

IN RE: REALPAGE, INC., RENTAL	)	
SOFTWARE ANTITRUST LITIGATION	)	Case No. 3:23-md-3071
(NO. II)	)	MDL No. 3071
	)	
	)	Judge Waverly D. Crenshaw, Jr.
	)	
	)	
	)	This Document Relates to:
	)	ALL CASES

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I, Tricia R. Herzfeld, under 28 U.S.C. §1746, declare that the following is true and correct to the best of my knowledge and belief.

1. I am the lead named partner at the law firm of Herzfeld, Suetholz, Gastel, Leniski & Wall, PLLC (“HSGLaW”). I submit this Declaration in Support of Plaintiffs’ Motion for Attorneys’ Fees, Reimbursement of Litigation Expenses, and Service Awards for Named Plaintiffs (the “Motion”). I have personal knowledge of the facts set forth herein and, if called upon, could and would testify thereto.

2. I am a member in good standing of the bars of Tennessee, West Virginia, and Florida. I am also admitted to the U.S District Courts for the Middle District of Tennessee, the Eastern District of Tennessee, the Western District of Tennessee, the Southern District of West Virginia, the Northern District of Florida, the Middle District of Florida, the Southern District of Florida, the Eastern District of Michigan, the U.S Court of Appeals for the Sixth Circuit, and the U.S. Court of Appeals for the Fifth Circuit.

3. This Court appointed Patrick Coughlin of Scott+Scott Attorneys at Law, LLP and Stacey Slaughter of Robins Kaplan LLP as Interim Co-Lead Counsel (“Co-Lead Counsel”), and appointed me as Plaintiffs’ Liaison Counsel to manage and prosecute this litigation. (Dkt. 278, 1076.) The Court also appointed a Plaintiffs’ Steering Committee (“PSC”) to help prosecute this litigation. (*Id.*)

4. Collectively, Interim Co-Lead Counsel, Liaison Counsel, and the PSC (“Plaintiffs’ Counsel”) have vigorously and efficiently prosecuted this novel and highly complex antitrust case against more than 50 Defendants for almost four years.

I. HSGLaW Attorneys Are Highly Qualified

5. Attached as **Exhibit 1** is a firm resume that outlines the background and qualifications of the attorneys at HSGLaW. As detailed in the resume and below, my partners and I have decades of experience litigating complex matters, including in leadership positions and as class counsel in many complex cases, antitrust cases, and consumer class actions across the country, and in this District.

6. As part of a national practice, I have extensive experience in class action matters, antitrust matters, and other forms of complex litigation, along with extensive trial experience. In addition to my appointment in this case, this Court also appointed me as Plaintiffs' Liaison Counsel in the *Optimal Blue* antitrust matter in this District.¹ Before that, I also served as a lead attorney in multiple opioids-related lawsuits brought in Tennessee state court on behalf of local governments and babies born drug dependent. In those cases, our clients sued (among other defendants) Purdue, Endo, and other major pharmaceutical drug manufacturers. I was in charge of coordinating the cases, both at the trial court and appellate levels. I helped my clients prevail in the Tennessee Supreme Court, in which the court issued a landmark ruling holding that licensed drug manufacturers could be held liable for damages under Tennessee's Drug Dealer Liability Act.² My clients subsequently obtained a default judgment as a sanction against drug company defendant Endo and (one week before trial) reached a \$35 million settlement with Endo for local governments and a minor born drug dependent, reflecting the largest *per capita* opioid settlement by Endo in the country. I also have extensive civil and criminal trial experience both inside and outside this

¹ See *Mendez, et al. v. Optimal Blue, et al.*, No. 3:25-cv-01140) (M.D. Tenn.), Dkt. 244.

² See *Effler v. Purdue Pharma*, 614 S.W.3d 681 (Tenn. 2020).

