *In re Deutsche Telekom AG Securities Litigation* (S.D.N.Y.), and consumers in *In re Synthroid Marketing Litigation* (N.D. Ill.) and the *Mercedes-Benz Tire Litigation* (D.N.J.).

Mr. Wallner is a frequent lecturer on securities and complex litigation issues. He has served on the editorial board of *Securities Litigation Report*, as a faculty member of the American Bar Association’s First Annual National Institute on Securities Litigation and Arbitration, and as a member of the Federal Courts Committee of the Association of the Bar of the City of New York. He has been recognized in Lawdragon’s “100 Lawyers You Need to Know in Securities Litigation.”

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OF COUNSEL

PAUL J. ANDREJKOVICS graduated from Union College, Schenectady, NY, in 1992, *Phi Beta Kappa, magna cum laude*, with a B.A. degree in political science. In 1995, Mr. Andrejkovics received his J.D. degree from Albany Law School.

Mr. Andrejkovics's practice concentrates on class action settlements and settlement administration. He was admitted as a member of the New York bar in 1996 and is admitted to practice before the United States District Court for the Northern, Southern, and Eastern Districts of New York.

SANFORD P. DUMAIN attended Columbia University where he received his B.A. degree in 1978. He graduated *cum laude* from Benjamin N. Cardozo School of Law of Yeshiva University in 1981.

Mr. Dumain represents plaintiffs in cases involving securities fraud, consumer fraud, insurance fraud, and violations of the antitrust laws.

Mr. Dumain was co-lead counsel in *In re Tyco International Ltd., Securities Litigation* in which \$3.2 billion was recovered for investors. Mr. Dumain also served as lead counsel in the securities class actions against Nortel and Biovail, which are the highest and third highest recoveries ever in cases involving Canadian companies. The *Nortel* settlement was valued at over \$1 billion and *Biovail* settled for over \$138 million in cash. Mr. Dumain successfully represented the City of San Jose, California against 13 of the City's broker-dealers and its outside accountants in connection with major losses in unauthorized bond trading.

Mr. Dumain began his career as a law clerk to Judge Warren W. Eginton, United States District Court for the District of Connecticut 1981-1982. During the early years of his practice, he also served as an Adjunct Instructor in Legal Writing and Moot Court at Benjamin N. Cardozo School of Law.

Mr. Dumain has lectured for ALI-CLE concerning accountants' liability and has

prosecuted several actions against accounting firms.

Judge Janet C. Hall of the District of Connecticut made the following comment in *In re Fine Host Corporation Securities Litigation* No. 97-2619 (D.Conn.): "The court also finds that the plaintiff class received excellent counseling, particularly from the Chair of the Plaintiffs' Executive Committee, Attorney Dumain."

Mr. Dumain is admitted to practice in the State of New York, United States District Court for the Southern, Eastern, and Western Districts of New York, District of Colorado, and District of Connecticut, and United States Courts of Appeals for the First, Second, Third, Sixth, Seventh, and Eighth Circuits.

MICHAEL C. SPENCER graduated from Yale University in 1973 with a B.A. degree, *magna cum laude*, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, *cum laude*, in 1976.

Mr. Spencer has prosecuted a broad range of cases at Milberg LLP and MTPG, with an emphasis on representing plaintiffs in class and other representative actions involving complex financial issues.

He was one of the principal trial counsel for plaintiffs in *In re Vivendi Universal, S.A. Securities Litigation* (S.D.N.Y.), a securities fraud class action in which the jury returned a verdict for the plaintiffs in January 2010. He is presently handling post-trial motions and defendant's anticipated appeal. The case is notable for the size of the verdict and for inclusion of investors from France, England, and the Netherlands, as well as the United States, in the certified class.

Mr. Spencer has handled many other securities cases at the Firm, including those against defendants in the fields of technology, real estate, finance, leasing, manufacturing, and pharmaceuticals. His first exposure to this type of case was in the precedent-setting "*WPPSS*" litigation in the late 1980s, which involved bond

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defaults on nuclear power plants in the Pacific Northwest and established the blueprint for prosecuting many complex securities class actions that followed.

Mr. Spencer has also led the Firm's prosecution of other cases in diverse fields. He was one of two principal trial counsel representing the FDIC in its year-long trial against a major accounting firm involving failed-bank audits, which led to a global settlement covering all government claims just before closing arguments to the jury. He has prosecuted consumer and securities claims against companies that sold deferred annuities unsuitable for retirement plan investors. He has taken appraisal and breach of fiduciary duty cases to trial in Delaware and Pennsylvania. He had extensive involvement in representing a coalition of union health care funds seeking to recover costs for treating smoking-related illnesses from the tobacco industry, pursuing the cases through several appeals. He has also represented plaintiffs in cases involving accounting malpractice, limited partnership investments, real estate closing fees and mortgage insurance, contract disputes, defamation, unlawful lotteries, and consumer deception.

Mr. Spencer began his legal career as a law clerk to U.S. District Judge Wm. Matthew Byrne Jr. in Los Angeles (1976-77). He then returned to New York and joined Cravath, Swaine & Moore as an associate, where he worked until 1986, when he joined Milberg LLP as an associate and became a partner later that year. Mr. Spencer graduated from Yale University in 1973 with a B.A. degree, magna cum laude, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, cum laude, in 1976.

BARRY A. WEPRIN graduated from Harvard College in 1974. He received a J.D. degree from the New York University School of Law in 1978, and a master of public affairs from the Woodrow Wilson School of Princeton University in 1978. While in law school, Mr. Weprin was notes and comments editor of the *New York University Law Review*.

Since joining the firm, Mr. Weprin has specialized in securities and insurance litigation. He has served as lead or co-lead counsel in a number of complex securities class action litigations. He was one of the principal attorneys in the sales practice litigations against The New York Life Insurance Company, The New England Life Insurance Service Company, The Massachusetts Mutual Life Insurance Company, The John Hancock Mutual Life Insurance Company, and The Prudential Life Insurance Company which recovered billions of dollars for policyholders. Mr. Weprin is a frequent lecturer on complex litigation issues.

Previously, Mr. Weprin served as law clerk to Judge Charles P. Sifton of the United States District Court for the Eastern District of New York and was associated with the law firm of Wachtell Lipton Rosen & Katz where he specialized in commercial and securities litigation. He also served as general counsel to the New York State Housing Finance Agency and the New York State Medical Care Facilities Finance Agency, two agencies that issue tax exempt bonds for financing nonprofit medical facilities and qualified housing projects.

Mr. Weprin is very active in his community of Mamaroneck, New York, having served as a Town Councilman and a member of the Zoning Board of Appeals. He is President of the National Association of Shareholder and Consumer Attorneys (NASCAT) as well as Vice President of the Institute for Law and Economic Policy (ILEP).

Mr. Weprin is a member of the American Bar Association, the Association of the Bar of the City of New York, the New York County Lawyers Association, and the New York State Bar Association. Mr. Weprin is admitted to practice in New York, the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court.

MILBERG TADLER PHILLIPS GROSSMAN LLP

NEW YORK

SENIOR COUNSEL

JENNIFER S. CZEISLER graduated from Hofstra University in 1994 with a B.A. degree in psychology. After completing graduate degree work at Hunter School of Social Work (1994-95), she pursued a J.D. degree, which she earned in 1999 from the University of Miami School of Law, where she graduated *cum laude*. Ms. Czeisler was on the editorial board of the *Law Review of Psychology, Public Policy & Law* and earned numerous awards, including the CALI excellence for the Future Award, Dean's Certificate of Achievement Award, and membership in the Phi Delta Phi National Honor Society.

Ms. Czeisler is admitted to practice in the State of New York and is a member of the American Bar Association, where she is committed to her *pro bono* work with the American Bar Association Commission on Legal Problems of the Elderly.

MILBERG TADLER PHILLIPS GROSSMAN LLP

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ASSOCIATES

ROLANDO G. MARQUEZ represents whistleblowers in a wide variety of *qui tam* lawsuits brought under the federal False Claims Act and parallel state false claims laws. His practice includes pursuing fraud cases involving the healthcare industry, defense contractors, and government procurement.

Mr. Marquez's representative False Claims Act matters include *United States ex rel. Miller v. CareCore National LLC, et al.* (resulting in a \$54 million recovery for the United States as well as 28 States and the District of Columbia in an intervened action arising from the improper prior authorization of costly diagnostic tests which caused federal and state healthcare programs to pay for tests that were not properly authorized as being medically reasonable or necessary); *Mason v. Medline* (resulting in a recovery of \$85 million for the United States in a non-intervened case arising from unlawful kickbacks, bribes, and other illegal remuneration to induce health care providers to continue to purchase defendant's medical supplies, including supplies paid for with government funds tainted by the kickbacks); and *United States ex rel. Marchese v. Cell Therapeutics, Inc.* (resulting in a \$10.5 million recovery for the United States in an intervened action arising from the unlawful off-label promotion of the cancer drug Trisenox).

From December 2012 to March 2014, Mr. Marquez was a Senior Litigation Counsel in a boutique New York class-action firm as a member of its False Claims Act practice group. Mr. Marquez was part of the co-counsel team that litigated one of the largest *qui tam* lawsuits ever to settle on a non-intervened basis against Omnicare, Inc., the nation's largest provider of pharmacy services to nursing home patients, and which returned \$120 million to the United States

Treasury to resolve kickback and false-claims allegations. In addition, Mr. Marquez represented a whistleblower in an action against Smith & Nephew, one of the world's largest medical device manufacturers, in which the company sold products to the government that were manufactured in countries not designated as trade partners of the United States in violation of the Trade Agreements Act.

Before he started in the False Claims Act arena, Mr. Marquez was part of the Milberg LLP team that served as co-lead plaintiffs' counsel in *In re Tyco International, Ltd. Securities Litigation*, one of the largest securities fraud and accountant liability class action suits ever to settle, recovering over \$3.2 billion for the company's injured shareholders.

Prior to joining Milberg LLP initially, Mr. Marquez was an associate at a boutique New York patent firm, where he concentrated on patent litigation matters involving medical device, computer software, and consumer electronic device technologies.

Mr. Marquez received a B.S. degree from Brown University in 1994 and his M.S. degree from New York University in 1998. In 2003 he received his J.D. degree from Fordham University School of Law.

Mr. Marquez is admitted to practice in the state courts of New York as well as in the United States District Courts for the Southern and Eastern Districts of New York and the United States Patent and Trademark Office.

J. BIRT REYNOLDS represents whistleblowers who bring claims under the federal False Claims Act and its state counter-parts. Since joining the firm's Qui Tam practice group, he has worked on several cases that have brought substantial recoveries to federal and state governments. Mr. Reynolds also represents plaintiffs in

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complex commercial litigation involving contractual, tort, and statutory claims. Before joining Milberg, Mr. Reynolds clerked for a magistrate judge in the Middle District of Florida, as well as Florida appellate and trial court judges.

Mr. Reynolds earned his J.D. from Case Western Reserve University School of Law in 2004. He is admitted to practice in the state courts of Florida and New York, the United States District Courts for the Eastern and Southern Districts of New York, the Northern, Middle, and Southern Districts of Florida, and the Western District of Michigan.

CHRISTOPHER SCHUYLER focuses his practice on False Claims Act litigation, consumer class actions, and e-discovery.

Before joining Milberg LLP, Mr. Schuyler clerked with the Fortune Society, a New York City non-profit organization focused on providing an alternative to incarceration for non-violent offenders. While in law school, he co-chaired a student organization promoting pro bono legal assistance to indigent members of the community, a role for which he was awarded a university scholarship for public service.

Mr. Schuyler graduated from Temple University, *cum laude*, with a B.A. degree in 2007. In 2011 he earned his J.D. degree from the University of Dayton School of Law. Mr. Schuyler is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York.

ROY SHIMON focuses his practice on securities and stockholder derivative litigation, litigating cases in both state and federal courts. Mr. Shimon also has experience in the areas of insider trading and ERISA litigation. *Super Lawyers* recognized him as a "Rising Star" in the New York Metro area each year from 2014-2017.

Mr. Shimon has served as lead or co-lead counsel in a number of complex matters that

recovered substantial benefits on behalf of stockholders and employee investors, including *Zynga Inc. Securities Litig.* (N.D. Cal.) (securities fraud recovery of \$23 million); *In re Popular Inc. ERISA Litigation* (D.P.R.) (employee investor recovery of \$8.2 million); and *Shanehchian, et al. v. Macy's Inc.* (S.D. Ohio) (employee investor recovery of \$8.5 million).

Mr. Shimon graduated *cum laude* from Franklin & Marshall College in 2003, where he was inducted into the Pi Sigma Alpha and Alpha Kappa Delta National Honor Societies. He received his J.D. from St. John's University School of Law in 2006, where he served on the Executive Board of the Moot Court Honor Society and as Vice President of the Entertainment & Sports Law Society.

Mr. Shimon is admitted to practice in the state and federal courts of New York.

EXHIBIT D

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: APPLE INC. DEVICE) Case No. 5:18-md-02827-EJD
PERFORMANCE LITIGATION)
_____) CLASS ACTION

DECLARATION OF JENNIFER CZEISLER
IN SUPPORT OF NAMED PLAINTIFFS’
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS’ FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, JENNIFER CZEISLER, declare as follows:

2 1. I am a Senior Counsel at the law firm of MIL BERG PHILLIPS GROSSMAN LLP
3 (formerly MILBERG TADLER PHILLIPS GROSSMAN LLP).

4 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
5 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, Ariana
6 J. Tadler, then of Milberg Tadler Phillips Grossman LLP, was appointed to the Plaintiffs'
7 Executive Committee. Subsequent to Ms. Tadler's departure from MPG, she continued to serve
8 in her role from her new firm, Tadler Law LLP; and I continued to facilitate communication with
9 plaintiff Judy Milman and Tadler Law LLP regarding discovery and settlement in this matter.

10 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along
11 with years in practice, most recent rates reported to the Court during the pendency of this litigation,
12 hours spent, and total lodestar. I hereby attest that the billing rates used on the attached Exhibit A
13 conform to the professional rates set at my firm. Further detail regarding the litigation and trial
14 experience of each professional can be found, to the extent available, in the firm resume attached
15 hereto as Exhibit C.

16 4. The detailed descriptions of the time spent by the attorneys and other professionals
17 of my firm in this litigation was prepared from contemporaneous, daily time records prepared and
18 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs'
19 Executive Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case
20 Management No. 3: Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed
21 time records are available for the Court's review should the Court desire such records.

22 5. The total number of hours expended on this litigation by my firm, as approved by
23 the Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and
24 consolidation through July 31, 2020 is 8.40 hours. The total lodestar for my firm is \$5,040.00.

25 6. Attached hereto as Exhibit B is an itemized description of expenses/charges
26 ("expenses") totaling \$0.00, which were necessary in relation to this litigation and submitted,
27 vetted and approved by the Chair of the Plaintiffs' Executive Committee and Co-Lead Counsel
28 pursuant to the Court's July 3, 2018 Case Management No. 3. The expenses pertaining this

1 litigation are reflected in the books and records of my firm. These books and records are prepared
2 from expense vouchers, check records, and other documents and are an accurate record of the
3 expenses.

4 7. Attached hereto as Exhibit C is the firm resume for my firm.

5 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th
6 day of August, 2020, at Melville, New York.

7 *s/Jennifer Czeisler* _____

8 Jennifer Czeisler

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Milberg Phillips Grossman LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Czeisler, Jennifer S.	Senior Counsel (19 Years)	\$ 600.00	8.40	\$ 5,040.00
TOTAL			8.40	\$ 5,040.00

EXHIBIT B

MILBERG PHILLIPS GROSSMAN LLP

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	
18. Taxi/Car Service/Other Ground Transport	
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	
21. Travel-Hotel	
22. Travel-Rental Car	
23. Service Fees	
24. Miscellaneous	
25. Assessments	
TOTAL	\$ -

EXHIBIT C



THE FIRM'S PRACTICE AND ACHIEVEMENTS

MILBERG PHILLIPS GROSSMAN LLP ("MPG") IS A LEADING GLOBAL PLAINTIFFS' FIRM, successfully pioneering and litigating complex litigations in the following practice areas: class actions, antitrust and competition law, securities fraud, consumer protection, cyber security and data breach litigation, financial and insurance litigation, environmental law, securities litigation, and product liability. Our attorneys possess a renowned depth of legal expertise, employ the highest ethical and legal standards, and pride themselves on providing stellar service and achieving extraordinary results for their clients.

Milberg was founded in 1965, taking the lead in landmark cases that have set groundbreaking legal precedents and prompted changes in corporate governance benefiting shareholders and consumers. For more than 50 years, the firm has protected victims' rights, recovering over \$50 billion in verdicts and settlements. Milberg was one of the first law firms to prosecute class actions in federal courts on behalf of investors and consumers. The firm pioneered this type of litigation and became widely recognized as a leader in defending the rights of victims of corporate and other large-scale wrongdoing.

MPG is headquartered in New York City, with 24 attorneys as well as a team of non-lawyer professionals and works with a network of lawyers located across the country. Recently, Milberg opened an office in London that serves clients in the European Union. In addition, Milberg has expanded in South America, with primary emphasis in Brazil.

The firm's reputation has been built by successfully taking on challenging cases across a spectrum of practice areas for the past half-century. From resolving business disputes to proving antitrust conspiracies, MPG is equipped to handle complex, high-stakes cases at any stage of the litigation process.

The firm's lawyers have been regularly recognized as leaders in the plaintiffs' bar by the National Law Journal, Legal 500, Chambers USA, and Super Lawyers, among others.

MPG'S LAWYERS ARE INDUSTRY LEADERS IN A VARIETY OF PRACTICE AREAS

Antitrust: MPG's Antitrust Practice Group prosecutes large, complex antitrust and trade regulation class actions and other cases that target some of the most powerful and well-funded corporate interests in the world. It has played an important role in many cases involving price-fixing, supply manipulation, tying arrangements, exclusive dealing, and refusals to deal. Significant antitrust cases include *In re Dealer Management Systems Antitrust Litigation*, 18-cv-00864 (N.D. Ill.) (Interim Lead Class Counsel for auto dealerships in a pending class action alleging anticompetitive practices in the markets for dealer management systems and data integration services); *Blessing v. Sirius XM Radio Inc.*, No. 09-cv-10035 (S.D.N.Y.) (Co-Lead Counsel; class settlement valued at \$180 million); *Sandhaus v. Bayer AG, et al.*, No. 00-cv-6193 (D. Kan.) (Co-Lead Counsel, secured largest consumer recovery from a pay-for-delay case in Kansas: \$9 million settlement); and *In re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186 (D. Idaho) (Co-Lead Counsel for Indirect Purchaser Plaintiffs, \$5.5 million settlement and agreed upon injunctive relief). The MPG Antitrust Practice Group continues to act in a number of significant and ongoing antitrust cases including *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J. 2015) (Plaintiffs' Steering Committee member); *In re Processed Eggs Antitrust Litig.*, MDL No. 2002 (E.D. Pa., 2008) (Indirect Purchaser Plaintiffs' Co-Lead Counsel); and *In re Disposable Contact Lens Antitrust Litigation*, No. 3:15-md-02626 (M.D. Fla. 2015).

Consumer Litigation: MPG's lawyers have long been leaders in protecting consumers from fraudulent and deceptive practices. For example, one of the firm's attorneys was a member of the Court-appointed Plaintiffs' Executive Committee in *In re Apple, Inc. Device Performance Litigation*, 5:18-MD-02827-EJD (N.D. Cal.), a class action alleging Apple throttled the performance of certain devices, including iPhones, with degraded batteries.