District, including conducting approximately 100 trials. I have also served as counsel in other class action and complex litigation matters both inside and outside Tennessee.³

7. In my capacity as Plaintiffs' Liaison Counsel, I have drawn from my extensive experience in this District. This includes successfully representing clients in cases in this District.⁴ In addition, I was appointed by this Court to serve on this District's Local Rules Committee – which helped update the M.D. Tenn. Local Rules in 2020 – and I have often been appointed to represent *pro se* litigants in civil matters or otherwise agreed to handle these matters *pro bono*.⁵ I also serve as a Hearing Examiner for the Tennessee Board of Professional Responsibility (“BPR”).

8. The other primary attorney on this matter at my firm is Tony Orlandi, who also has brought to bear his extensive experience from his local and national practice. In addition to serving as a key attorney in the Tennessee opioid litigation (including obtaining expedited remand of one of the cases)⁶ and as counsel in the *Optimal Blue* antitrust matter, he has had success in class action matters and complex litigation. This includes: successfully arguing for settlement approval of

³ See, e.g., *Miller v. General Motors*, 773 F. Supp. 3d 461 (E.D. Mich. 2025).

⁴ See, e.g., *Akridge v. Finnegan*, 2016 WL 743416 (M.D. Tenn. Feb. 22, 2016) (order largely denying motion for summary judgment concerning unreasonable search and seizure); *Doe v. Wilson County Sch. Sys.*, 564 F. Supp. 2d 766 (M.D. Tenn. 2008) (granting judgment after trial to plaintiff for violation of establishment clause rights of kindergartner); *Dominguez v. Ramirez*, 2025 WL 1439578 (M.D. Tenn. May 19, 2025) (denying petitioner's demand to return child to Mexico and permitting child to remain with child's mother); *Doe v. Corrs. Corp. of Am.*, 2015 WL 4067765 (M.D. Tenn. July 2, 2015) (denying motion to dismiss in case alleging unconstitutional strip searches of female visitors to Tennessee prison); *Escobar v. Gaines*, 2014 WL 4384389 (M.D. Tenn. Sept. 4, 2014) (denying Rule 56 motion in case alleging civil rights violations associated with law enforcement raid of an apartment complex).

⁵ See, e.g., *Whipple v. CoreCivic*, No. 3:26-cv-00253 (M.D. Tenn.) (Richardson, J.) (deliberate indifference to serious medical need); *McCorvey v. Prison Transp. Servs. of Am., LLC*, No. 3:17-cv-00877 (M.D. Tenn.) (Crenshaw, J.) (unconstitutional conditions of confinement); *C.I.G.H. v. Stirrup*, No. 3:20-cv-00796 (M.D. Tenn.) (Campbell, J.) (human trafficking victim); *Tarvin v. Lindamood, et al.*, No. 1:18-cv-00025 (M.D. Tenn.) (Campbell, J.) (failure to protect and other disability-related claims).

⁶ See *Dunaway v. Purdue Pharma*, 391 F. Supp. 3d 802 (M.D. Tenn. 2019).

multi-million dollar consumer class action settlements in the District of Kansas and Western District of Missouri;⁷ prevailing on appeal in consumer class action matters in the Eighth Circuit and in the Kansas Court of Appeals;⁸ defeating motions to dismiss in the Northern District of Texas and the District of Massachusetts;⁹ and obtaining both class certification and subsequent settlement approval in the *Skeete v. Republic Schools* and *Elrod v. NoTax4Nashville* class actions in this District.¹⁰ Mr. Orlandi also currently serves on the M.D. Tenn. Local Rules Committee, previously served as a judicial clerk for the Honorable Aleta A. Trauger from 2011 to 2015, and serves as a Hearing Examiner for the Tennessee BPR.