An attorney for the firm served as co-lead counsel in class actions challenging the use of "natural" labeling on food products made with crops grown from seeds that have been genetically engineered using sophisticated laboratory techniques (GMOs). *In re Conagra Foods, Inc.*, No.11-05379 (M.D. Cal.) (multi-state class certified; affirmed by Ninth Circuit; petition for writ of certiorari denied by U.S. Supreme Court); *Frito-Lay North America, Inc. "All Natural" Litigation*, No. 12-MD-02413 (E.D.N.Y.) (resolved by a court-approved settlement). Other representative consumer matters include *Correa v. Sensa Products, LLC.*, No. BC476808 (Cal. Super. Court, Los Angeles Cty.) (\$9 million settlement in case alleging that the defendant, manufacturer of a weight-loss product, lacked a sufficient scientific basis for certain of its marketing claims); *In re Shop-Vac Marketing and Sales Practices Litigation*, No. 4:12-md-02380 (M.D. Pa.) (class action against Shop-Vac and Lowe's alleging that the companies misrepresented the tank capacity and horsepower of its wet/dry vacuums; settlement led to extended warranties and marketing and advertising changes); *Novak v. Pacific Bioscience Laboratories Products, Inc., and Pacific Bioscience Laboratories Products, Inc.*, Case No. BC582188 (Cal. Super. Court, Los Angeles Cty.) (pending case alleging that batteries in certain Clarisonic skin brushes are defective; motion for approval of settlement,

which would extend owners' warranties and require the repair or replacement of affected brushers).

Data Breach and Privacy Litigation: MPG's Data Breach and Privacy Practice Group litigates class actions alleging massive data breaches and other violations of consumers' personal and data privacy. Its attorneys have spearheaded numerous highly technical cases and have successfully advanced novel legal theories to protect consumers from ever-evolving cybersecurity and data privacy threats. Representative matters include *In re Equifax, Inc. Customer Data Breach Litigation*, 17-md-02800 (N.D. Ga.) (appointed to Plaintiffs' Steering Committee ("PSC")); *In re Yahoo Inc. Customer Data Security Breach Litigation*, No. 5:16-MD-02752 (N.D. Cal.) (appointed to the Plaintiffs' Executive Committee); *In re Target Corporation Customer Data Security Breach Litig.*, No. 14-md-2522 (D. Minn.) (appointed to the PSC; achieved a \$10 million settlement (pending appeal)); *Torres, et al. v. Wendy's International, LLC*, 16-cv-00210 (M.D. Fla.) (plaintiffs' counsel; \$3.4 million class action settlement awaiting final Court approval); *Fero v. Excellus Health Plan*, No. 6:16-cv-06569 (W.D.N.Y.) (special discovery counsel to lead counsel); *In re Anthem, Inc. Data Breach*, No. 15-MD-02617 (N.D. Cal.) (plaintiffs' counsel; settlement created a \$115 million non-reversionary cash fund, delivered more than \$500 million in value to the class, and required extensive injunctive relief to prevent a future breach (pending approval)); *In re Premera Blue Cross Customer Data Breach Litig.*, No. 3:15-md-2633-SI (D. Or.) (plaintiffs' counsel); *Carandang v. Google, Inc.* CGC-12-518415 (Cal. Super., San Francisco Cty.) (plaintiff's counsel; reached confidential resolution); *Ung, et al, v. Facebook, Inc.*, 1-12-CV-217244 (Cal. Super., Santa Clara Cty.) (plaintiff's counsel).

Securities and Financial Litigation and Arbitration: In its early years, Milberg LLP built a new area of legal practice in representing shareholder interests under the then recently amended Rule 23 of the Federal Rules of Civil Procedure, which allowed securities fraud cases, among others, to proceed as class actions. MPG's attorneys have since represented plaintiffs in an array of financial cases, including securities class actions, derivative litigations, accounting malpractice disputes, and FINRA arbitrations. Significant litigation results include: *In re Vivendi Universal, S.A. Securities Litigation* (jury verdict for plaintiff class in January 2010); *In re Tyco International, Ltd. Securities Litigation* (\$3.2 billion settlement); *In re Nortel Networks Corp. Securities Litigation* (settlement for cash and stock valued at \$1.142 billion); *In re Merck & Co., Inc. Securities Litigation*, Nos. 05-1151 and 05-2367 (D.N.J.) (a \$1.062 billion recovery); *In re Comverse Technology, Inc. Derivative Litigation*, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.) (\$62 million settlement which also resulted in significant corporate governance reforms).

NOTEWORTHY RESULTS AND PRECEDENT-SETTING DECISIONS

Since Milberg's founding in 1965, the firm has taken the lead in landmark cases that have recovered \$50 billion for our clients, set groundbreaking legal precedents, and prompted meaningful changes in corporate governance. Some of those achievements are described below.

\$4 Billion Settlement – *In re Prudential Ins. Co. Sales Practice Litig.*, No. 95-4704 (D.N.J.)

Serving as lead counsel, Milberg recovered more than \$4 billion for certain policyholders in this landmark case challenging Prudential's insurance sales practices.

3.2 Billion Settlement – *In re Tyco Int'l Ltd., Securities Litig.*, MDL 1335 (D.N.H.)

Milberg served as co-lead counsel in this litigation, which involved federal securities claims against Tyco and its former CEO, CFO, general counsel, and certain former directors arising out of alleged insider trading and the overstatement of billions of dollars in income. In 2007, the court approved a \$3.2 billion settlement.

1.14 Billion Settlement – *In re Nortel Networks Corp. Securities Litig.*, No. 01-1855 (S.D.N.Y.)

Milberg served as lead counsel for the class and the court-appointed lead plaintiff, the Trustees of the Ontario Public Service Employees' Union Pension Plan Trust Fund, in this federal securities class action. In January 2007, the court approved a settlement valued at more than \$1.14 billion.

\$1 Billion-plus Settlement – *In re Merck & Co., Inc. Securities Litig.*, Nos. 05-1151 and 05-2367 (D.N.J.)

Milberg served as co-lead counsel in this federal securities fraud class action, and after more than 12 years of hard-fought litigation, ultimately obtained a combined settlement totaling \$1.062 billion, the largest securities class action settlement ever against a pharmaceutical company. The Court described the settlement as "a settlement which is fair and just and which, in fact, is the best settlement which possibly could have been achieved in this case." Plaintiffs successfully appealed the dismissal of this action on statute of limitations grounds to the Third Circuit Court of Appeals, and prevailed in defendants' further appeal to the Supreme Court, resulting in a unanimous decision by the Supreme Court in Plaintiffs' favor which clarified the law regarding the application of the statute of limitations to federal securities fraud claims. The plaintiffs' claims also survived additional motions to dismiss and motions for summary judgment, and the parties reached settlement less than three months before trial was scheduled to commence.

\$1 Billion Settlement – *In re NASDAQ Market-Makers Antitrust Litig.*, No. 94-3996 (S.D.N.Y.)

Milberg served as co-lead counsel for a class of investors alleging that NASDAQ market-makers set wide spreads pursuant to an industry-wide conspiracy in one of the largest and most important antitrust cases in recent history. Following more



than three years of litigation, the case settled for over \$1 billion.

\$1 Billion Settlement – *In re W.R. Grace & Co.*, Nos. 02-2210 and 02-2211 (D. Del.)

In this case, Milberg acted as lead counsel for the asbestos personal injury and property damage committees in two separate fraudulent conveyance actions within the W.R. Grace bankruptcy. Two settlements were achieved, consisting of cash and stock valued at approximately \$1 billion.

\$775 Million Settlement – *In re Wash. Public Power Supply Sys. Securities Litig.*, MDL 551 (D. Ariz.)

In this massive securities fraud litigation, Milberg served as co-lead counsel for a class that obtained, after several months of trial, settlements totaling \$775 million, the largest securities fraud settlement at that time.

\$750 Million Settlement – *Carlson v. Xerox Corp.*, No. 00-1621 (D. Conn.)

Milberg served as plaintiffs' co-lead counsel in these consolidated cases alleging that Xerox and several officers violated the federal securities laws by issuing false financial statements. The plaintiffs' claims survived three motions to dismiss and a motion for summary judgment, ultimately resulting in a \$750 million settlement in 2009.

\$517 Million Settlement – *In re Lucent Technologies, Inc. Securities Litig.*, No. 00-621 (D.N.J.)

Milberg served as co-lead counsel in this securities action, which alleged that Lucent and its senior officers misrepresented the demand for Lucent products and improperly recognized hundreds of millions of dollars in revenues. The case settled for a combination of cash, stock, and warrants valued (at the time of settlement) at approximately \$517 million.

\$586 Million Settlement – *In re Initial Public Offering Securities Litig.*, No. 21-92 (S.D.N.Y.)

Milberg represented investors in 310 securities class actions alleging a market manipulation scheme involving hundreds of initial public offerings and approximately 55 defendant investment banks. This scheme, plaintiffs alleged, significantly contributed to the high-tech "bubble" of the late 1990s and early 2000. In approving a \$586 million settlement in 2009, the court described the law firms on the Plaintiffs' Executive Committee as the "cream of the crop."

\$500 Million Settlement – *In re Managed Care Litig.*, MDL 1334 (S.D. Fla.)

This litigation involved a series of lawsuits by physicians and medical associations alleging that the defendant insurers engaged in a scheme to obstruct, reduce, delay, and deny payments and reimbursements to health care providers. The court approved a similar settlement between a nationwide class of physicians



and defendant CIGNA Healthcare valued in excess of \$500 million. The settlements produced sweeping changes in the health care industry.

\$500 Million Settlement – *In re Exxon Valdez*, No. 89-095 (D. Alaska)

Milberg was a member of the Plaintiffs' Coordinating Committee and co-chair of the Plaintiffs' Law Committee in the massive litigation resulting from the Exxon Valdez oil spill in Alaska. The plaintiffs obtained a jury verdict of \$5 billion, which, after years of appeals by Exxon, was reduced to approximately \$500 million by the United States Supreme Court. The United States Court of Appeals for the Ninth Circuit has since held that plaintiffs are entitled to post-judgment interest on the award in the amount of approximately \$470 million.

\$460 Million Settlement – *In re Raytheon Co. Securities Litig.*, No. 99-12142 (D. Mass.)

Milberg served as lead counsel in this case, which alleged that a major defense contractor failed to properly write down assets on construction contracts. In 2004, Raytheon and its auditor, PricewaterhouseCoopers LLP, settled for a total of \$460 million.

\$330 Million Settlement – *In re Rite Aid Corp. Securities Litig.*, No. 99-1349 (E.D. Pa.)

Milberg served as co-lead counsel in this case, in which plaintiffs asserted federal securities fraud claims based on Rite Aid's alleged failure to disclose material problems with its store expansion and

modernization program resulting in artificially inflated earnings. The court-approved settlements totaled over \$330 million.

\$200 Million Settlement – *In re CMS Energy Corp. Securities Litig.*, No. 02-72004 (E.D. Mich.)

In this securities fraud case arising out of CMS Energy's alleged "round-trip" trading practices, the court approved a cash settlement of more than \$200 million. Milberg served as co-lead counsel for the class.

\$180 Million Settlement – *Blessing v. Sirius XM Radio, Inc.*, No. 09-10035 (S.D.N.Y.)

This antitrust case stemmed from the 2008 merger of Sirius Satellite Radio, Inc. and XM Satellite Holdings, Inc. that created Sirius XM, the nation's only satellite radio company. The plaintiffs alleged that the merger of the only two U.S. satellite radio providers was an illegal move to eliminate competition and monopolize the satellite radio market. Before the merger, Sirius CEO Mel Karmazin convinced regulators not to block the deal by promising that "the combined company will not raise prices" and that the merger would actually result in "lower prices and more choice for the consumer." After the merger, Sirius quickly reversed course, raised prices by 15-40%, and eliminated multiple radio stations. Milberg achieved a settlement for the class valued at \$180 million.

\$138 Million Settlement – *In re Biovail Corp. Securities Litig.*, No. 03-8917 (S.D.N.Y.)



Milberg, representing Local 282 Welfare Trust Fund and serving as co-lead counsel, litigated this securities action alleging that defendants made misleading statements concerning Biovail's financial results and its drug, Cardizem LA. Following substantial discovery, including depositions across the U.S. and Canada, Milberg obtained a \$138 million settlement for the class, and Biovail agreed to institute significant corporate governance changes.

\$120 Million Settlement - *In re Deutsche Telekom AG Securities Litig.*, No. 00-9475 (S.D.N.Y.)

Milberg served as co-lead counsel in this securities action on behalf of a class of purchasers of American Depository Receipts. The plaintiffs alleged that Deutsche Telekom improperly failed to disclose plans to make a major corporate acquisition and overstated the value of real estate assets. In 2005, following extensive discovery, including depositions in Germany, the court approved a \$120 million cash settlement.

\$110 Million Settlement - *In re CVS Corp. Securities Litig.*, No. 01-11464 (D. Mass.)

Milberg served as co-lead counsel in this securities class action alleging that defendants issued false and misleading statements, which artificially inflated the price of CVS stock. In 2005, the court approved a \$110 million settlement.

\$100 Million Settlement - *In re Chase Bank USA, N.A. "Check Loan" Contract Litig.*, No. 09-2032 (N.D. Cal.)

Milberg served on the Executive Committee representing the class in this action against JP Morgan Chase & Co. The complaint alleged that Chase improperly increased by 150% the minimum monthly payment required for customers who entered into balance transfer loans with "fixed" interest rates that were guaranteed to remain so for the "life of the loan." Milberg and its co-counsel achieved a \$100 million settlement for the class.

\$100 Million Settlement - *In re Am. Express Fin. Advisors Securities Litig.*, No. 04-1773 (S.D.N.Y.)

This case involved allegations that American Express Financial Advisors violated securities laws by representing to class members that the company would provide tailored financial advice when the company actually provided "canned" financial plans and advice designed to steer clients into American Express and certain nonproprietary mutual funds. The case settled for \$100 million and required the company to adopt various remedial measures.

\$100 Million Settlement - *In re Gen. Elec. Co. ERISA Litig.*, No. 04-1398 (N.D.N.Y.)

Milberg, serving as co-lead counsel, achieved a \$40 million settlement on behalf of current and former G.E. employees who claimed that G.E.'s 401(k) Plan fiduciaries imprudently invested more than two-thirds of the Plan's assets in company stock. The settlement included important structural changes to G.E.'s 401(k) plan valued at more than \$100 million.

\$90 Million Settlement – *In re Royal Dutch/Shell Transp. ERISA Litig.*, No. 04-1398 (D.N.J.)

This was an ERISA breach of fiduciary duty class action against the Royal Dutch/Shell Oil Group of Companies on behalf of certain of the companies' U.S. employee investment plan participants. The \$90 million settlement included important provisions regarding the monitoring and training of individuals appointed to be ERISA fiduciaries.

\$85 Million Settlement – *Mason v. Medline*, No. 07-05615 (N.D. Ill.)

Milberg successfully represented a healthcare worker in a False Claims Act case against his former employer, Medline Industries, Inc., one of the nation's largest suppliers of medical and surgical products, along with its charitable arm, The Medline Foundation. The suit alleged that Medline engaged in a widespread illegal kickback scheme targeting hospitals and other healthcare providers that purchase medical products paid for by federal healthcare programs. Although a party to the settlement agreement, the U.S. Department of Justice chose not to intervene in the lawsuit. Milberg pursued the case on a non-intervened basis and recovered \$85 million on behalf of the federal government — one of the largest settlements of a False Claims Act case in which the government declined to intervene. The whistleblower was awarded 27.5% of the proceeds.

\$75 Million Settlement – *Irvine v. ImClone Sys., Inc.*, No. 02-0109 (S.D.N.Y.)

Milberg served as co-lead counsel in this case, in which the court approved a \$75 million cash settlement in 2005. The plaintiffs alleged that ImClone misrepresented the likelihood that its drug, Erbitux, would be approved, thereby artificially inflating the price of ImClone stock.

\$62 Million Settlement – *In re Comverse Tech., Inc. Derivative Litig.*, No. 601272/2006 (N.Y. Sup. Ct. N.Y. Cnty.)

As co-lead counsel, Milberg negotiated a \$62 settlement which was approved by the court in 2010. The settlement also resulted in significant corporate governance reforms, including the replacement of various directors and officers; the amendment of the company's bylaws to permit certain shareholders to propose in the company's proxy materials nominees for election as directors; and the requirement that all equity grants be approved by both the compensation committee and a majority of the non-employee directors.

\$54 Million Settlement – *U.S. ex rel. Miller v. CareCore Nat'l LLC, et al.*, No. 13-1177 (S.D.N.Y.)

Milberg, along with co-counsel, represented a whistleblower or "relator" in a false claims act case against CareCore, a company that provides benefit management services to Medicare Advantage and Medicaid Managed Care Organizations. The relator alleged that CareCore violated the false claims act by approving "prior authorizations" for



expensive diagnostic procedures (such as MRIs) without reviewing them for medical necessity, as it was required to do. The Government intervened and the case settled in May 2017 for \$54 million and the relator's share of the settlement was \$10.5 million.

\$25 Million Settlement – U.S. ex rel. Gonzales v. J.W. Carell Enters., Inc., et al., No. 12-00389 (M.D. Tn.)

Milberg represented a whistleblower or "relator" in a false claims act case against one of Tennessee's largest home healthcare providers which alleged the company's fraudulent submissions of Medicare and Medicaid claims. The Government intervened and the case settled in November 2014 for \$25 million and the relator's share of the settlement was \$3.9 million.

\$10 Million Settlement – In re Target Corp. Customer Data Sec. Breach Litig., No. 14-md-02522-PAM (D. Minn.)

Milberg represented as many as 110 million Target customers whose personal information was compromised in this landmark data breach case. Milberg, together with co-counsel, achieved compensation of \$10 million, entitling individual consumers to recover losses of up to \$10,000. An appeal to the settlement has been remanded to the District Court of Minnesota and remains pending.

In re Trump Hotels S'holder Derivative Litig., No. 96-7820 (S.D.N.Y.)

The plaintiff shareholders asserted various derivative claims on behalf of the company against certain Trump entities

and senior Trump executives in connection with the sale of a casino to a company in which the plaintiffs owned stock. Milberg negotiated a settlement requiring the company to increase the number of directors and the review of certain future transactions by a special committee.

\$1 Billion-plus Trial Verdict – In re Vivendi Universal, S.A. Securities Litig., No. 02-CV-5571 (S.D.N.Y.)

Milberg was one of two lead trial counsel in this securities fraud case tried to a jury over four months in 2009-2010. The jury found Vivendi liable for dozens of false or misleading statements and awarded damages valued at well over a billion dollars. Six months later, in an unrelated case, the Supreme Court ruled that purchasers on foreign securities exchanges could not recover under U.S. law. Our case against Vivendi continued with post-verdict proceedings under the new standard, and damages have been distributed to U.S. class members totaling over \$100 million. The case involved highly contested issues of loss and transaction causation and damage methodologies and established workable standards for plaintiffs' successful presentation of those issues in pre-trial and trial proceedings.

In re Conagra Foods, Inc., No. 11-05379 (M.D. Cal. 2017)

Milberg is co-lead counsel in a class action against ConAgra Foods, Inc., the maker of Wesson Oils, concerning the company's use of the phrase "100% Natural" to market food products made with crops

grown from seeds that have been genetically engineered using sophisticated laboratory techniques. The District Court certified eleven separate statewide classes of Wesson purchasers. ConAgra appealed the class certification order to the Ninth Circuit Court of Appeals, which affirmed the decision in a decision considered extremely favorable to consumer class actions. ConAgra petitioned the U.S. Supreme Court for review of the Ninth Circuit's decision. The Supreme Court denied the petition.

Platinum Partners v. Chi. Bd. Options Exch., Inc., No. 1-11-2903 (Ill. App. Ct. 2012)

Milberg represented an investment management group in a case against the Chicago Board Options Exchange, Inc. ("CBOE") and Options Clearing Corp. ("OCC"). The plaintiff investment management group alleged that it was injured when the CBOE and OCC privately disclosed strike price information to certain insiders prior to the information being made public. In the interim between the private disclosure and the public announcements, the plaintiff purchased tens of thousands of affected options. The lower court dismissed the complaint on the grounds that the CBOE and OCC, as self-regulatory organizations, were immune from suit. However, the Appellate Court reversed, holding that a private disclosure to insiders served no regulatory purpose and should not be protected from suit. The Illinois Supreme Court declined the defendants' petition for leave to appeal.

Merck & Co., Inc. v. Reynolds, 130 S. Ct. 1784 (2010)

Milberg won a significant victory before the United States Supreme Court, which issued a decision addressing when the two-year statute of limitations for securities fraud claims under 28 U.S.C. § 1658(b) begins to run. The Court rejected the concept of "inquiry notice" and held that the plaintiff must be on actual or constructive notice of "the facts constituting the violation", including facts concerning the defendants' scienter, in order to trigger the statute of limitations. This important holding potentially enables plaintiffs to bring claims based on misstatements made beyond the two-year limitations period.

Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308 (2007)

Here, the United States Supreme Court announced a new uniform standard for evaluating the sufficiency of a complaint under the PSLRA. The court held that on a motion to dismiss, a court "must consider the complaint in its entirety," accepting "all factual allegations in the complaint as true," as well as "tak[ing] into account plausible opposing inferences." On remand, the Seventh Circuit, applying this new uniform standard, unanimously sustained the complaint as sufficiently pled.

In re Lord Abbett Mutual Funds Fee Litig., 553 F.3d 248 (3d Cir. 2009)

This important decision set significant precedent regarding the scope of preemption under the Securities Litigation Uniform Standards Act of 1998 ("SLUSA").

In reversing the District Court's dismissal of the plaintiffs' claims, the Third Circuit held that "SLUSA does not mandate dismissal of an action in its entirety where the action includes only some pre-empted claims." Under this holding, "any valid federal claims pled in the same action – claims that, if brought independently, would clearly fall outside of SLUSA's pre-emptive scope – need not also be dismissed."

***South Ferry LP #2 v. Killinger*, 542 F.3d 776 (9th Cir. 2008)**

This decision clarified whether a theory of scienter based on the "core operations" inference satisfies the PSLRA's heightened pleading standard. In siding with the plaintiffs, the Ninth Circuit held that "[a]llegations that rely on the core operations inference are among the allegations that may be considered in the complete PSLRA analysis." The court explained that under the "holistic" approach required by Tellabs, all allegations must be "read as a whole" in considering whether plaintiffs adequately pled scienter.

***In re Gilead Sciences Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008)**

In this opinion, the Ninth Circuit clarified loss causation pleading requirements. The opinion established that plaintiffs in a securities fraud action may adequately plead loss causation where they provide sufficient detail of their loss causation theory and some assurance that the theory has a basis in fact.

***In re Comverse Tech., Inc. Derivative Litig.*, 866 N.Y.S.2d 10 (App. Div. 1st Dep't 2008)**

In this derivative case, plaintiff shareholders sued certain of the company's officers and directors based on allegations of illegal options backdating. In this significant opinion reversing the lower court's dismissal, the Appellate Division clarified the standards of demand futility and held that a board of directors loses the protection of the business judgment rule where there is evidence of the directors' self-dealing and poor judgment.

***Asher v. Baxter Intl, Inc.*, 377 F.3d 727 (7th Cir. 2004)**

In reversing and remanding the District Court's dismissal, the Seventh Circuit resolved in plaintiffs' favor an important issue involving the PSLRA's "safe harbor" for forward-looking statements. The court held that whether a cautionary statement is meaningful is an issue of fact, which cannot be resolved at the pleading stage.

***Shaw v. Digital Equipment Corp.*, 82 F.3d 1194 (1st Cir. 1996)**

In this case, the First Circuit ruled that when filing a prospectus related to the issuance of securities, the issuer must disclose intra-quarter, materially adverse changes in its business. The court rejected the defendants' argument that there was no duty to disclose until after the quarter ended.

Fox v. Reich & Tang, Inc.*, 692 F.2d 250 (2d Cir. 1982), *aff'd sub nom.*, *Daily

***Income Fund, Inc. v. Fox*, 464 U.S. 523 (1984)**

The court held that a Rule 23.1 demand is not required in a shareholder suit brought pursuant to Section 36(b) of the Investment Company Act. In so holding, the court explained: “Since directors cannot cut off a suit and § 36(b) does not authorize them to institute one, and because shareholder plaintiffs are necessarily challenging fees the directors evaluated and approved, the traditional reason for the demand requirement simply does not apply.”

***Rifkin v. Crow*, 574 F.2d 256 (5th Cir. 1978)**

The Fifth Circuit reversed the District Court’s summary judgment order dismissing plaintiffs’ claims for failure to prove reliance, paving the way for the Fifth Circuit’s future acceptance of the “fraud-on-the-market” rationale.

***Blackie v. Barrack*, 524 F.2d 891 (9th Cir. 1975), cert. denied, 429 U.S. 816 (1976)**

This is the seminal appellate decision on the “fraud-on-the-market” theory of reliance, which allows investors who purchase stock at artificially inflated prices to recover even if they were personally unaware of the false and misleading statements reflected in the stock’s price. In so holding, the court noted that class actions are necessary to protect the rights of defrauded purchasers of securities.

ATTORNEY BIOGRAPHIES

MANAGING PARTNERS

R. GLENN PHILLIPS has been practicing law since 1984 and has tried more than 100 civil jury trials. He is a managing partner at Milberg Phillips Grossman LLP, and director of the firm's global operations. He is also a founding partner of Sanders Phillips Grossman, LLP, an environmental and mass torts litigation firm, and the owner of the Phillips Law Firm.

Mr. Phillips has received the highest rating from Martindale-Hubbell (5.0 out of 5.0) and is an AV rated attorney.

Mr. Phillips started his legal career representing insureds on behalf of insurance companies, handling primarily wrongful death and product liability cases. In the mid-1990s, he began representing those injured by others, corporations, or by defective drugs and devices. Since then, he has been actively involved in the aggregation and prosecution of large groups of individual clients injured by corporate neglect.

Mr. Phillips is a firm believer in the phrase, "leveling the playing field," allowing ordinary citizens to have access to justice through the courts and to being guided by experienced, aggressive, and ethical counsel.

Mr. Phillips is a member of the Washington state bar. He is also a member of the American Association for Justice, an Eagle member of the Washington Association for Justice, and the non-profit

organization, Public Justice. He is a frequent speaker before such national groups as The National Trial Lawyers, American Association for Justice, and Mass Torts Made Perfect, as well as various state trial lawyer groups.

MARC D. GROSSMAN graduated from The University of Michigan in 1989. After completing Brooklyn Law School and Baruch Business School's J.D./M.B.A. program while interning at the Law Department of the United Nations, Mr. Grossman became an associate and later a partner in the law firm of Mergel, Tubman & Grossman in New York City. In addition to his role as a managing partner at Milberg Phillips Grossman LLP, Mr. Grossman is a founding partner of Sanders and Grossman P.C. and Baker Sanders Barshay Grossman Fass Muhlstock & Neuwirth, LLC, and a senior partner at Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C., and Sanders Viener Grossman LLP.

Since beginning his law career in 1993, Mr. Grossman has focused primarily on representing large groups of plaintiffs against common defendants. In 1999, after six years of practicing plaintiff's personal injury law in state and federal courts in New York and New Jersey, Mr. Grossman founded the law firm of Sanders and Grossman, P.C. specifically to pursue claims on behalf of medical providers. This



firm, and its successors, grew dramatically under his leadership, and now represent thousands of medical providers litigating claims against insurance companies, and thousands of injury victims.

Mr. Grossman had a vision of uniting the medical profession by affording them the opportunity to litigate nominal claims that were being written off by medical providers as uncollectible and had not previously been practical for most attorneys to litigate. By coordinating discovery, utilizing the most up-to-date case management technology, and recruiting top office administrators and trial attorneys, Mr. Grossman's firm was able to greatly improve efficiencies throughout the litigation process and ultimately the viability of collecting these claims. By filing over 100,000 individual lawsuits, Mr. Grossman's firms garnered the attention of the insurance industry and the medical profession in New York eventually leading to a series of mass settlements on behalf of his clients and recoveries in the hundreds of millions of dollars. In just 2006 and 2007, Mr. Grossman's firm personally litigated, negotiated, and recovered over 100 million dollars for his medical provider clients. The unique experience Mr. Grossman garnered as an innovator and leader in the mass settlement of medical claims and mass torts made him a leader in his field in negotiating and obtaining large recoveries.

Most recently, Mr. Grossman has represented hundreds of injured clients in lead paint litigations, asbestos litigations, mold litigations, and thousands of victims of defective drugs and products. Mr.

Grossman received recognition litigating Vioxx cases in New Jersey Superior Court where he served as a liaison to the media as a member of the Vioxx Plaintiffs' Steering Committee's ("PSC's") Public Relations Committee, and as a liaison for the Committee to many financial institutions and governmental agencies, offering a common voice for the hundreds of attorneys handling such cases and the tens of thousands of victims they represent. These efforts and the hard work of many other relentless attorneys ultimately led Merck to agree to one of the largest Civil Settlements in American History for \$4.85 Billion.

In December 2010, Mr. Grossman was nominated and invited to join both The Board of Directors of the New York State Trial Lawyers Association and the Executive Committee of Association of Trial Lawyers of America. Mr. Grossman is also a member of the Mass Tort Trial Lawyers Association and the Leaders Forum of the American Association of Justice.

Mr. Grossman has actively litigated for other large groups of plaintiffs in the following matters: *In re Avandia Mktg., Sales Practices and Prods. Liab. Litig.*; *In re N.Y. Bextra and Celebrex Prod. Liab. Litig.* in New York's Supreme Court, New York County; Case No. 273, *In re Bextra and Celebrex Litig.*, Superior Court of New Jersey, Atlantic County; *Oxycontin Litigation* in New York's Supreme Court, Richmond County; MDL-1708, *In re Guidant Corp. Implantable Defibrillators Prods. Liab. Litig.* in Minnesota; MDL-1699, *In re Bextra and Celebrex Mktg., Sales Practices and Prods. Liab. Litig.* in

California; MDL-1742, *In Re Ortho Evra Prods. Liab. Litig.* in Ohio; MDL-1789, *In re Fosamax Prods. Liability Litig.* in New York; and MDL-1804, *In Re Stand 'N Seal, Prods. Liability Litig.*, where one of Mr. Grossman's firms serves on the PSC. One of Mr. Grossman's firms is also a court-appointed member of the PSC in the following mass tort litigations: *In Re Avandia*, *In Re Chantix*, *In Re Zicam*, *In Re Zimmer Knee*, *In Re Fosamax*, and the New Jersey state court coordination of Levaquin. One of Mr. Grossman's firms is co-lead in the NY Chantix Coordination and the New Jersey Reglan Coordination, as well as Risperdal in California, all Transvaginal Mesh PSC, and Propecia coordination.

After an \$8 million verdict in *Boles v. Merck* for a victim of Fosamax, Mr. Grossman, along with co-counsel, led the Trial Team in *Rosenberg v. Merck* which was the first bellwether New Jersey Trial in Atlantic County Superior Court.

Mr. Grossman has become well known as a speaker and host of approximately 20 educational seminars designed to educate victims, the medical community, and other attorneys. Mr. Grossman has been quoted and has appeared in numerous local and national forums and in the media as a legal commentator and advocate of victims' rights against the corporate greed that plagues our nation.

In January 2016, Mr. Grossman received the 2015 Litigator Award a significant distinction, achieved by less than 1% of all trial attorneys. This award is considered among the top honors bestowed on trial attorneys.

PEGGY J. WEDGWORTH is a managing partner and Chair of the Antitrust Practice Group. She was an Assistant District Attorney in Brooklyn, New York from 1986 to 1989. Since leaving the public sector in 1989, she has handled numerous securities, commodities, antitrust and whistleblower matters, and is a Super Lawyer in New York, New York since 2016 and recommended in the Legal 500 United States for 2016.

Ms. Wedgworth represents defrauded investors and consumers, and she currently represents consumers in *In re Contact Lens Antitrust Litig.*, and car dealerships in an antitrust action brought against software suppliers. She actively litigated *In re Initial Public Offering Sec. Litig.* for over five years, which settled for \$586 million, and *In re Merck & Co. Sec. Litig.*, which had a combined settlement totaling \$1.062 billion. She also won a jury trial against R.J. Reynolds in a wrongful death tobacco case in Florida state court.

Ms. Wedgworth has litigated antitrust and commodities class actions on behalf of plaintiffs including extensive experience in all aspects of pre-trial discovery in, among other cases, *In re Brand Name Prescription Drugs Antitrust Litig.*, No. 94-897, 1996 WL 351180 (N.D. Ill. June 24, 1996) (approving \$351 million settlement); *In re NASDAQ Market-Makers Antitrust Litig.*, 187 F.R.D. 465 (S.D.N.Y.) (\$1,027,000,000 settlement); *In re Microsoft Litig.*, MDL 1332 (D. Md.) (consolidated class actions alleging long term unlawful maintenance of a monopoly and other anticompetitive conduct by Microsoft resulting favorable partial settlements); *In re Soybean Futures Litig.*,

No. 89-7009 (N.D. Ill.) (\$21,500,000 class settlement providing claiming class members/soybean futures traders a full recovery under plaintiffs' expert's formula); *In re Sumitomo Copper Litig.*, 74 F. Supp. 2d 393, 395 (S.D.N.Y. 1999) ("The recovery is the largest class action recovery in the 75 plus year history of the Commodity Exchange Act."); *Kohen v. Pac. Inv. Mgmt. Co., LLC*, No. 05-4681 (N.D. Ill.) (certified class of treasury bond futures purchasers alleging manipulation of the futures market); *Leider v. Ralfe*, No. 01-3137 (D.N.J.) (alleging price-fixing and monopolization in the diamond market by DeBeers resulting in a settlement of \$250,000,000 and extensive injunctive relief); and *In re Natural Gas Commodities Litig.*, 03-6186 (S.D.N.Y.) (\$101 million settlement).

Ms. Wedgworth regularly speaks on topics relating to antitrust litigation, multi-district litigation and class action issues, and consumer matters. She is a member of the New York State Bar Association's Antitrust Committee, where she has served as both a speaker and panelist, and the American Bar Association, Antitrust Committee, and a member of the American Association of Justice.

PARTNERS

KENT A. BRONSON received a B.A. from State University of New York at Binghamton in 1994. He graduated *cum laude* from University of Pittsburgh School of Law in 1998. During law school, Mr. Bronson was a research editor on the Law

Review and a recipient of the Dean's Scholarship.

Mr. Bronson's practice is focused on securities, consumer and class action litigation. Prior to joining Milberg LLP, while associated with another law firm, Mr. Bronson was part of a team of attorneys representing New York homeowners in *In re Coordinated Title Ins. Litig.*, Index No. 009600/2003 (N.Y. Sup. Ct. Nassau Cnty.) who alleged that eight insurance companies doing business in New York state overcharged them for title insurance in refinance transactions. The litigation resulted in complete recovery to homeowners submitting valid claims, and reportedly the largest settlement of a consumer class action in Nassau County. The presiding Justice, in approving the \$31.5 million settlement of that litigation, described the prosecution of the case as reflecting "lawyering of the highest quality." Also, in *In re Providian Fin. Sec. Litig.*, MDL 1301 (E.D. Pa.), Mr. Bronson was one of the attorneys representing the Xerox (GB) Pension Scheme (which reportedly oversees approximately \$2.5 billion in employee retirement funds for the British affiliate of Xerox Corp.) in a securities fraud class action lawsuit alleging that a major credit card company inflated its profits with illegal charges to consumers. The Court commented, in approving the \$38 million settlement of that case, on the "extremely high quality" and "skill and efficiency" of plaintiffs' counsel's work.

Mr. Bronson has litigated numerous complex class action and shareholder derivative cases in various state and federal courts, including, among others, *In*

re Biovail Corp. Sec. Litig., No. 03-8917 (S.D.N.Y.) (in which Milberg LLP served as co-lead counsel on behalf of the Local 282 Welfare Trust Fund, and which was settled for \$138 million and certain corporate governance modifications); *City of Miami Police Relief & Pension Fund v. Ryland Grp., Inc.*, No. BC411143 (Cal. Super. Ct. Los Angeles Cnty.); *New Jersey Carpenters Annuity Fund v. Meridian Diversified Fund Mgmt., LLC*, No. 10-5738 (S.D.N.Y.); *New Jersey Carpenters Pension Fund v. infoGroup, Inc.*, No. 5334-VCN (Del. Ch.); and *In re Massey Energy Co. Derivative & Class Action Litig.*, No. 5430-VCS (Del. Ch.).

During law school, Mr. Bronson was a research editor of the University of Pittsburgh Law Review and a recipient of the University of Pittsburgh School of Law Dean's Scholarship.

Mr. Bronson is admitted to practice in New York State courts, the United States District Courts for the Southern, Eastern and Northern Districts of New York, and the United States Courts of Appeals for the Second and Tenth Circuits.

MATTHEW A. KUPILLAS graduated from the State University of New York at Albany in 1990 with a B.A. degree in philosophy. In 1994, Mr. Kupillas received his J.D. degree from New York University School of Law. Mr. Kupillas focuses his practice primarily on class actions on behalf of defrauded investors and consumers, as well as complex commercial litigation.

Mr. Kupillas' securities practice has included numerous complex litigations

nationwide, including *In re Merck & Co., Inc. Sec. Litig.*, which resulted in a \$1.062 billion recovery on behalf of injured investors; *In re Medical Capital Sec. Litig.*; and *South Ferry LP #2 v. Killinger*.

Mr. Kupillas is a member of the bar of the State of New York and is admitted to practice before the United States District Court for the Southern and Eastern Districts of New York, the District of Colorado, the Eastern District of Wisconsin, and the United States Courts of Appeals for the Second and Tenth Circuits.

VICKI MANIATIS graduated with a BA from The Pennsylvania State University in 1990, a J.D. from Hofstra University School of Law in 1993 and has been admitted to practice law in New York and New Jersey since 1994. During law school, Ms. Maniatis interned for two summers with the Middlesex County Prosecutor's office. Once admitted, she started practicing as a general negligence defense attorney, before transitioning into the field of Plaintiffs' Mass Tort in 1998 at Kreindler & Kreindler litigating Aviation disasters. Vicki is also currently a partner at Sanders Phillips Grossman where she works on mass tort cases involving pharmaceuticals and medical devices, the field she has worked in for nineteen years, and is a member of the firm's Environmental & Toxic Tort department. She is a frequent invited lecturer and moderator on a wide variety of pharmaceutical and mass tort cases including, Opioids, Trans Vaginal Mesh, Fosamax, Ortho Evra, Risperdal, Propecia, Avandia, Onglyza, as well as several medical devices. She has also

published articles on pharmaceuticals and vaccines. She currently serves on her firm's Opioids Task Force and JUUL Task Force educating lawyers and municipalities about these catastrophes. Ms. Maniatis has been appointed by State and Federal Judges to serve as lead counsel and on Plaintiffs' steering committees. She was appointed lead counsel in the New Jersey Propecia Multi County Litigation. She has also served on the Fosamax Femur PSC (DNJ), the Transvaginal Mesh MDL PSC's in the Bard, Boston Scientific, American Medical Systems and Ethicon cases (DWV), the Benicar MDL PSC (DNJ) as well as the Talcum Powder MDL PSC (DNJ). Vicki regularly performs common benefit work outside her PSC appointments.