9. Other attorneys at my firm who have worked on this case also have exceptional skills and background experience, including appointments in complex matters and achieving excellent results in class actions and in antitrust matters nationwide.¹¹ For example:

- In *In re Wellbutrin Antitrust* (E.D. Penn.), HSGLaW attorneys served as co-lead counsel in an antitrust class action against GlaxoSmithKline and Biovail on behalf of third-party payors alleging suppression of a cheaper generic form of Wellbutrin XL. These efforts helped achieve class certification and a settlement for the indirect purchasers. The district

⁷ *Prairie Pointe Orthodontics v. Jorns & Assocs.*, 2:22-cv-2451 (D. Kan.), Dkt. 85 (finally approving \$2.6 million Telephone Consumer Protection Act class settlement); *Walkingstick v. Simmons*, 6:19-cv-3184 (W.D. Mo.), Dkt. 161 (finally approving settlement involving \$3.25 in monetary payments and debt forgiveness valued at over \$750 million).

⁸ *Davis Neurology P.A. v. DoctorDirectory.com LLC*, 896 F.3d 872 (8th Cir. 2018); *see also Davis Neurology v. DoctorDirectory.com LLC*, 4:16-cv-00371 (W.D. Ark.), Dkt. 67 (finally approving \$1.6 million class settlement); *Duling v. Mid-America Credit Union*, 521 P.3d 1145 (Kan. Ct. App. 2022) (upholding denial of motion to compel arbitration in bank fee overdraft matter).

⁹ *See Doup v. Van Tuyl Grp. LLC*, 2021 WL 1541552 (N.D. Tex. 2021) (defeating motion to dismiss for lack of subject matter jurisdiction in TCPA case); *Orth v. J&J Pizza, Inc.*, 2020 WL 1446735 (D. Mass. Mar. 25, 2020) (defeating motion to dismiss in FLSA class action).

¹⁰ *See Skeete v. Republic Schs.*, No. 3:16-cv-00043, 2017 WL 2989189 (M.D. Tenn. Mar. 21, 2017) (certifying class), and at *Skeete* Dkt. 112 (finally approving \$2.2 million class settlement). *See Elrod v. NoTax4Nashville*, No. 3:20-cv-00617 & 3:20-cv-00618 (M.D. Tenn. Apr. 8, 2021) (certifying class); *Elrod* Dkt. 169) (approving class settlement for over \$1 million).

¹¹ In February 2023, HSGLaW was formed as a new firm by several former members of Branstetter, Stranch & Jennings, PLLC (“BSJ”). Certain former BSJ attorneys and staff joined HSGLaW and BSJ no longer exists. Where this declaration refers to work by HSGLaW attorneys before March 2023, it is referring to work performed while those attorneys were at BSJ.

court praised counsel for having “effectively and efficiently prosecuted this difficult and complex action on behalf of the members of the Class,” and found that “the settlement achieved for the benefit of the Class was obtained as a direct result of Class Counsel’s skillful advocacy[.]” (*In re Wellbutrin Antitrust*, No. 2:08-cv-2433 (E.D. Pa.), Dkt. 473.)

- In *In re Prograf Antitrust Litig.*, MDL No. 2242 (D. Mass.), HSGLaW attorneys were appointed as Co-Lead Counsel for indirect purchaser plaintiffs in a nationwide antitrust class action alleging generic suppression. A class was certified, summary judgment denied, and the parties reached a \$13.25 million settlement.
- In *In re Skelaxin Antitrust Litig.* No. 1:12-cv-194 (E.D. Tenn.), HSGLaW attorneys supported Lead Counsel in an antitrust class action on behalf of end payors in a generic suppression case. Counsel achieved a \$9 million class settlement against one defendant (to which the Court granted final approval) and an individual settlement against the other.

HSGLaW attorneys also have played key roles in many other cases challenging anticompetitive conduct nationwide¹² and in other class actions in this District.¹³

II. Common Benefit Work Performed by HSGLaW from Inception Through March 31, 2026

10. The Joint Declaration (“J.D.”) filed in support of the Motion broadly outlines the common benefit work undertaken by Plaintiffs’ Counsel. At all times, the work performed by