Ms. Maniatis engages in all levels of bellwether trial case-specific work-up including, plaintiff, spouse and family member depositions, implanting, explanting, treating physicians, sales representative and expert depositions, in several mass torts including TVM, Mirena, hernia mesh and Propecia cases.

Ms. Maniatis has taken part in researching, meeting, retaining, working with experts for depositions and preparation in several litigations she has worked on and can provide additional information in this regard (subject to strategy and attorney work product).

Ms. Maniatis has participated in focus group/mock trial scenarios for medical malpractice, aviation disasters, and pharmaceutical cases. She has presented as counsel and witnesses for Plaintiff and defense in Mock trials, and focus groups.

Ms. Maniatis has been recognized as a Top Attorney of the NY Metro Area and Top Woman Attorney in the NY Metro Area (2013 to date). She is an active participant in the American Association for Justice (AAJ), New Jersey Association for Justice and New York State Trial Lawyers Association (NYSTLA). Ms. Maniatis serves as a founding member of Mass Tort Med School, an annual medical seminar for Plaintiffs' attorneys that offers numerous physician speakers and cutting-edge medical issues. She previously served as a committee co-chair for the Women En Mass group. Ms. Maniatis in an active runner and triathlete having completed Marathons, half iron and full Ironman races. She also serves as an Advisory Council Member to the Academy for Biotechnology of the Morris County Vocational School District and Mountain Lakes High School and also serves on Mountain Lakes' Green Team.

ELIZABETH MCKENNA is a partner with MPG and has spent almost 20 years as a litigator. She currently focuses her practice on complex and class action consumer protection and privacy cases, as well as antitrust cases involving price-fixing, unlawful monopolization, and other anticompetitive practices. Ms. McKenna also represents defrauded individuals and institutional investors in class and other representative actions involving complex financial issues.

Ms. McKenna was part of the team appointed co-lead counsel for Indirect Purchaser Plaintiffs in *In re Fresh & Process Potatoes Antitrust Litig.*, No. 4:10-md-2186

(D. Idaho), as well as *In re Processed Egg Prods. Antitrust Litig.*, No. 2:08-md-2002 (E.D. Pa.).

Prior to joining Milberg LLP, Ms. McKenna worked as an attorney in the New York office of Healy & Baillie, LLP (now part of Blank Rome LLP), where she practiced commercial litigation, as well as admiralty and maritime law.

Ms. McKenna graduated from Columbia University in 1991 with a B.A. degree in English, and a J.D. degree from Fordham Law School in 1998. While at Fordham, Ms. McKenna was a Stein Scholar in Public Interest Law & Ethics, a member of the Fordham Environmental Law Journal, and a Co-Director of the Fordham Student Sponsored Fellowship.

Ms. McKenna is admitted to practice in the state courts of New York and in the United States District Courts for the Southern and Eastern Districts of New York.

ANDREI RADO focuses his practice on securities litigation, consumer class actions, and SEC whistleblower matters.

Since the passage of the Dodd-Frank Act in 2010, Mr. Rado has represented numerous whistleblowers before the commission under a program that rewards and protects whistleblowers that report violations of securities laws to the Securities and Exchange Commission. These involved a variety of complaints, including allegations of bribing foreign officials to gain business, accounting fraud, and consumer fraud, against a variety of companies diverse in size and business.

Mr. Rado's securities practice has included numerous complex litigations nationwide, including *In re Initial Public Offering Sec. Litig.*, which alleged, in hundreds of consolidated cases then pending in the Southern District of New York, that investment banks manipulated the initial public offerings of hundreds of companies, and mutual fund timing cases alleging that mutual fund managers allowed select investors to profit by improperly timing their trading in fund shares.

Mr. Rado also investigates, launches, and litigates consumer class actions. These cases are as diverse as consumer fraud itself. Early in his career, Mr. Rado litigated a case against jewelry company Zales for improperly denying credit-insurance claims made by unemployed and retired consumers, and a class action against computer maker Gateway for improperly understating in advertising the costs of internet access to consumers, some of whom incurred internet-access fees of hundreds of dollars. More recently, among other cases, Mr. Rado has launched and litigated consumer cases against companies that misled consumers by inflating the technical specifications of their products, and "all natural" food cases, including the first case alleging that products made from genetically modified organisms (GMOs) should not be advertised as natural.

Mr. Rado is editor of MPG's consumer blog classactioncentral.com

Prior to joining Milberg LLP, Mr. Rado worked as an attorney at a New York City-based investment bank focusing on

compliance, with rules and regulations relating to re-sales of control and restricted securities under the Securities Act of 1933. Mr. Rado also worked at another prominent New York City law firm specializing in plaintiffs' securities class action litigation.

Mr. Rado received his Juris Doctor degree from St. John's University School of Law, *cum laude*, in 1999. While in law school, Mr. Rado served as a senior member of the New York International Law Review. He is admitted to practice in the courts of the State of New York, as well as the United States District Court for the Southern District of New York. Mr. Rado was born in Bucharest Romania, and lived in Israel for several years before immigrating to New York in the early 80s.

ROY SHIMON focuses his practice on securities and stockholder derivative litigation in both state and federal courts. Mr. Shimon also has experience in the areas of insider trading and antitrust litigation. Super Lawyers recognized him as a "Rising Star" in the New York Metro area each year from 2014-2018.

Mr. Shimon has served as lead or co-lead counsel in a number of complex matters on behalf of stockholders and employee investors, including *In re PLX Tech. Inc. S'holders Litig.* (Del Ch.) (stockholder recovery of \$14.1 million); *In re Zynga Inc. Sec. Litig.* (N.D. Cal.) (investor recovery of \$23 million); *In re Popular Inc. ERISA Litig.* (D.P.R.) (employee investor recovery of \$8.2 million); and *Shanehchian v. Macy's Inc.* (S.D. Ohio) (employee investor recovery of \$8.5 million). Mr.

Shimon currently represents the City of Charlotte, North Carolina in ongoing antitrust litigation in *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J. 2015).

Mr. Shimon graduated *cum laude* from Franklin & Marshall College in 2003, where he was inducted into the Pi Sigma Alpha and Alpha Kappa Delta National Honor Societies. He received his J.D. from St. John's University School of Law in 2006, where he served on the Executive Board of the Moot Court Honor Society and as Vice President of the Entertainment & Sports Law Society.

Mr. Shimon is admitted to practice in the state and federal courts of New York.

ROBERT A. WALLNER received his B.A. degree from the University of Pennsylvania in 1976 graduating *magna cum laude*. He attended New York University School of Law, earning his J.D. degree in 1979. He was elected to the law school's Order of the Coif and served as an editor of the New York University Law Review.

Mr. Wallner has litigated complex securities, consumer and antitrust class actions throughout the country. He has represented plaintiffs in lawsuits arising out of the Madoff Ponzi scheme, including the court-appointed litigation trustee of two Madoff "feeder funds." He has also represented investors in *In re Merck & Co., Inc. Sec. Litig.* (D.N.J.), which resulted in a \$1.062 billion recovery, *In re Initial Public Offering Sec. Litig.* (S.D.N.Y.), *In re CMS Energy Corp. Sec. Litig.* (E.D. Mich.), and *In re Deutsche Telekom AG Sec. Litig.*

(S.D.N.Y.), and consumers in *In re Synthroid Mktg. Litig.* (N.D. Ill.) and the *Mercedes-Benz Tire Litig.* (D.N.J.).

Mr. Wallner is a frequent lecturer on securities and complex litigation issues. He has served on the editorial board of *Securities Litigation Report*, as a faculty member of the American Bar Association's First Annual National Institute on Securities Litigation and Arbitration, and as a member of the Federal Courts Committee of the Association of the Bar of the City of New York. He has been recognized in *Lawdragon's* "100 Lawyers You Need to Know in Securities Litigation."

OF COUNSEL

PAUL J. ANDREJKOVICS graduated from Union College, Schenectady, NY, in 1992, Phi Beta Kappa, *magna cum laude*, with a B.A. degree in political science. In 1995, Mr. Andrejkovics received his J.D. degree from Albany Law School.

Mr. Andrejkovics's practice concentrates on class action settlements and settlement administration. He was admitted as a member of the New York bar in 1996 and is admitted to practice before the United States District Court for the Northern, Southern, and Eastern Districts of New York.

DAVID AZAR received his B.S. in Finance from Indiana University School of Business in 1991. He graduated from Duke University School of Law, *magna cum laude*, in 1999, where he was a member of the Order of the Coif (top 10% of the class). While in law school, he served as a senior

editor of *Law and Contemporary Problems*, and was a member of the Moot Court Board. After law school, he clerked for Chief Justice Veasey of the Delaware Supreme Court.

Mr. Azar focuses his practice on class actions on behalf of defrauded investors and consumers, as well as disputes regarding contracts, partnerships, closely-held corporations, corporate governance, and other complex commercial matters for businesses and individuals. He also provides corporate counseling in pre-litigation and transactional matters, working with transactional or specialty counsel to provide a litigation perspective or to act as an outside general counsel.

Building upon his nine years of experience representing business enterprises and high-net-worth individuals at two of the most prominent business litigation firms, Mr. Azar has prosecuted several multiparty and other class actions that resulted in more than \$300 million in settlements during the past few years alone. Recent significant settlements include obtaining total recovery for investors of \$219 million against Bank of New York Mellon and Wells Fargo in a securities fraud/breach of contract action, which reflected one of the largest recoveries against indenture trustees in United States history. In addition, Mr. Azar was part of the team that served as co-lead counsel in a class action resulting in \$86 million in settlements on behalf of airline passengers who alleged that Korean Air Lines and Asiana Airlines conspired to fix the price of air travel between the United States and Korea. Mr. Azar's significant litigation

experience includes first-chair trial and appellate work. He is co-author of the chapters on LLC and partnership disputes in *Litigating and Judging California Business Entity Governance Disputes*, scheduled to be published by Lexis in 2019. He is also a contributing author of *Antitrust Law Developments* (7th Edition), published by the ABA Section of Antitrust Law. Mr. Azar is also a co-founding president and board member of the California Discovery Law Initiative, a non-profit that is reviving a publicly accessible and free-to-use website regarding California discovery law practice and case law.

Mr. Azar serves as a volunteer prosecutor through the Los Angeles Bar Association's Trial Advocacy Project, and he has been named by Los Angeles Magazine as a Southern California Super Lawyers Rising Star. Mr. Azar has extensive knowledge of dispute resolution, having served as a mediator in more than 160 cases, and he has trained and reviewed other mediators. He served for five years as the editor of the quarterly publication of the Society of Professionals in Dispute Resolution, and was honored with the association's Presidential Recognition award.

SANFORD P. DUMAIN attended Columbia University where he received his B.A. degree in 1978. He graduated *cum laude* from Benjamin N. Cardozo School of Law of Yeshiva University in 1981.

Mr. Dumain represents plaintiffs in cases involving securities fraud, consumer

fraud, insurance fraud, and violations of the antitrust laws.

Mr. Dumain was co-lead counsel in *In re Tyco Int'l Ltd., Sec. Litig.* in which \$3.2 billion was recovered for investors. Mr. Dumain also served as lead counsel in the securities class actions against Nortel and Biovail, which are the highest and third highest recoveries ever in cases involving Canadian companies. The Nortel settlement was valued at over \$1 billion and Biovail settled for over \$138 million in cash. Mr. Dumain successfully represented the City of San Jose, California against 13 of the City's broker-dealers and its outside accountants in connection with major losses in unauthorized bond trading.

Mr. Dumain began his career as a law clerk to Judge Warren W. Eginton, United States District Court for the District of Connecticut 1981-1982. During the early years of his practice, he also served as an Adjunct Instructor in Legal Writing and Moot Court at Benjamin N. Cardozo School of Law.

Mr. Dumain has lectured for ALI-CLE concerning accountants' liability and has prosecuted several actions against accounting firms.

Judge Janet C. Hall of the District of Connecticut made the following comment in *In re Fine Host Corp. Securities Litig.*, No. 97-2619 (D.Conn.): "The court also finds that the plaintiff class received excellent counseling, particularly from the Chair of the Plaintiffs' Executive Committee, Attorney Dumain."

Mr. Dumain is admitted to practice in the State of New York, United States

District Court for the Southern, Eastern, and Western Districts of New York, District of Colorado, and District of Connecticut, and United States Courts of Appeals for the First, Second, Third, Sixth, Seventh, and Eighth Circuits.

MICHAEL C. SPENCER graduated from Yale University in 1973 with a B.A. degree, *magna cum laude*, with distinction, in philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, *cum laude*, in 1976.

Mr. Spencer has prosecuted a broad range of cases at Milberg LLP and MPG, with an emphasis on representing plaintiffs in class and other representative actions involving complex financial issues.

He was one of the principal trial counsel for plaintiffs in *In re Vivendi Universal, S.A. Sec. Litig.* (S.D.N.Y.), a securities fraud class action in which the jury returned a verdict for the plaintiffs in January 2010. He is presently handling post-trial motions and defendant's anticipated appeal. The case is notable for the size of the verdict and for inclusion of investors from France, England, and the Netherlands, as well as the United States, in the certified class.

Mr. Spencer has handled many other securities cases at the Firm, including those against defendants in the fields of technology, real estate, finance, leasing, manufacturing, and pharmaceuticals. His first exposure to this type of case was in the precedent-setting "WPPSS" litigation in the late 1980s, which involved bond defaults on nuclear power plants in the

Pacific Northwest and established the blueprint for prosecuting many complex securities class actions that followed.

Mr. Spencer has also led the Firm's prosecution of other cases in diverse fields. He was one of two principal trial counsel representing the FDIC in its year-long trial against a major accounting firm involving failed-bank audits, which led to a global settlement covering all government claims just before closing arguments to the jury. He has prosecuted consumer and securities claims against companies that sold deferred annuities unsuitable for retirement plan investors. He has taken appraisal and breach of fiduciary duty cases to trial in Delaware and Pennsylvania. He had extensive involvement in representing a coalition of union health care funds seeking to recover costs for treating smoking-related illnesses from the tobacco industry, pursuing the cases through several appeals. He has also represented plaintiffs in cases involving accounting malpractice, limited partnership investments, real estate closing fees and mortgage insurance, contract disputes, defamation, unlawful lotteries, and consumer deception.

Mr. Spencer began his legal career as a law clerk to U.S. District Judge Wm. Matthew Byrne Jr. in Los Angeles (1976-77). He then returned to New York and joined Cravath, Swaine & Moore as an associate, where he worked until 1986, when he joined Milberg LLP as an associate and became a partner later that year. Mr. Spencer graduated from Yale University in 1973 with a B.A. degree, *magna cum laude*, with distinction, in

philosophy. While at Yale, he was elected to Phi Beta Kappa. Mr. Spencer received a J.D. degree from Harvard Law School, *cum laude*, in 1976.

BARRY A. WEPRIN graduated from Harvard College in 1974. He received a J.D. degree from the New York University School of Law in 1978, and a master of public affairs from the Woodrow Wilson School of Princeton University in 1978. While in law school, Mr. Weprin was notes and comments editor of the New York University Law Review.

Since joining the firm, Mr. Weprin has specialized in securities and insurance litigation. He has served as lead or co-lead counsel in a number of complex securities class action litigations. He was one of the principal attorneys in the sales practice litigations against The New York Life Insurance Company, The New England Life Insurance Service Company, The Massachusetts Mutual Life Insurance Company, The John Hancock Mutual Life Insurance Company, and The Prudential Life Insurance Company which recovered billions of dollars for policyholders. Mr. Weprin is a frequent lecturer on complex litigation issues.

Previously, Mr. Weprin served as law clerk to Judge Charles P. Sifton of the United States District Court for the Eastern District of New York and was associated with the law firm of Wachtell Lipton Rosen & Katz where he specialized in commercial and securities litigation. He also served as general counsel to the New York State Housing Finance Agency and the New York State Medical Care Facilities Finance

Agency, two agencies that issue tax exempt bonds for financing nonprofit medical facilities and qualified housing projects.

Mr. Weprin is very active in his community of Mamaroneck, New York, having served as a Town Councilman and a member of the Zoning Board of Appeals. He is a former President of the National Association of Shareholder and Consumer Attorneys (NASCAT) as well as Vice President of the Institute for Law and Economic Policy (ILEP).

Mr. Weprin is a member of the American Bar Association, the Association of the Bar of the City of New York, the New York County Lawyers Association, and the New York State Bar Association. Mr. Weprin is admitted to practice in New York, the United States District Court for the Southern and Eastern Districts of New York, the United States Court of Appeals for the Second Circuit, and the United States Supreme Court.

DEBORAH GOUGH represents plaintiffs in complex health care litigation, consumer class action, and consumer protection. Ms. Gough is the past-chair of the American Association for Justice, Nursing Home Litigation Group and the current Chair for the New York Nursing Home Litigation Group. She frequently serves as faculty for seminars on fraud and abuse in the health care industry.

Ms. Gough received her J.D. from Loyola University School of Law. She is a member of the Board of Governors for the New Jersey Association for Justice.

Ms. Gough is admitted to practice in the state courts of New York and New Jersey, and the United States District Court, District of New Jersey.

SENIOR COUNSEL

JENNIFER S. CZEISLER graduated from Hofstra University in 1994 with a B.A. degree in psychology. After completing graduate degree work at Hunter School of Social Work (1994-95), she pursued a J.D. degree, which she earned in 1999 from the University of Miami School of Law, where she graduated *cum laude*. Ms. Czeisler was on the editorial board of the *Law Review of Psychology, Public Policy & Law* and earned numerous awards, including the CALI excellence for the Future Award, Dean's Certificate of Achievement Award, and membership in the Phi Delta Phi National Honor Society.

Ms. Czeisler is admitted to practice in the State of New York and is a member of the American Bar Association, where she is committed to her pro bono work with the American Bar Association Commission on Legal Problems of the Elderly. Ms. Czeisler's practice areas focus on reverse redlining and predatory lending, complex and consumer litigation.

JOHN HUGHES focuses his practice on antitrust, consumer protection, and False Claims Act Litigation as well as e-discovery.

Mr. Hughes graduated from Michigan State University with a B.A. in Political Science in 2005. And earned his J.D. degree

from Wayne State University School of Law in 2012.

During law school, Mr. Hughes served as Director of The Free Legal Aid Clinic in Detroit, Co-managing a facility that specializes in providing family and elder law services to city residents. Prior to joining Milberg LLP, John helped lead a non-profit organization with a presence in New York City, Detroit, and Los Angeles that focused on providing legal support to creative communities.

Mr. Hughes is admitted to practice in Michigan.

LEIGH SMITH has practiced law at firms in New York and New Jersey and has prosecuted a broad range of cases during her career. Her cases have included complex class actions brought on behalf of injured consumers and investors and also actions alleging discrimination, breaches of fiduciary duty, fraudulent transfers, and legal malpractice. Her noteworthy representations include *In re Tyco Int'l Sec. Litig.*, No. 02-266-PB (D.N.H. 2002), a case involving complex allegations of fraud in which she played a leading role in achieving a multi-billion dollar settlement, and U.S. ex rel. *Cordingley v. Good Shepherd Hospice, Mid-America, Inc.*, No.4:11-cv-1087 (W.D. Mo. 2011), a qui tam action in which she successfully represented the relator.

Ms. Smith earned a B.A. and an M.A. in French from Rutgers University. Prior to law school, Ms. Smith taught French language and literature, and she also taught English in a Parisian suburb. At

Cornell Law School, Ms. Smith was on the editorial board of the Journal of Law and Public Policy, was an active member of the Moot Court Board, and was co-president of Cornell's Lambda Law Student Association.

Ms. Smith is a member of the Women's Bar Association of the State of New York and the Westchester Women's Bar Association.

ASSOCIATES

J. BIRT REYNOLDS represents whistleblowers who bring claims under the federal False Claims Act and its state counter-parts. Since joining the firm's Qui Tam practice group, he has worked on several cases that have brought substantial recoveries to federal and state governments. Mr. Reynolds also represents plaintiffs in complex commercial litigation involving contractual, tort, and statutory claims. Before joining Milberg, Mr. Reynolds clerked for a magistrate judge in the Middle District of Florida, as well as Florida appellate and trial court judges.

Mr. Reynolds earned his J.D. from Case Western Reserve University School of Law in 2004. He is admitted to practice in the state courts of Florida and New York, the United States District Courts for the Eastern and Southern Districts of New York, the Northern, Middle, and Southern Districts of Florida, and the Western District of Michigan.

MICHAEL ACCIAVATTI is a member of the antitrust litigation practice group of Milberg Phillips Grossman. Prior to joining the firm, Mr. Acciavatti litigated mass tort and class action cases, representing plaintiffs who were injured by consumer fraud, defective medical devices, and harmful pharmaceuticals. Mr. Acciavatti is a graduate of Widener University and was conferred a law degree at Drexel University in 2017. During law school, he was a member of the trial advocacy team, moot court board, and clerked in the U.S. District Court (E.D. Pa.)

Mr. Acciavatti is a member of the American Association for Justice, the Pennsylvania Bar Association and the Philadelphia Bar Association. He is admitted* to practice in courts in the Commonwealth of Pennsylvania.

**admitted only in Pennsylvania*

ADAM H. COHEN is an associate at Milberg Phillips Grossman, LLP. His practice focuses on data breach, pharmaceutical and consumer protection class actions, as well as false claims act litigation.

Mr. Cohen has dedicated his entire legal career to protecting consumers. Prior to joining Milberg, Mr. Cohen was an Enforcement Attorney for the Consumer Financial Protection Bureau (CFPB) where he led complex investigations of large banks, financial services companies, and others for violations of federal laws and regulations across a wide range of consumer financial products. Mr. Cohen also provided expertise to bank examiners

during supervisory examinations of banks and financial services companies and served on multiple Bureau-wide policy groups. Before working for the CFPB, Mr. Cohen served as an Assistant Attorney General for the New York Attorney General's (NYAG) Consumer Frauds and Protection Bureau where he investigated and litigated consumer protection actions with a focus on mortgage-related investigations and litigation. The NYAG awarded Mr. Cohen the Lefkowitz Memorial Award for Outstanding Service for his work on financial services enforcement litigation. Mr. Cohen began his legal career at Mobilization for Justice where he launched a pro bono foreclosure defense practice that helped hundreds of families remain in their home during the foreclosure crisis.

Mr. Cohen graduated from the Sandra Day O'Connor College of Law at Arizona State University with Highest Honors for Pro Bono Service and obtained his B.A. from New York University *magna cum laude*. He is admitted to practice in New York, the Southern District of New York and the Eastern District of New York

DOLGORA DORZHIEVA practices in the area of consumer class action litigation. Prior to joining MPG LLP, she litigated consumer fraud and wage and hour class actions at a boutique New York firm. While in law school, Ms. Dorzhieva served as an Executive Editor of the California Law Review and worked as a teaching assistant for the legal research and writing program.

Following graduation, Ms. Dorzhieva clerked for the Honorable Edward M. Chen in the U.S. District Court for the Northern District of California. She is admitted to practice in the state courts of New York and in the United States District Court for the Southern District of New York. Ms. Dorzhieva was born in Ulan-Ude, Buryatia, and studied journalism in Moscow before immigrating to the United States. She is fluent in Russian.

KIMBERLY PARKER practices in the area of Consumer Litigation and Complex Litigation. Prior to joining Milberg, she assisted in litigating insurance defense and financial matters related to consumer collections, municipal lending, special assets, including foreclosure actions.

Kim received her J.D. from the Touro College Jacob D. Fuchsberg Law Center. While there, she interned with the Low Income Tax Clinic of the Touro Law Center, assisting clients in resolving tax debt issues with the Internal Revenue Service.

"My desire to practice is grounded in my passion to help people who have been placed in unfortunate circumstances as a result of the wrongdoings of others."

Kimberly Parker is admitted to practice in the State of New York.

EZRA SALAMI graduated from Morehouse College and Fordham University School of Law. Mr. Salami practices in the areas of class actions on behalf of consumers as well as complex civil litigation. Prior to his role at Milberg LLP, he was a judicial law clerk for the

Superior Court of the U.S. Virgin Islands. Also, Mr. Salami previously served as a fellow on behalf of the Federal Trade Commission (Competition Bureau) and was an associate at a boutique antitrust firm in New York. Furthermore, Mr. Salami was the co-chair of the ABA Young Lawyers Division: Antitrust Committee. He is admitted to practice in the state courts of New York.

BLAKE HUNTER YAGMAN practices in the area of antitrust, data privacy, consumer protection, and complex litigation and is passionate about fighting for the economic rights of victims of corporate injustices.

Mr. Yagman is working on a variety of cases, including: *Ajzenman v. Office of the Comm'r of Baseball* (a proposed class action on behalf of MLB ticket purchasers); *Rupnow v. E*Trade Sec.* (a proposed class action on behalf of "hard-to-borrow" securities traders); *In re Wawa Data Breach Litig.* (a proposed data breach class action on behalf of Wawa customers); and *Church v. Purdue Univ.* (a proposed class action on behalf of Purdue students), as well as others.

Before law school, Mr. Yagman worked as an intern for the Probate and Mental Health Court in Miami and was an elected student senator to the University of Miami's student senate.

During law school, Mr. Yagman worked as an intern in a variety of different internships, where he gained valuable experience assisting on behalf of plaintiffs on matters such as class action concussion litigation and sexual abuse. Academically, Mr. Yagman completed a concentration program on Intellectual Property and Data Law. He also served as the Sports Law Society's Vice President and moderated the 2017 Cardozo Sports Law

Symposium panel about antitrust issues in collegiate athletics.

Prior to joining Milberg, Mr. Yagman worked as an attorney on antitrust, consumer protection and securities fraud cases for a Plaintiffs' class action firm located in New York City. Mr. Yagman is currently a committee member of the New York City Bar Association's committees on Antitrust and Consumer Affairs, respectively.

Mr. Yagman is admitted to practice in New York.

EXHIBIT 39

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

IN RE: APPLE INC. DEVICE
PERFORMANCE LITIGATION

Case No. 5:18-md-02827-EJD

CLASS ACTION

DECLARATION OF CHRISTOPHER P. RIDOUT
IN SUPPORT OF NAMED PLAINTIFFS'
MOTION FOR FINAL APPROVAL OF
PROPOSED SETTLEMENT, AND FOR
ATTORNEYS' FEES, EXPENSES, AND
SERVICE AWARDS

Judge: Hon. Edward J. Davila
Courtroom: 4, 5th Floor
Date: December 4, 2020
Time: 10:00 a.m.

1 I, Christopher P. Ridout, declare as follows:

2 1. I am a partner at the law firm of ZIMMERMAN REED LLP.

3 2. Pursuant to the Court's May 15, 2018 Order Consolidating Related Actions and
4 Appointing Interim Co-Lead Plaintiffs' Counsel and Executive and Steering Committees, I was
5 appointed to the Plaintiffs' Executive Committee. In that role, I performed any work responsibilities
6 delegated by Interim Co-Lead Counsel, Chair of the Executive Committee. I was also appointed as co-
7 chair of the Discovery/Device Development Committee, responsible for coordinating all discovery
8 efforts related to the development of the devices at issue, including the relevant technology together
9 with the Offensive Discovery and ESI Coordination Committee. The Device Development Committee
10 was tasked with informing and educating the Offensive Discovery and ESI Coordination Committee
11 about the relevant legal and factual issues in the case affecting discovery, including witnesses, key
12 evidentiary issues, and any relevant risks associated with the discovery tasks at hand, and worked with
13 the Experts Committee to select, retain, and consult with appropriate experts concerning device
14 development issues.

15 3. The individuals of my firm who worked on this matter are listed in Exhibit A, along with
16 years in practice, most recent hourly rates reported to the Court during the pendency of litigation, hours
17 spent, and total lodestar. I hereby attest that the billing rates used on the attached Exhibit A conform to
18 the professional rates set at my firm. Further detail regarding the litigation and trial experience of each
19 professional can be found, to the extent available, in the firm resume attached hereto as Exhibit C.

20 4. The detailed descriptions of the time spent by the attorneys and other professionals of
21 my firm in this litigation was prepared from contemporaneous, daily time records prepared and
22 maintained by my firm, and submitted, vetted and approved by the Chair of the Plaintiffs' Executive
23 Committee and Co-Lead Counsel pursuant to the Court's July 3, 2018 Case Management No. 3:
24 Protocol for Work Performed and Expenses Incurred (Dkt. 148). Detailed time records are available for
25 the Court's review should the Court desire such records.

26 5. The total number of hours expended on this litigation by my firm, as approved by the
27 Chair of the Plaintiffs Executive Committee and Co-Lead Counsel, from appointment and consolidation
28 through July 31, 2020 is 385.25 hours. The total lodestar for my firm is \$191,176.00.

1 6. Attached hereto as Exhibit B is an itemized description of expenses/charges (“expenses”)
2 totaling \$28,201.37, which were necessary in relation to this litigation and submitted, vetted and
3 approved by the Chair of the Plaintiffs’ Executive Committee and Co-Lead Counsel pursuant to the
4 Court’s July 3, 2018 Case Management No. 3. The expenses pertaining this litigation are reflected in
5 the books and records of my firm. These books and records are prepared from expense vouchers, check
6 records, and other documents and are an accurate record of the expenses.

7 7. Attached hereto as Exhibit C is the firm resume for my firm.

8 I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day
9 of August, 2020, at Los Angeles, CA.

10 

11 _____
Christopher P. Ridout

EXHIBIT A

Zimmerman Reed LLP

Timekeeper Name	Timekeeper Title (include years of experience)	Rate	Hours	Lodestar
Ridout, Christopher P.	Partner (29 years)	\$ 795.00	119.30	\$ 94,843.50
Gubernick, Benjamin	Associate (1 Years)	\$ 425.00	22.00	\$ 9,350.00
Fernandez, Hannah B.	Associate (5 Years)	\$ 425.00	1.20	\$ 510.00
Lindquist, Daniel T.	Associate (1 Year)	\$ 425.00	7.10	\$ 3,017.50
Ali, Saima	Project Attorney (1 year)	\$ 400.00	24.50	\$ 9,800.00
Nagakawa, Y. Christopher	Project Attorney (19 years)	\$ 400.00	120.75	\$ 48,300.00
Schwieger, Irene E.	Project Attorney (2 years)	\$ 400.00	33.00	\$ 13,200.00
Lu, Josephine	Paralegal (9 years)	\$ 200.00	48.40	\$ 9,680.00
King, Sabine	Paralegal (24 years)	\$ 275.00	9.00	\$ 2,475.00
TOTAL			385.25	\$ 191,176.00

EXHIBIT B

EXHIBIT B**ZIMMERMAN REED LLP**

CATEGORY	AMOUNT
01. Outside Printing	
02. Photocopies	\$ 3.40
03. Outside Fax Charges	
04. Delivery Services/Messengers	
05. Postage	
06. Court Fees	\$ 165.00
07. Subpoena Fees	
08. Witness Fees	
09. Deposition Transcripts	
10. Long-Distance Telephone Calls	
11. Trial Transcripts	
12. Trial Exhibits	
13. Lexis / Westlaw	\$ 4.24
14. Litigation Support Vendors	
15. Experts	
16. Arbitrators/Mediators	
17. Meals (excluding alcohol)	\$ 252.89
18. Taxi/Car Service/Other Ground Transport	\$ 120.00
19. Travel-Mileage Reimbursement	
20. Travel-Airfare	\$ 626.79
21. Travel-Hotel	\$ 1,762.17
22. Travel-Rental Car	\$ 266.88
23. Service Fees	
24. Miscellaneous	
25. Assessments	\$ 25,000.00
TOTAL	\$ 28,201.37

EXHIBIT C

ZIMMERMAN | REED
— FIRM RESUME

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FIRM PRACTICE AND ACHIEVEMENTS

Zimmerman Reed is a nationally recognized leader in complex and class action litigation and has been appointed as lead counsel in some of the largest and most complex cases in federal and state courts across the country. The firm was founded in 1983 and has successfully represented thousands of consumers and injured individuals nationwide in significant and demanding cases. The firm's practice includes a wide range of legal issues and complex cases involving consumer fraud, ERISA, shareholder actions, environmental torts, pharmaceutical drugs, dangerous or defective products, human rights violations, and privacy litigation. Since 2010, Zimmerman Reed has earned a "Best Law Firm" ranking released by U.S. News & World Report.

The following are just a few of the firm's notable achievements:

Co-Lead Counsel in the *Baycol Products Liability Litig.* (D. Minn.), seeking recovery for serious injuries from the use of Bayer's statin, Baycol. Achieved \$1.15 billion settlement.

Lead Counsel Committee member in the *Stryker Rejuvenate & ABG II Hip Implant Products Liability Litig.* (D. Minn.), seeking compensation for recalled Stryker hip replacements. Achieved in excess of \$1.4 billion settlement.

Co-Lead Counsel in the *Guidant Corp. Implantable Defibrillators Products Liability Litig.* (D. Minn.), arising out of malfunctions in cardiac defibrillators implanted in patients. Achieved \$230 million settlement.

Class and Derivative Counsel in the *Regions Morgan Keegan Securities, Derivative and ERISA Litig., Landers v. Morgan Asset Mgmt.* (W.D. Tenn.), alleging violations of federal securities laws and breach of fiduciary duty due to the collapse of Regions Morgan Keegan open-end funds. Achieved \$125 million settlement.

Class Counsel in *Soo Line R.R. Co. Derailment of Jan. 18, 2002 in Minot, N.D.* (Hennepin Cty. Dist. Ct.), representing hundreds of individuals injured by the release of anhydrous ammonia. Obtained a \$1.2 million jury verdict. Achieved a \$7 million class settlement and assisted congressional leaders in drafting and passing amendments to the Federal Railroad Safety Act, clarifying the scope of railroad preemption law.

Lead Counsel for the State of Mississippi in *Mississippi ex rel. Hood v. AU Optronics*, 571 U.S. 161 (2014), resulting in a unanimous U.S. Supreme Court decision reversing a Fifth Circuit decision, resolving a circuit split, and establishing binding law across the country that a State's enforcement action is not removable to federal court as a mass action.

Co-Lead Counsel in *Medtronic Implantable Defibrillators Products Liability Litig.* (D. Minn.), seeking recovery for more than 2,682 patients with recalled Medtronic heart defibrillators. Achieved a \$95.6 million settlement.

Class Counsel in *City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A.* (D. Minn.), to recover losses caused by the bank's mismanagement of its securities lending program. Achieved a \$62.5 million settlement, two days before trial.

Lead Counsel in *Dryer v. National Football League* (D. Minn.), arising out of the unauthorized use of retired NFL players' identities to generate revenue. Achieved a \$50 million settlement and created a ground-breaking program which allowed retired players the opportunity to benefit from the League's use of their images and allowed the League an opportunity to build its marketing using film clips of these former players.

Lead Counsel in *Target Corporation Customer Data Security Breach Litig.* (D. Minn.), to recover financial institutions' losses from the company's massive 2013 data breach. Achieved a \$39 million settlement.

Class Counsel in *The Shane Group Inc. v. Blue Cross Blue Shield of Michigan* (E.D. Mich.), against insurance carrier for violations of antitrust laws from contractually requiring hospitals to charge higher prices to competitors. Achieved a \$30 million settlement (pending final approval).

Lead Counsel in *Zicam Remedy Marketing, Sales Practices & Products Liability Litig.* (D. Ariz.), seeking to recover for customers' loss of the sense of smell from using Zicam Cold Remedy Nasal Gel. Achieved \$27 million settlement.

Counsel for third-party payor in *In re Metoprolol Succinate End-Payor Antitrust Litig.* (D. Del.), alleging that the manufacturing and marketing of the heart drug, Toprol-XL, violated antitrust and deceptive trade practices laws. Achieved \$20 million settlement.

Class Counsel in *Weincke v. Metropolitan Airports Commission* (Hennepin Cty. Dist. Ct.), regarding excessive noise levels from the Minneapolis-St. Paul International Airport. Achieved settlement to provide noise mitigation to more than 9,500 homeowners.

ACKNOWLEDGMENT OF THE FIRM'S WORK

Federal and state judges as well as legal scholars have consistently recognized the quality and impact of the firm's work on numerous occasions. Below are just a few examples.

"To summarize: class counsel recovered over ten times what is recovered in the typical case of this kind despite risks and complexities much more formidable than the typical case." Brian Fitzpatrick, Law Professor at Vanderbilt University and former clerk to Justice Scalia, expert in *In re Region Morgan Keegan Securities, Derivative and ERISA Litig., Landers v. Morgan Asset Mgmt.* (W.D. Tenn.)

"Fortunately for the absent class members, experienced counsel ... negotiated a settlement that is truly one-of-a-kind, and a remarkable victory for the class as a whole." Judge Paul Magnuson, *Dryer v. National Football League* (D. Minn.)

"I think no one can question your leadership in this matter. Again, thank you, and I say again it was the best decision I have ever made." Judge Michael Davis (former Chief Judge), *In re Baycol Products Liability Litig.* (D. Minn.)

"[S]uperior work the court observed from the firm throughout this litigation." Judge Donovan Frank, *In re Guidant Corp. Implantable Defibrillators Products Liability Litig.* (D. Minn.)

“The parties were represented by highly skilled and experienced counsel, who were extremely knowledgeable and clearly had spent a considerable amount of time developing the law and facts in this complex litigation.” Judge Layn Phillips (ret.), mediator in *In re Region Morgan Keegan Securities, Derivative and ERISA Litig., Landers v. Morgan Asset Mgmt.* (W.D. Tenn.)

It is “clear of the dedication, devotion, professionalism, and in the court’s view efficiency of these firms, so there is no question in the court’s mind of the quality of the representation.” Judge Deborah Batts, *In Re American Express Financial Advisors Securities Litig.* (S.D.N.Y.)

“Here, there is no doubt that the class has had competent counsel It’s been a pleasure ... to have counsel of this quality on both sides. I wish you would together go out and teach seminars about class action litigation. It would make my life a lot easier.” Judge Isabel Gomez, *Edwards v. Long Beach Mortgage Co.* (Hennepin Cty. Dist. Ct.)

“The reputation and experience of [Zimmerman Reed and co-counsel] to conduct class litigation of this nature is outstanding, and the record reflects that both law firms have successfully prosecuted numerous class actions in Minnesota courts and throughout the United States. The quality of representation in this case has been excellent, and the two firms are eminently qualified to serve as class counsel.” Judge Lloyd Zimmerman, *Holdhal v. BioErgonomics* (Hennepin Cty. Dist. Ct.)

REPRESENTATIVE LEADERSHIP POSITIONS

Zimmerman Reed has been appointed Lead or Liaison Counsel in the following MDLs:

CenturyLink Residential Customer Billing Disputes Litig., MDL 2795
National Hockey League Players’ Concussion Injury Litig., MDL 2551
Target Corporation Customer Data Security Breach Litig., MDL No. 2522
Stryker Rejuvenate and ABG II Hip Implant Products Liability Litig., MDL 2441
National Arbitration Forum Trade Practices Litig., MDL 2122
Zicam Cold Remedy Marketing, Sales Practices, and Products Liability Litig., MDL 2096
Northstar Education Finance, Inc. Contract Litig., MDL 1990
Zurn Pex Plumbing Products Liability Litig., MDL 1958
Levaquin Products Liability Litig., MDL 1943
Medtronic, Inc. Sprint Fidelis Leads Products Liability Litig., MDL 1905
Medtronic Implantable Defibrillators Products Liability Litig., MDL 1726
Viagra Products Liability Litig., MDL 1724
Guidant Corp. Implantable Defibrillators Products Liability Litig., MDL 1708
Pacquiao-Mayweather Boxing Match Pay-Per-View Litig., MDL 2639
Medco Health Solutions, Inc., Pharmacy Benefits Management Litig., MDL 1508
Baycol Products Liability Litig., MDL 1431
St. Jude Medical, Inc. Silzone Heart Valves Products Liability Litig., MDL 1396
Mortgage Escrow Deposit Litig., MDL 899

Zimmerman Reed has been appointed to the Plaintiffs' Executive Committee, Steering Committee, or Sub-Committees in the following MDLs:

Apple Inc. Device Performance Litig., MDL 2827
Dicamba Herbicides Litig., MDL 2820
Equifax, Inc. Customer Data Security Breach Litig., MDL 2800
Fieldturf Artificial Turf Marketing Practices Litig., MDL 2779
Stryker Orthopaedics LFIT V40 Femoral Head Products Liability Litig., MDL 2768
Abilify Products Liability Litig., MDL 2734
Vizio, Inc. Consumer Privacy Litig., MDL 2693
Viagra and Cialis Products Liability Litig., MDL 2691
The Home Depot, Inc., Customer Data Security Breach Litig., MDL 2583
LifeTime Fitness, Inc., Telephone Consumer Protection Act (TCPA) Litig., MDL 2564
National Collegiate Athletic Association Student-Athlete Concussion Litig., MDL 2492
H&R Block IRS Form 8863 Litig., MDL 2474
Biomet M2A Magnum Hip Implant Products Liability Litig., MDL 2391
National Football League Players' Concussion Injury Litig., MDL 2323
Building Materials Corp. of America Asphalt Roofing Shingle Products Litig., MDL 2283
Zimmer NexGen Knee Implant Products Liability Litig., MDL 2272
Uponor, Inc., F1807 Plumbing Fittings Products Liability Litig., MDL 2247
DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litig., MDL 2197
Apple iPhone "MMS" Sales Practices Litig., MDL 2116
Digitek Products Liability Litig., MDL 1968
Fedex Ground Package System, Inc., Employment Practices Litig., MDL 1700
Bextra and Celebrex Marketing Sales Practices and Product Liability Litig., MDL 1699
Celebrex and Bextra Products Liability Litig., MDL 1694
Vioxx Products Liability Litig., MDL 1657
Neurontin "Off-Label" Marketing Litig., MDL 1629
Zyprexa Products Liability Litig., MDL 1596
Welding Rods Products Liability Litig., MDL 1535
Meridia Products Liability Litig., MDL 1481
Serzone Products Liability Litig., MDL 1477
Sulzer Inter-Op Orthopedic Hip Implant Litig., MDL 1401
Propulsid Products Liability Litig., MDL 1355
Rezulin Products Liability Litig., MDL 1348
Diet Drugs Products Liability Litig., MDL 1203
Telectronics Pacing Systems, Inc. Accufix Atrial "J" Lead Products Liability Litig., MDL 1057
Orthopedic Bone Screw Products Liability Litig., MDL 1014
Silicone Gel Breast Implant Products Liability Litig., MDL 926

Representative cases in which Zimmerman Reed has served as Class or Lead Counsel:

Adams v. DPC Enterprises, LP (Jefferson Cty. Cir. Ct., Mo.)
Adedipe v. U.S. Bank, N.A. (D. Minn.)
AI Plus, Inc. and IOC Distrib., Inc. v. Petters Group Worldwide (D. Minn.)
Arby's Restaurant Group, Inc., Data Security Litig. (N.D. Ga.)
Castano Tobacco Litig. (E.D. La.)
City of Farmington Hills Emps. Ret. Sys. v. Wells Fargo Bank, N.A. (D. Minn.)
City of Tallahassee Pension Plan v. Insight Enterprises, Inc. (Maricopa Cty. Super. Ct., Ariz.)
Cooksey v. Hawkins Chemical Co. (Henn. Cty. Dist. Ct., Minn.)

Coyle v. Flowers Food and Holsum Bakery (D. Ariz.)
Cuff v. Brenntag North America, Inc. (N.D. Ga.)
Daud v. Gold'n Plump Poultry, Inc. (D. Minn.)
DeKeyser v. ThyssenKrupp Waupaca, Inc. (E.D. Wis.)
Dockers Roundtrip Airfare Promotion Sales Practices Litig. (C.D. Cal.)
Doe v. Cin-Lan, Inc. (E.D. Mich.)
DeGrise v. Ensign Group, Inc. (Sonoma Cty. Super. Ct., Cal.)
Dryer v. National Football League (D. Minn.)
Ebert v. General Mills, Inc. (D. Minn.)
First Choice Fed. Credit Union v. The Wendy's Co. (W.D. Pa.)
Frank v. Gold'n Plump Poultry, Inc. (D. Minn.)
Garner v. Butterball, LLC (E.D. Ark.)
GLS Companies v. Minnesota Timberwolves Basketball LP (Henn. Cty. Dist. Ct., Minn.)
Haritos v. American Express Financial Advisors (D. Ariz.)
Helmert v. Butterball, LLC (E.D. Ark.)
Kurvers v. National Computer Systems, Inc. (Henn. Cty. Dist. Ct., Minn.)
Martin v. BioLab, Inc. (N.D. Ga.)
McGruder v. DPC Enterprises, LP (Maricopa Cty. Super. Ct., Ariz.)
Mehl v. Canadian Pacific Railway (D.N.D.)
Milner v. Farmers Insurance Exchange (D. Minn.)
Patlan, et al. v. BMW of North America, LLC (D.N.J.)
Ponce v. Pima County (Maricopa Cty. Super. Ct., Ariz.)
Regions Morgan Keegan [Landers v. Morgan Asset Mgmt.] (W.D. Tenn.)
Russo v. NCS Pearson, Inc. (D. Minn.)
Sanders v. Norfolk Southern Corporation (D.S.C.)
Scott v. American Tobacco Co. (Civ. Dist. Ct. Parish of New Orleans, La.)
Soo Line R.R. Co. Derailment of Jan. 18, 2002 in Minot, N.D. (Henn. Cty. Dist. Ct., Minn.)
Soular v. Northern Tier Energy, LP (D. Minn.)
State of Mississippi v. AU Optronics Corp. (Rankin Cty. Ch. Ct., Miss.)
State of New Mexico v. Visa, Inc. (Santa Fe Cty., N.M.)
Trauth v. Spearmint Rhino Companies Worldwide, Inc. (C.D. Cal.)
Weincke v. Metropolitan Airports Commission (Henn. Cty. Dist. Ct., Minn.)
Zicam Product Liability Cases (Maricopa Cty. Super. Ct., Ariz.)

ZIMMERMAN REED PARTNERS

Carolyn G. Anderson is a Managing Partner at Zimmerman Reed. She is co-chair of the Public Client & Attorney General practice and leads the firm's Securities & Financial Fraud practice group. Carolyn has successfully represented small investors, institutional clients, and states in individual and nationwide securities fraud, ERISA, and antitrust actions. She has served in a leadership role in obtaining significant recoveries in both individual actions and multi-state actions.

Carolyn currently represents two states in their investigation of and litigation related to the opioid crisis. Those cases involve pharmaceutical manufacturers, drug distributors, and pharmacies related to their roles in the ongoing opioid epidemic.

She is a member of the Lead Counsel Committee in nationwide litigation involving CenturyLink customers alleging they were overcharged and billed for services they didn't

request or authorize. She also served as Lead Counsel in a case representing the State of New Mexico., where the State alleged antitrust and unfair practices against Visa and MasterCard. Carolyn also served as Lead Counsel in an action, asserting consumer fraud and antitrust violations, collaborating with a coalition of four Attorneys General, against manufacturers of LCD displays. The case was filed in state court but removed to federal court under the Class Action Fairness Act (CAFA). After opposing this removal at the district court and the Fifth Circuit, the State petitioned the U.S. Supreme Court. The Supreme Court ruled unanimously in favor of Mississippi, reversing the Fifth Circuit's decision and clarifying the standard for removal of state actions under CAFA. *Mississippi ex rel. Hood v. AU Optronics*, 571 U.S. 161 (2014).

Carolyn also represented the Office of Attorney General for the State of Mississippi, defending that Office in an action brought by Google, challenging the State's authority to issue a Civil Investigative Demand (CID). Google attempted to enjoin the Attorney General's CID authority and the district court granted that motion. In April, 2016, the State prevailed and the district court's decision was reversed by the Fifth Circuit.

Carolyn was also appointed Co-Lead Counsel on behalf of investors alleging losses due to Wells Fargo's securities lending program. The case settled for \$62 million, two days before trial was set to commence. She serves as Interim Co-Lead Counsel in an ERISA matter pending in the District of Minnesota against fiduciaries of U.S. Bancorp Pension Plan for violations of ERISA. Carolyn also served as Class Counsel on behalf of investors who had purchased bond funds from Morgan Keegan in a lawsuit that arose from the collapse of three mutual funds. The case also involved the auditor as a defendant. In 2016, the legal team achieved a \$125 million settlement with the assistance of mediator Layn Phillips, a former U.S. Attorney and former United States District Judge.

In prior representation, Carolyn represented large groups of investors with significant losses involving Merrill Lynch, AIG, Boston Scientific, and Lehman Brothers. Carolyn also led a legal team in a case brought by investors against American Express Financial Advisors, challenging that company's practices and breaches of fiduciary duty with its investing customers. The case, brought under the Investment Advisor Act, resulted in a \$100 million settlement. Carolyn also successfully represented Midwest farmers/shareholders who challenged an ethanol plant's merger with Archer Daniels Midland; she was appointed Class Counsel in that matter. The case was resolved weeks prior to trial. Carolyn was also appointed Lead Counsel in a securities fraud lawsuit involving Boston Scientific, representing a public pension fund and a certified class.

In addition to serving in positions of leadership in investor protection litigation, Carolyn currently represents *pro bono* one hundred not-for-profit organizations related to their losses from the \$3.6 billion Petters Ponzi scheme, centered in Minnesota. She was appointed by the federal judge to serve as Assistant Liquidating Trustee under the supervision of the Court and the Liquidating Trustee for assets being distributed to some of those investors. In *U.S. v. Petters*, No. 08-cv-05348 (D. Minn.), the Firm worked with the Department of Justice and the court-appointed receiver, to successfully recover and distribute millions of dollars to victims pursuant to a settlement with one of the Petters financiers.

Carolyn maintains strong ties with the National Association of Attorneys General, individual state Attorneys General, state pension fund officers, and other institutional investors. She is a lecturer at colleges and law schools, and has served as a legal education faculty member on the topics of complex litigation, legal ethics, the 2008 financial crisis, and securities law.

Carolyn currently serves as a board member with Bloomberg Law on its Litigation Innovation Board. She also serves as a board member and Chairperson for Children's Shelter of Cebu, an interdenominational organization for abandoned and neglected children.

Carolyn graduated cum laude from Trinity College, where she received a Bachelor of Arts degree in Psychology. She received her law degree cum laude from Hamline University School of Law where she was a Dean's Scholar, received the Cali Award for Excellence in Constitutional Law, and served on Hamline Law Review, where her case note article was selected for publication. Carolyn also studied law at Hebrew University in Jerusalem, Israel in course-work focusing on Law, Religion, & Ethics. Following law school, Carolyn served as a judicial extern to the Honorable Paul A. Magnuson, then Chief Judge for the U.S. District Court for the District of Minnesota. Carolyn has been honored as Rising Star of Law, has been recognized as a Super Lawyer since 2014 by her peers in Minnesota, and named to The Best Lawyers in America in the fields of Class Actions and Mass Tort Litigation in 2019.

Carolyn is admitted to practice before, and is a member in good standing of, the U.S. Supreme Court, the Court of Appeals for the Eighth Circuit, Fifth Circuit, and First Circuit, the United States District Court for the District of Minnesota, and the Bar of the State of Minnesota. In addition to these courts, Carolyn works on cases with local counsel nationwide. She is a member of Public Justice, the Federal Bar Association, the American Association for Justice, the Minnesota Bar Association, and the Hennepin County Bar Association.

David M. Cialkowski is a partner with Zimmerman Reed and dedicates a substantial portion of his practice to the area of complex and mass tort litigation, with a primary focus on consumer protection and products liability litigation.

Dave was a member of the legal team that represented the Mississippi Attorney General's Office in *Mississippi ex rel. Hood v. AU Optronics*, 571 U.S. 161 (2014), an antitrust case against manufacturers of LCD displays in which the Court held that an attorney general's parens patriae case was not a "mass action" under the Class Action Fairness Act. The Supreme Court ruled unanimously in Mississippi's favor. He served as a member of the Plaintiffs' Steering Committee in the *Apple iPhone 3G and 3GS "MMS" Marketing and Sales Practices Litigation*, a consumer protection class action, MDL 2116, based in New Orleans, Louisiana. He worked extensively on the Levaquin MDL trial team on behalf of clients who experienced tendon ruptures and tears after taking the popular Johnson & Johnson antibiotic. He also served as court-appointed co-lead counsel in *In re Dockers Roundtrip Airfare Promotion Sales Practices Litigation*, a consumer protection class action based in the U.S. District Court for the Central District of California. Dave has worked extensively on behalf of plaintiffs in the *St. Jude Silzone Heart Valves Product Liability Litigation*, MDL 1396. He has also contributed substantially to pretrial summary judgment and class certification briefing in the *FedEx Ground Package Systems Employment Status Litigation*, MDL 1700. Dave represented residents of Minot, North Dakota, related to the Soo Line Railroad Company Derailment of January 18, 2002 in Minot, N.D., who were injured by the toxic spill caused by the derailment of a Canadian Pacific Railway train.

Dave helped draft federal legislation clarifying the scope, and thus reducing courts' application, of railroad preemption.

He earned his undergraduate degree from the University of Illinois's College of Liberal Arts and Sciences *cum laude* with High Distinction in the Department of English. Additionally, he participated in the honors program as a James Scholar, received the Elizabeth and Charles Ellis Merit Scholarship, and is a member of Phi Beta Kappa. David graduated from the University of Illinois College of Law, where he participated in the civil litigation clinic, was an editor for the Poetic Justice literary magazine, and was voted one of the top 10% of university teaching assistants.

Dave is licensed to practice and a member in good standing, for the Bars of the State of Minnesota and the State of Illinois. His professional associations include membership in the Minnesota State Bar Association and Hennepin County Bar Association. He has been recognized as a Rising Star of Law from 2006–2008, 2010-2013 and a Super Lawyer from 2015 to 2019.

Brian C. Gudmundson is a partner and concentrates his practice on complex litigation and commercial class actions, including the areas of Consumer, Antitrust, Securities & Financial Fraud, Intellectual Property, and Sports Law. Brian represents individuals, businesses, and public and private institutional clients in a variety of complex cases.

Brian is a member of the Lead Counsel Committee in a nationwide action challenging CenturyLink, Inc's alleged systematic and deceptive sales and overbilling practices, MDL 2795. He is appointed co-lead counsel on behalf of consumers in the consolidated action *Patlan, et al. v. BMW of North America, LLC*, 18-cv-09546 (D.N.J.), alleging damages arising from fire and risk of fire caused by defective, recalled BMW vehicles. Brian is appointed to Plaintiffs' Executive Committee in the *FieldTurf Artificial Turf Marketing Practices Litigation*, MDL 2779, representing schools, universities, municipalities, and private companies around the country that purchased allegedly defective artificial turf prone to rapid degradation. He is appointed co-lead counsel in *Arby's Restaurant Group, Inc., Data Security Litig.*, 17-cv-00514, (N.D. Ga.), representing banks and credit unions who issued payment cards that were subject of alleged data breach. Brian is also a member of the Plaintiffs Executive Committee representing United Health Group insurance plan participants alleging that UHG illegally inflated and clawed back prescription copays. He is a member of the Plaintiffs Executive Committee representing consumers insured by Cigna Health Insurance Co. in *Negron v. Cigna Corp., et al.*, 16-cv-01702 (D. Conn.) alleging that Cigna Health illegally inflated and clawed back prescription copayments. He is a member of the Plaintiffs Executive Committee representing Humana insurance plan participants alleging that Humana illegally inflated and clawed back prescription copayments, *In re: Humana, Inc. PBM Litig.*, 16-cv-00706 (W.D. Ky.). Brian is a member of Plaintiffs Executive Committee in *General Mills Glyphosate Litigation*, Case No. 16-cv-2869-MJD-BRT, asserting deceptive sales practices based upon alleged presence of glyphosate in products labeled "100% natural" and in *Vikram Bhatia, D.D.S. v. 3M Company*, 16-cv-01304-DWF-TNL, asserting claims on behalf of dentists and dental practices for allegedly defective dental crown products. Brian is appointed to serve on the Plaintiffs' Steering Committee on behalf of financial institutions nationwide in *Equifax Data Breach*, MDL 2800, representing banks and credit unions in recovering losses. He is a member of the Plaintiffs' Steering Committee in *Vizio, Inc. Consumer Privacy Litigation*, MDL 2693, asserting violations of state and federal law for unlawful collection

and sale of private consumer data. He is co-lead counsel in *GLS Companies, et al. v. Minnesota Timberwolves Basketball LP*, challenging implementation of paperless ticketing system and restrictions on transfer of game tickets on behalf of ticketholders. Brian is also a member of the Plaintiffs' Steering Committee in the Home Depot Data Breach MDL 2583 and in *First Choice Fed. Credit Union v. The Wendy's Co.*, 16-cv-00506 (W.D. Pa.) representing banks and credit unions in recovering losses. Brian represents retired NHL players alleging the National Hockey League minimized concussion risks from its players for decades, MDL 2551. Brian is a member of the lead counsel team that achieved a \$39 million settlement on behalf of banks and other financial institutions in recovering losses due to the 2013 Target data breach, MDL 2522. He is also a member of the lead counsel team that achieved a \$50 million settlement on behalf of retired National Football League players in a class action against the League for the unauthorized use of former players' identities to generate revenue *In re: Dryer v. National Football League*, 09-cv-02182 (D. Minn.). He represents hundreds of individual retired NFL players in claims arising from concussive head injuries suffered while NFL players, MDL 2323. Presently, Brian represents MoneyGram Payment Systems, Inc. in claims against several Wall Street banks alleging over \$400 million of losses due to the fraudulent sale of securities containing undisclosed, toxic mortgage-based assets. He also specializes in claims under the RICO Act and currently represents multiple non-profit and faith-based investors pro bono in RICO claims arising from the \$3.5 billion Petters Ponzi scheme.

Brian served as court-appointed co-lead counsel in the *Dockers Roundtrip Airfare Promotion Sales Practices Litigation* (C.D. Cal.), which culminated in a multimillion dollar settlement on behalf of a nationwide class of consumers. In 2005, Brian was a member of the securities litigation team that achieved a \$2.5 billion settlement against AOL-Time Warner on behalf of investors.

Brian currently serves on the Steering Committee and Faculty of the Class Action Roundtable.

Brian received his BA from the University of Minnesota and his JD, *cum laude*, from the University of Minnesota Law School. Brian is admitted to the state courts of Minnesota, the U.S. District Courts for the District of Minnesota and the Northern District of Illinois, and the Tenth Circuit Court of Appeals. His professional associations include membership in the Federal Bar Association, Minnesota State Bar Association, Hennepin County Bar Association, American Bar Association, and the American Association for Justice. Brian has been recognized as a Rising Star of Law 2010-2016 and a Super Lawyer in 2017 through 2019.

June P. Hoidal is a partner at Zimmerman Reed and co-chair of the Public Client & Attorney General practice group. She represents individuals and businesses who experience losses as a result of securities, consumer protection, and antitrust violations. June currently represents the State of Vermont and the State of Indiana in their investigation of and litigation related to the manufacturing, distribution, advertisement, dispensing, and marketing of opioid pain killers. She was a member of the legal team representing the State of Mississippi in a consumer fraud and antitrust action against manufacturers of LCD screens. Her work included assisting with briefing before the U.S. Supreme Court, which unanimously ruled in favor of Mississippi by finding the State's *parens patriae* action was not removable to federal court. *Mississippi ex rel. Hood v. AU Optronics*, 571 U.S. 161 (2014). June also represented investors alleging losses due to Wells Fargo's securities lending program, a case that settled two days before trial was set to commence for \$62 million. She represented the State of New Mexico in a matter against Visa and MasterCard, alleging antitrust and unfair practices and investors of Medtronic in a

shareholder derivative case. June currently represents participants of the U.S. Bancorp Pension Plan alleging violations of ERISA.

Prior to joining the firm, June served as a judicial law clerk to the Honorable Arthur J. Boylan on the United States District Court for the District of Minnesota. She gained substantial experience following law school at two law firms in Washington, D.C. and Minneapolis, practicing in diverse subject areas, including contract disputes, franchise, products liability, insurance, and employment law.

June currently serves as a board member and as the lead co-chair of the Associates Campaign for The Fund for Legal Aid. She also serves as a member of the Advisory Board for the Minnesota Urban Debate League and the Publications Committee for the Bench & Bar of Minnesota. Previously, she served as a Commissioner for the City of Saint Anthony Parks Commission, and a member of the Diversity Committee and the Women in the Legal Profession Committee of the Minnesota State Bar Association. In addition, June volunteered as an assistant debate coach for the Minnesota Urban Debate League and worked pro bono for Legal Assistance of Dakota County, Volunteer Lawyers Network, and The Advocates for Human Rights.

June graduated cum laude from the University of Minnesota Law School in 2003, where she was the Lead Managing Editor for the Minnesota Law Review and a member of the Dean's List. She is admitted to the state courts of Minnesota and the U.S. District Courts for the District of Minnesota. June has been recognized as a Rising Star of Law in 2007, 2015-2018 and a Super Lawyer in 2019.

Jason P. Johnston is a partner at the firm's Minneapolis office, focusing primarily on complex cases involving individuals injured by defective drugs and faulty medical devices, advocating for clients both locally and nationally. Jason's personal engagement, resolute view of the law, and solid practice style make him a strong voice for his clients and an integral part of our firm.

Jason represents clients injured from defective orthopedic hip devices manufactured by DePuy, Biomet, Stryker, Smith & Nephew and other manufacturers of hip replacement systems. In the Stryker Rejuvenate and ABG II Multidistrict Litigation (MDL), Jason represents patients who experienced serious health complications as a result of a modular hip that was recalled from the market. Jason also serves as a member of the Plaintiff Steering Committee in the Stryker LFIT V40 MDL. During the Biomet M2a hip litigation, Jason was a member of the Plaintiffs' Science Committee where he reviewed technical documents and participated in depositions involving the design and development of the hip implant systems. In the Zimmer NexGen knee litigation, Jason serves as a member of the Plaintiffs' Steering Committee and has played an active role in the science and discovery phases of the litigation, as well as preparing cases for trial.

Jason's medical device litigation experience extends beyond orthopedic devices, including, representing clients injured by defibrillators and leads manufactured by St. Jude, Medtronic, and Guidant. In the Medtronic Sprint Fidelis litigation, Jason served as a member of the Claims Review Committee following a mass settlement involving Sprint Fidelis leads. He has also represented plaintiffs injured by various pharmaceutical drugs, including, Abilify, Invokana, Viagra, Avandia, Aredia/Zometa, testosterone replacement therapy drugs, and other medications.

Jason has participated in pro bono service during his career, including accepting cases in the District of Minnesota's Federal Pro Se Project which provides *pro se* plaintiffs with volunteer counsel to improve access to justice in the Federal Courts. Jason is also an active member of the American Association for Justice and the Minnesota Association for Justice. In 2016, the Minnesota Association for Justice recognized Jason as the "Member of the Year" for his contributions to the organization.

Since 2014, Jason has been selected as a Minnesota Rising Star of Law by Super Lawyers a distinction award given to only 2.5% of attorneys in the state. In addition, Jason has also been selected as a member of The National Trial Lawyers Top 100 Trial Lawyers and Top 40 Under 40. A graduate of the University of St. Thomas School of Law, he was recognized by the Minnesota Justice Foundation for his pro bono service while attending law school. Prior to law school, Jason attended Winona State University, earning his Bachelor of Science degree, magna cum laude, in Marketing.

Jason is admitted to the state courts of Minnesota and U.S. District Court for the District of Minnesota.

Caleb LH Marker is a partner at Zimmerman Reed, working at the firm's Los Angeles office. Caleb dedicates a significant portion of his practice to consumer protection and employment cases, including consumers, misclassified employees, mortgage borrowers, student loan borrowers, and senior citizens.

Caleb is a creative litigator who has been a leader in the consumer protection area and has been actively involved as class counsel in cases that have provided meaningful recoveries, through trial or settlement. He has first-chair trial experience in court and arbitration, having tried several cases to verdict and award. In 2016, he tried the first merits arbitration in the United States that alleged that a "gig economy" worker was an employee as opposed to an independent contractor and has continued to try and advance such cases in arbitration and courtrooms. He has briefed and argued appeals in California, Michigan, and the Ninth Circuit.

Caleb currently represents tobacco consumers as a member of the plaintiffs' steering committee for in the *Santa Fe Natural Tobacco Company Marketing and Sales Practices Litigation* (MDL 2695) currently pending in the U.S. District Court for the District of New Mexico. The Santa Fe MDL was recently the subject of an in-depth article published by Bloomberg Businessweek in an article entitled "Nature's Cancer Sticks: American Spirits Long, Strange Trip to Court."

Caleb leads the firm's involvement in representing a sexual assault survivor of Larry Nassar, the former Michigan State University team physician and U.S. Women's Gymnastics Team coach. Nassar has been sentenced to up to 175 years in prison and dozens of high-ranking university and gymnastics officials have been ousted or face criminal investigations for their role in these heinous crimes. Among other issues, Caleb is defending Michigan P.A. 183 which provided a brief window for child sexual assault survivors to bring suit regardless of whether the statute of limitations had previously lapsed.

In recent years, Caleb's successes include leading a class action against the City of Los Angeles and Xerox that drew widespread media attention, winning a trial that now requires the City to

end its decades-long outsourcing of the City's parking violations bureau in a case that will help over a hundred thousand motorists in Los Angeles in the next few years. Caleb later defended the trial court's verdict on appeal, resulting in a unanimous opinion fully affirming the trial court's verdict and award under the private attorney general doctrine. *Weiss v. City of Los Angeles*, 2 Cal. App. 5th 194 (August 8, 2016). Caleb has been a driving force in a number of class actions that have resulted in eight-figure settlements, including actions that involving misclassified employees, homeowners victimized by force-place insurance practices, patients at understaffed nursing homes, consumers of dangerous gas absorption refrigerators, and student loan borrowers who were overcharged for interest.

Caleb serves on the Los Angeles County Bar's Litigation Executive Committee and Access to Justice Committee, the latter of which aims to maximize the delivery of legal services to the poor and encourage attorneys to provide free legal services to those in need. Several of his successes have been recognized as a "Top Settlement & Verdict" by the Los Angeles Daily Journal and Michigan Lawyers Weekly. He has been interviewed by numerous media outlets, including NBC, Fox Business, NPR, *The Wall Street Journal*, AP, the *Los Angeles Times*, *LA Weekly*, and Law360. He has also been recognized as a Rising Star of Law in Southern California by Super Lawyers from 2015-2019, after a peer-nomination and review process awarded to less than 2.5% of attorneys under 40.

A native of Michigan, Caleb graduated from Michigan State University's James Madison College and College of Law. He is a member of the Los Angeles County Bar Association (LACBA), Duke Law's Bolch Judicial Institute and Electronic Discovery Reference Model (EDRM), the Federal Bar Association (FBA), the American Association for Justice (AAJ), Consumer Attorneys Association of Los Angeles (CAALA), and Consumer Attorneys of California (CAOC).

Christopher P. Ridout is a partner working in the firm's Los Angeles office practicing in the areas of complex litigation, including consumer protection, labor and employment, unfair business practices, false advertising, toxic tort, commercial and residential hazardous substance exposure.

Chris was appointed to serve on the Plaintiffs' Executive Committee in the iPhone Device Performance Litigation alleging that Apple released a software update that deliberately diminished the battery life of older devices forcing customers to spend hundreds of dollars on replacement batteries and new phones. He was appointed as co-interim lead counsel representing a class of consumers in a mislabeling lawsuit alleging that Celestial Seasonings tea products falsely claim to be "all natural" when they contain pesticide residue from the agricultural process. In consumer litigation, Chris represents classes of consumers and employees in connection with data breaches that have compromised personal, financial, medical, and employment information. He represents a class of GM diesel truck owners alleging that the DMAX diesel engine design is defective causing a reduction in fuel efficiency by 25-30 percent. He served as class counsel reaching a \$52 million settlement on behalf of customers alleging the billing practices of the Los Angeles Department of Water contained excessive fees and inflated rates, and that the charges to customers exceeded the costs of provided water and power services. Chris obtained a \$36 million settlement representing RV owners in a class action lawsuit alleging that Norcold knew of a potentially dangerous RV

refrigerator fire risk, but hid that information from the public. He also advocates on behalf of musicians and entertainers in Internet-related copyright and royalty disputes.

Over the last decade, Chris has been involved in the resolution of a series of class action lawsuits including a settlement of more than \$24 million on behalf of misclassified employees, an \$11.5 million settlement for Michigan students loan borrowers over an interest rate dispute, a \$9 million settlement claiming Naked Juice violated state and federal laws regarding the marketing and sale of its product, and a multi-million dollar award for residents of various nursing home facilities alleging widespread and intentional failure to provide sufficient care to the residents due to understaffing.

Chris attended Harvard University where he received his Bachelor of Arts Degree in 1986. While focusing on his major of American History, he was a member of the Harvard Varsity Football Team and played in the historic 100th Harvard-Yale match-up commonly referred to as "The Game." In his senior year, Chris was awarded the "William Payne LeCroix Memorial Award" given to that team member exhibiting the most loyalty and dedication to the Harvard Varsity Football Team.

After graduating from the University of the Pacific McGeorge School of Law in 1989, he was admitted to the California Bar that same year. He has also been admitted to practice before the United States District Court for the Southern, Central, and Northern Districts of California; the United States District Court for the District of Colorado; the United States District Court for the District of Minnesota; the United States District Court for the Northern District of Ohio; and the United States Court of Appeals for the Ninth Circuit.

Hart L. Robinovitch is a partner with Zimmerman Reed, leading the firm's Scottsdale, Arizona office. Hart focuses his practice in the areas of consumer and shareholder actions, and sports law.

For the past decade, Hart has represented clients in a series of class action lawsuits contesting mortgage lenders' excessive billing and deposits practices for mortgage escrow accounts. Hart is now involved in numerous federal court lawsuits around the country alleging that mortgage banks and lenders have violated federal and state laws. These cases allege payment of kickbacks and/or illegal and unearned referral fees by the banks and lenders to mortgage brokers who refer mortgage clients who are then charged inflated interest rates on the mortgages. In addition, he represents consumers in other actions contesting the imposition of overcharges and improper fees or other contractual violations in various mortgage transactions. He has worked with co-counsel in state and federal courts across the country.

Hart currently represents corn farmers and DDGS exporters in the *Syngenta Viptera Litigation* who have experienced the effects of China's ban of U.S. corn and corn-derived products, suffering lower prices, decreased sales and other losses as the prices of U.S. corn has decreased. He is a member of the lead counsel team representing retired NHL players alleging the National Hockey League minimized the chronic cumulative effects of concussion risks from its players for decades. Hart also represents clients in a class action lawsuit on behalf of RV owners alleging that Norcold knew of a potentially dangerous RV refrigerator fire risk, but hid that information from the public.

Hart has been involved in numerous state and federal court lawsuits around the country challenging the misclassification of entertainers as independent contractors opposed to employees in the nightclub industry. He also represented consumers in other actions alleging deceptive and unlawful business conduct towards customers including, but not limited to, false advertising practices, “bait and switch” tactics, altering contractual terms without valid consideration, and retailers’ requests and/or requirements that their customers provide personal identification information when they complete a transaction using their credit card, in violation of state and/or federal statutes. In addition, Hart represented residents of various skilled nursing facilities alleging pervasive and intentional failure to provide sufficient direct nursing care staffing resulting in harm to the residents.

A native of Canada, Hart earned his degree from the University of Toronto Law School in 1992 where he served as an Associate Editor on the University of Toronto Faculty of Law Review. He received his Bachelor of Science degree in 1989 from the University of Wisconsin-Madison.

Hart is admitted to practice before, and is a member in good standing of, the Bars of the States of Arizona and Minnesota and the United States District Court for the Districts of Arizona, Minnesota, and the Eastern District of Michigan. Hart is also licensed to practice law before the United States Courts of Appeals for the Sixth, Eighth, Ninth, and Eleventh Circuits, and the United States Supreme Court. Hart’s memberships include the National Association of Consumer Advocates and Canadian American Bar Association.

J. Gordon Rudd, Jr. is a Managing Partner at Zimmerman Reed and represents representing clients in the areas of consumer protection, employment law, and mass torts. Gordon has been appointed class counsel in cases in state and federal courts across the country.

Gordon was recently part of the team that achieved a \$50 million settlement in the complicated court fight over publicity rights for retired NFL players. In a separate lawsuit, he represents hundreds of retired NFL players suffering from concussive head injuries that occurred while playing in the league. Gordon also represented thousands of individuals injured by the largest release of anhydrous ammonia in U.S. history. Two of those individuals were awarded \$1.2 million by a jury. Eventually, these trials led to a settlement on behalf of other residents of Minot, North Dakota injured by the derailment.

In mass tort litigation, Gordon leads several cases, including representing clients who developed gambling addictions after taking top-selling prescription drug Abilify; representing nursing home residents sickened by a Hepatitis C outbreak (the second-largest outbreak of the disease in U.S History); representing men who suffered cardiovascular injuries following their use of testosterone therapy supplements; and representing clients who experienced severe bleeding problems while taking Xarelto.

Gordon has also served on a number of multi-district litigation cases. He was a member of the lead counsel team representing banks and other financial institutions seeking recovery of losses from the 2013 Target data breach. He also holds leadership positions on several Plaintiffs’ Steering Committees including *In re H&R Block IRS Form 8863 Litigation*, MDL 2474, *In re Life Time Fitness, Inc., Telephone Consumer Protection Act (TCPA) Litigation*, MDL 2564, *In re FedEx Ground Package System, Inc.*, MDL 1700, and *In re Building Materials Corp. of America Asphalt Roofing Shingle Products Liability Litigation*, MDL 2283.

Gordon graduated from Connecticut College, where he received a Bachelor of Arts degree in English Literature & Government. He received his law degree from the University of Cincinnati College of Law. Gordon is licensed to practice before, and is a member in good standing of, the Bar of the State of Minnesota and the United States District Court for the District of Minnesota. Gordon is admitted to the United States Court of Appeals for the Eighth Circuit. He has been admitted to appear pro hac vice in cases pending in the states of California, Oregon, Arizona, New Mexico, Texas, North Dakota, Ohio, Florida, Georgia, Tennessee, and Michigan. Gordon has been selected as a Super Lawyer by his peers in Minnesota since 2006 and recognized in The Best Lawyers in America in the fields of Class Actions and Mass Tort Litigation since 2018.

ZIMMERMAN REED ATTORNEYS

Alia M. Abdi is an associate at Zimmerman Reed concentrating her practice on complex litigation involving consumer protection, and securities and financial fraud in state and federal courts. She is currently representing consumers alleging violations of the Telephone Consumer Protection Act.

Prior to joining the firm, Alia externed for the Honorable John R. Tunheim, Chief Judge of the United States District Court for the District of Minnesota. She lent her expertise as a summer law clerk at Arthur, Chapman, Kettering, Smetak and Pikala, P.A., conducting research on railroad, workers' compensation, and construction law. Alia graduated from the University of Minnesota Law School, where she served as the student managing director for the Maynard Pirsig Moot Court and was mock trial team captain for Phi Alpha Delta. Alia is admitted to the state courts of Minnesota and the U.S. District Courts for the District of Minnesota.

Arielle Canepa is an associate at Zimmerman Reed, working in the firm's Los Angeles office. Her practice is focused on consumer protection and employment law cases, including high-interest consumer lending, independent contractor misclassification, and pay equity. She has specialized knowledge and experience in the technology sector — and earned a High Tech Law Certificate — and brings that expertise to her representation of consumers and employees.

Prior to joining the firm, Arielle worked as a project attorney for a data software company where she negotiated customer-facing nondisclosure agreements and reviewed subscription-based software license agreements. She also collaborated with team members to assure vendors' and partners' compliance with the California Consumer Privacy Act.

Arielle is a graduate of the Santa Clara University School of Law. While in law school, she interned with the in-house counsel of a global data cloud storage company where she focused on employment law. She also participated in the Pro Bono Business Law Clinic, counseling start-up founders and small business owners in contract, IP, licensing, franchise, and employment issues. Arielle is licensed to practice before and is a member in good standing of the Bar of the State of California.

Richard Hansen graduated cum laude from the University of Wisconsin Law School, where he served as the Managing Editor of the Wisconsin Law Review and was admitted to the Order of the Coif. He is admitted to the state courts of Minnesota and Wisconsin, and the U.S. District Court for the District of Minnesota.

Following law school, Richard work as a law clerk in the Minnesota Court of Appeals where he drafted bench memoranda and assisted with preparing judicial opinions. After his clerkship, he was an associate at a Minnesota firm that practices in a broad spectrum of areas, including antitrust, energy, and financial services law. In that position, Richard was responsible for preparing and drafting briefs for dispositive and non-dispositive motions, arguing motions in state court proceedings, and acted as lead associate in multiple cases which involved overseeing document collection and review.

Richard is an associate at Zimmerman Reed and a member of the firm's Public Client practice. His practice focuses on complex cases involving consumer fraud and environmental issues.

Rebecca Ireland is an associate at Zimmerman Reed and a member of the Public Client practice group. She is a member of the team representing Minnesota in its litigation against e-cigarette manufacturer, JUUL, for deceptive marketing and targeting Minnesota's youth.

Prior to joining the firm, Rebecca practiced as a public defender in the Ramsey County Public Defender's Office. Her courtroom experience includes all phases of trial practice from client counseling, investigation, pre-trial motion practice, and jury trial to verdict. Additionally, Rebecca clerked for the Honorable Jill Flaskamp Halbrooks at the Minnesota Court of Appeals and was an adjunct professor of legal reasoning and writing at William Mitchell College of Law, her alma mater.

While at William Mitchell College of Law, Rebecca served as the Editor-In-Chief of the school's law review and graduated Magna Cum Laude. During law school, she gained hands-on experience externing for the Honorable John R. Tunheim in U.S. District Court for the District of Minnesota and working as a law clerk for the Office of the Federal Defender in the District of Minnesota. Rebecca is licensed to practice before and is a member in good standing of the Bar of the State of Minnesota.

Andre S. LaBerge brings over twenty years of professional experience – as an attorney and as a business executive – in his advocacy for the rights of investors and consumers, providing counsel to several of the firm's practice areas. He has represented participants in Wells Fargo's securities lending program, investors with losses in Morgan Keegan open end bond funds, and the Office of Attorney General in the LCD antitrust litigation.

Andre has practiced law in Chicago and Minneapolis, and has represented clients at all court levels and in various regulatory forums. He has also served as Vice President, Chief Compliance Officer, General Counsel, and FINRA Registered Principal and Designated Supervisor in the financial services industry with companies that supervised and supported large numbers of securities brokers, financial planners, and insurance agents.

Andre is a graduate of DePaul University College of Law, where he was a Senior Editor for the Journal of Health and Hospital Law, and worked as a Mansfield Foundation Fellowship intern at Southern Minnesota Regional Legal Services. He is a member of the Minnesota State Bar Association and the Hennepin County Bar Association.

Michael J. Laird is an Associate at Zimmerman Reed focusing on the areas of sports law and consumer protection. He currently supports the firm's efforts in representing retired NHL &

NFL players in separate lawsuits alleging that the chronic cumulative effects of concussions were minimized.

A magna cum laude graduate of the University of Minnesota Law School, Michael served as a member of the Journal of Law, Science & Technology and a member of the American Bar Association Moot Court team. While in law school, Michael also started a medical-legal partnership with the Phillips Neighborhood Clinic to identify and resolve legal issues affecting patient care and well-being in under-served communities, as a member of the Community Practice and Policy Development Clinic.

While in law school, Michael externed for the Honorable Jeffrey J. Keyes of the United States District Court for the District of Minnesota. He also was a law clerk for both the Bad River Band of Chippewa Indians Natural Resources Department and the Minnesota Pollution Control Agency. Michael is licensed to practice law in Minnesota.

Alyssa J. Leary focuses her practice on environmental and consumer protection law. In environmental protection, Alyssa represents corn farmers and exporters in the Syngenta litigation who suffered economic harm from the release of Syngenta's unapproved, genetically modified corn strain. She also represents farmers whose crops have been damaged by off-target drift from dicamba herbicides in litigation against Monsanto. In consumer protection, Alyssa is part of the team representing consumers alleging Pacquiao and his promoters kept his shoulder injury secret prior to the highly publicized Pacquiao-Mayweather Pay-Per-View fight.

Alyssa graduated magna cum laude and Order of the Coif from Tulane University Law School and holds a Certificate in Environmental Law. While at Tulane, she worked as an editor for the Tulane Law Review, and studied economic and environmental issues in Brazil.

In addition to her law degree, Alyssa holds a Master of Science in Resource Conservation and a Certificate in Natural Resource Conflict Resolution from the University of Montana. She obtained a Bachelor of Science degree in Biology/Natural Science from the University of Puget Sound.

Prior to joining Zimmerman Reed, Alyssa worked as a renewable energy and construction law attorney and interned at the U.S. Attorney's Office for the Eastern District of Louisiana, the U.S. Marshals Service Office of General Counsel in Washington D.C., and also for the Cottonwood Environmental Law Center in Bozeman, Montana. She serves on the ReGenerateMN Steering Committee for the Minnesota Center for Environmental Advocacy. Alyssa is licensed to practice law in Minnesota and Texas.

Ian F. McFarland is an associate at Zimmerman Reed and a member of the firm's Public Client & Attorney General practice. His practice focuses on complex cases involving antitrust, consumer fraud, and securities violations.

Following law school, Ian served as a law clerk to the Honorable Regina M. Chu, Minnesota District Court, Fourth Judicial District. He then moved to a litigation firm where he worked on a variety of complex litigation matters, including National Hockey League Players' Concussion Injury Litigation, Dental Supplies Antitrust Litigation, Aggrenox Antitrust Litigation, and the Target Customer Data Security Breach Litigation.

Ian graduated magna cum laude from the University of Wisconsin Law School, where he served as a Note and Comment Editor of the Wisconsin Law Review and was admitted to the Order of the Coif. While attending law school, he worked as a judicial intern to the Honorable Margaret J. Vergeront, Wisconsin Court of Appeals, District IV.

Kimberly McNulty is an associate at Zimmerman Reed and is a member of the Public Client practice group. She is part of the Opioid Litigation team, representing individual state Attorneys General in litigation against entities responsible for deceptive marketing, sale, and distribution of opioids. Kimberly is also part of the ZR team representing the State of Minnesota against e-cigarette manufacturer, JUUL, for its deceptive marketing practices and targeting of Minnesota's youth.

Prior to joining the firm, Kimberly was an associate attorney for another Minneapolis law firm representing businesses and individuals in all stages of complex commercial litigation. Prior to that, she worked as a Judicial Law Clerk to the Honorable Matthew E. Johnson.

Kimberly is a graduate of the University of South Dakota School of Law with high honors. While in law school, she was the Lead Articles Editor for the South Dakota Law Review, member of the Trial Team, and intern with the United States Attorney's Office (District of South Dakota). Kimberly earned her B.A. from Creighton University in English. She is licensed to practice before and is a member in good standing of the Bar of the State of Minnesota.

Flinn T. Milligan is an associate at Zimmerman Reed, working in the firm's Los Angeles office. He dedicates his practice to protecting consumers and workers in complex litigation, including cases involving consumer fraud and misclassified employees. Flinn has demonstrated his commitment to ensuring access to justice, especially for the most vulnerable members of our communities.

Prior to joining the firm, he worked at a non-profit, as a UC President's Public Interest Fellow. He assisted victims of PACE (property assessed clean energy) financing scams, ensuring that his clients stayed in their homes. He also worked on matters at the intersection of poverty and elder law, including debt collection, real estate, elder abuse, and access to estate funds. During law school, Flinn served as a law clerk for the Legal Aid Foundation of Los Angeles, working in the domestic violence clinic and the eviction defense center.

Flinn is a graduate of the UCLA School of Law. He also earned his B.A. from the University of Exeter (South West England, UK), during which he studied abroad at Iowa State University. Flinn is licensed to practice before and is a member in good standing of the Bar of the State of California.

Bryce D. Riddle concentrates his practice on complex litigation and commercial class actions in the areas of Sports Law, Data Breach, and Consumer Protection. Currently, Bryce works on the team representing retired NHL players alleging the National Hockey League failed to minimize concussion risks for its players for decades. In data breach litigation, he represents financial institutions in cases against The Home Depot and Wendy's to recover losses arising from breaches that compromised customer financial information. Bryce also works on the Vizio

consumer privacy litigation asserting violations of state and federal law for the unauthorized collection and sale of customers' private and personal data.

Bryce graduated cum laude from the University of Minnesota Law School in 2014, where he was a member of the Minnesota Journal of International Law and a Dean's Scholarship recipient. While in law school, he participated in the Student Exchange Program in Milan, Italy at Bocconi University School of Law and also externed for the Honorable David S. Doty of the United States District Court for the District of Minnesota. He subsequently served as a judicial law clerk for the Honorable Elizabeth V. Cutter and the Honorable Bridget A. Sullivan in Minnesota's Fourth Judicial District. Bryce is licensed to practice law in Minnesota and California state courts, as well as federal court in the District of Minnesota.

Behdad C. Sadeghi is an associate at Zimmerman reed and a member of the firm's Attorney General practice. His practice focuses his practice on complex litigation involving consumer protection, securities and financial fraud, and antitrust law in state and federal courts.

Behdad currently is part of the Attorney General Practice, working with the team representing two states in the opioid litigation, conducting research, discovery, and motion practice. Behdad worked on the team representing investors who sustained losses as a result of alleged federal securities law violations by Morgan Keegan and its affiliates that achieved a \$125 million settlement. He also represented a class of financial institutions who suffered losses resulting from a major data breach in a class action against the Target Corporation that resulted in a \$39 million dollar settlement. In consumer litigation, he successfully achieved a multi-million dollar wrongful death settlement against a major automobile manufacturer, and a settlement on behalf of a group of elderly victims of one of the largest hepatitis C outbreaks in the nation's history. He also represents a putative class of consumers alleging violations of the Telephone Consumer Protection Act by Papa Murphy's and SuperAmerica.

Behdad graduated magna *cum laude* from William Mitchell College of Law, where he was a member of the William Mitchell Journal of Law and Practice and the Niagara International Moot Court Team; he also participated in the school's Civil Advocacy Clinic. His academic honors include a CALI Excellence for the Future Award, four Dean's List honors, and a Burton Award Nomination for Excellence in Legal Writing. Behdad has been recognized as a Rising Star of Law in 2019. Behdad is licensed to practice law in Minnesota.

Charles R. Toomajian, III is an Associate at Zimmerman Reed concentrating his practice in the consumer protection area, in the Attorney General Practice, and representing individuals injured by defective drugs or faulty medical devices. In the consumer protection context, Chuck represents public entities seeking recovery and finding solutions for the rampant harm caused nation-wide by the opioid crisis. He has also successfully represented individuals with claims under the TCPA. Within the Public Client Practice, Chuck is part of the team representing two states in their investigations and litigation related to the opioid epidemic. In the medical arena, he represents patients who took Abilify and experienced financial devastation as a result of compulsive gambling associated with the top-selling drug and patients who experienced severe injuries after taking the diabetes drug, Invokana. He also supports the firm's efforts in helping patients and families affected by the Stryker LFIT V40, involving recalled femoral heads that have been associated with hip replacement failure. Prior to joining Zimmerman Reed, Chuck worked at a multi-state trial and litigation firm advocating for injured clients.

A magna cum laude graduate from the University of Minnesota Law School, Chuck was a symposium editor for *Law and Inequality: A Journal of Theory and Practice*. He was a three-year consecutive Dean's List recipient and received the First Amendment law Book Award, a prestigious award for having the highest score in the class. He externed for the Honorable Mark Wernick of the Hennepin County District Court where he prepared and drafted memoranda and conducted legal research. He holds a Bachelor of Arts in English from Williams College. Chuck is licensed to practice before, and is a member in good standing of, the Bar of the State of Minnesota, the Bar of the State of California, and is admitted to the U.S. District Court for the Central District of California.

EXHIBIT 40

FIRM	EX. A HOURS	EX. A FEES
COTCHETT, PITRE & MCCARTHY LLP	17,412.62	\$ 9,437,778.00
KAPLAN FOX & KILSHEIMER LLP	21,789.60	\$ 11,521,121.50
ROBBINS GELLER RUDMAN & DOWD LLP	1,780.10	\$ 864,068.00
AHDOOT & WOLFSON, P.C.	1,277.40	\$ 838,895.00
BARNOW & ASSOCIATES	499.40	\$ 301,627.50
BERNSTEIN LIEBHARD LLP	407.60	\$ 144,220.00
BLOOD HURST O'REARDON LLP	654.70	\$ 279,158.50
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP	485.60	\$ 298,710.00
CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP	2,465.50	\$ 1,464,451.50
COHEN MILSTEIN SELLERS & TOLL LLC	104.45	\$ 68,322.50
DEREK G. HOWARD LAW FIRM	197.25	\$ 156,135.00
DICELLO LEVITT & GUTZLER LLC	663.60	\$ 423,732.00
FINKELSTEIN, BLANKINSHIP, FREI-PEARSON & GARBER, LLP	537.30	\$ 209,275.00
GRANT & EISENHOFER P.A.	252.50	\$ 188,983.50
HAEGGQUIST & ECK, LP	703.80	\$ 509,649.00
JOHNSTON CLEM GIFFORD PLLC fka JOHNSTON PRATT PLLC	435.80	\$ 186,934.00
KELLER ROHRBACK LLP	1,914.45	\$1,202,840.25
KESSLER TOPAZ METZLER CHECK LLP	294.08	\$ 171,119.50
LEVI & KORSINSKY, LLP	883.75	\$ 354,270.25
LEVIN SEDRAN & BERMAN	2,379.30	\$ 1,532,077.50

FIRM	EX. A HOURS	EX. A FEES
MILBERG TADLER PHILLIPS GROSSMAN LLP	937.50	\$ 705,997.50
MILBERG PHILLIPS GROSSMAN LLP (fka MILBERG TADLER PHILLIPS GROSSMAN LLP)	8.40	\$ 5,040.00
TADLER LAW LLP	202.90	\$ 147,940.00
PODHURST ORSECK P.A	189.00	\$ 114,957.00
SAVERI & SAVERI INC	1,056.05	\$ 422,975.00
STULL, STULL & BRODY	506.60	\$ 257,580.50
ZIMMERMAN REED LLP	385.25	\$ 191,176.00
SIMMONS HANLY CONROY LLC (formerly with Barnes & Associates)	-	\$ -
Braswell, Murphy & Grubb, LLC (formerly with BEASLEY, ALLEN)	69.10	\$ 35,239.50
BRAGAR EAGEL & SQUIRE, P.C.	17.95	\$ 14,075.00
EGGNATZ PASCUCCI, P.A.	14.50	\$ 7,975.00
FINKELSTEIN THOMPSON LLP	13.10	\$ 8,547.50
GIRARDI KEESE	15.70	\$ 4,692.50
JENKINS, MULLIGAN & GABRIEL, LLP	82.00	\$ 71,115.00
JOHNSON FISTEL, LLP	51.50	\$ 33,212.50
KANTROWITZ GOLDHAMER & GRAIFMAN, P.C.	38.30	\$ 31,070.00
LEAR WERTS LLP	63.10	\$ 42,592.50
SCOTT COLE & ASSOCIATES	44.00	\$ 16,352.50
SIMON LAW FIRM, P.C.	24.35	\$ 6,835.00
STRAUSS TROY	-	\$ -
SULAIMAN LAW GROUP, LTD.	194.20	\$ 144,679.00
TOTALS	59,052.30	\$ 32,415,420.50

EXHIBIT 41

FIRM	TOTAL EXPENSES
COTCHETT, PITRE & MCCARTHY LLP	\$ 339,441.28
KAPLAN FOX & KILSHEIMER LLP	\$ 463,213.01
ROBBINS GELLER RUDMAN & DOWD LLP	\$ 31,884.11
AHDOOT & WOLFSON, P.C.	\$ 31,702.52
BARNOW & ASSOCIATES	\$ 25,972.93
BERNSTEIN LIEBHARD LLP	\$ 25,000.00
BLOOD HURST O'REARDON LLP	\$ 25,067.51
CAFFERTY CLOBES MERIWETHER & SPRENGEL LLP	\$ 26,000.65
CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP	\$ 36,276.99
COHEN MILSTEIN SELLERS & TOLL LLC	\$ 25,940.97
DEREK G. HOWARD LAW FIRM	\$ 27,087.97
DICELLO LEVITT & GUTZLER LLC	\$ 26,058.09
FINKELSTEIN, BLANKINSHIP, FREI-PEARSON & GARBER, LLP	\$ 26,007.35
GRANT & EISENHOFER P.A.	\$ 26,171.96
HAEGGQUIST & ECK, LP	\$ 28,796.71
JOHNSTON CLEM GIFFORD PLLC fka JOHNSTON PRATT PLLC	\$ 25,323.49
KELLER ROHRBACK LLP	\$ 30,618.18
KESSLER TOPAZ METZLER CHECK LLP	\$ 26,446.31
LEVI & KORSINSKY, LLP	\$ 25,774.56
LEVIN SEDRAN & BERMAN	\$ 45,196.27
MILBERG TADLER PHILLIPS GROSSMAN LLP	\$ 30,064.74
MILBERG PHILLIPS GROSSMAN LLP (formerly MILBERG TADLER PHILLIPS GROSSMAN LLP)	\$ -
TADLER LAW LLP	\$ 100.00
PODHURST ORSECK P.A	\$ 26,551.73
SAVERI & SAVERI INC	\$ 25,703.99
STULL, STULL & BRODY	\$ 25,119.52
ZIMMERMAN REED LLP	\$ 28,201.37
SIMMONS HANLY CONROY LLC (formerly Barnes & Associates)	
BRASWELL, MURPHY & GRUBB, LLC (formerly with BEASLEY, ALLEN)	\$ 57.92
BRAGAR EAGEL & SQUIRE, P.C.	\$ -
EGGNATZ PASCUCCI, P.A.	\$ 847.00
FINKELSTEIN THOMPSON LLP	\$ 306.18
GIRARDI KEESE	\$ -
JENKINS, MULLIGAN & GABRIEL, LLP	\$ 400.00
JOHNSON FISTEL, LLP	\$ 824.68
KANTROWITZ GOLDHAMER & GRAIFMAN, P.C.	\$ 349.76
LEAR WERTS LLP	\$ -
SCOTT COLE & ASSOCIATES	\$ 1,442.50
SIMON LAW FIRM, P.C.	\$ 2,107.15
STRAUSS TROY	\$ -
SULAIMAN LAW GROUP, LTD.	\$ -
TOTAL	\$ 1,460,057.40

Balance in Litigation Fund	\$ (568,108.38)
Total Unreimbursed Expenses	\$ 891,949.02

EXHIBIT 42

CATEGORY	TOTALS BY CATEGORY
01. Outside Printing	\$ 59.80
02. Photocopies	\$ 46,318.66
03. Outside Fax Charges	\$ 11.00
04. Delivery Services/Messengers	\$ 7,601.75
05. Postage	\$ 1,820.33
06. Court Fees	\$ 6,841.88
07. Subpoena Fees	\$ -
08. Witness Fees	\$ -
09. Deposition Transcripts	\$ 1,584.08
10. Long-Distance Telephone Calls	\$ 12,615.65
11. Trial Transcripts	\$ 349.20
12. Trial Exhibits	\$ -
13. Lexis / Westlaw	\$ 162,935.87
14. Litigation Support Vendors	\$ 1,152.44
15. Experts	\$ -
16. Arbitrators / Mediators	\$ -
17. Meals (excluding alcohol)	\$ 19,399.20
18. Taxi/Car Service/Other Ground Transport	\$ 12,857.73
19. Travel-Mileage Reimbursement	\$ 697.27
20. Travel-Airfare	\$ 54,440.30
21. Travel-Hotel	\$ 39,519.76
22. Travel-Rental Car	\$ 284.88
23. Service Fees	\$ 1,153.90
24. Miscellaneous	\$ 15,413.70
Subtotal	\$ 385,057.40
25. Assessments	\$ 1,075,000.00
TOTAL	\$ 1,460,057.40

Balance in Litigation Fund	\$ (568,108.38)
Total Unreimbursed Expenses	\$ 891,949.02