¹² See *In re Loestrin 24 FE Antitrust Litig.*, MDL 2472, 1:13-md-02474-S-PAS (D.R.I.) (HSGLaW attorneys supported the Executive Committee in a case challenging anticompetitive deals reached concerning oral contraceptives, the First Circuit reversed the trial court’s dismissal order, and the case ultimately settled for \$63.5 million for a certified class of third-party payor); *In re Effexor*, 3:11-cv-5661 (D.N.J.) (HSGLaW attorneys represented one of the named class representatives and have been active in discovery at the direction of lead counsel, in a case challenging anticompetitive agreements concerning an antidepressant drug); *Sherwood et al. v. Microsoft Corp.*, No. 99-C-3562 (Davidson Cnty., Tenn. Cir. Ct.) (Tennessee antitrust class action where plaintiff won an appellate court opinion establishing that indirect purchasers have a cause of action under the Tennessee Trade Practices Act, and ultimately resulted in a settlement valued at \$64 million); *Cates v. Crystal Clear Techs., LLC*, 874 F.3d 530 (6th Cir. 2017) (obtaining reversal of a district court dismissal order, in case alleging unlawful tying arrangement for the provision of cable services).

¹³ See, e.g., *Stringer v. Nissan N. Am., Inc., et al.*, No. 3:21-cv-00099 (M.D. Tenn.) (court-approved settlement valued at nearly \$278 million in class action concerning faulty continuous variable transmission (CVT) systems); *Ajose v. Interline Brands, Inc.*, No. 14-cv-01707 (M.D. Tenn.) (court-approved \$16.5 million class settlement in consumer class action).

Plaintiffs' Counsel was directed and managed by Co-Lead Counsel, as well as undertaken by many attorneys at HSGLaW, including me.

11. HSGLaW attorneys have devoted a substantial amount of work to this case. This includes work traditionally associated with serving as Plaintiffs' Liaison Counsel, such as providing guidance about local rules and procedures, acting as a liaison with the Court and defense counsel, coordinating filings, and tracking and compiling both specific and summary information about the underlying cases, docket entries, and other case files.

12. In addition, at the direction of Co-Leads, other HSGLaW attorneys and I also have done substantial substantive work alongside Co-Leads and the PSC. This included acting as the primary firm handling discovery of multiple defendants, including Camden Property Trust ("Camden"), which is one of the largest Property Defendants in the case. My firm's work has included the following tasks, among others:

- Participating in in-person meet and confers across the country with the Joint Defense Group and with individual Defendants, including RealPage, Camden, Greystar, UDR, Brookfield, Bozzuto, Winn, ZRS, Highmark, FCM, RPM, Security Properties, Knightvest, Allied, Mission Rock, Simpson, Related, Rose, and Cortland.
- Taking 15 depositions, including 13 depositions of Camden witnesses and two depositions of Greystar revenue management witnesses.
- For Camden and Winn, handling all discovery negotiations and correspondence concerning search terms, custodians, and written discovery.
- Assisting in defending depositions of Plaintiffs Brandon Watters and Barry Amar-Hoover.
- Drafting and editing motions and briefs, discovery requests, discovery responses, and discovery correspondence.
- Handling primary negotiations to obtain deposition transcripts from Defendants whose witnesses were deposed in the Washington, D.C. action.
- Drafting research memoranda concerning procedural law and substantive law.
- Participating in weekly leadership calls and calls with the PSC.

- Participating in mediations and in separate bilateral settlement discussions with multiple Defendants.
- Negotiating settlement agreements with multiple Defendants.
- Assisting other firms in preparing for depositions of Morgan and Mid-America witnesses, along with preparing for HSGLaW depositions of Camden and Greystar witnesses.

Also, HSGLaW attorney Megan Killion was nominated by the Co-Leads to serve as Team Leader responsible for supervising a team of first-line document reviewers. In addition, several HSGLaW attorneys (and one other attorney supervised by HSGLaW) handled first-line document review of Defendants' productions and third-party subpoena productions, as well as first-line review of Plaintiffs' files for responsiveness and privilege.

III. HSGLaW Time, Rate & Lodestar Detail from Inception Through March 31, 2026

13. I am the principal partner at HSGLaW who oversaw and/or conducted the day-to-day activities in the litigation on behalf of my Firm. I directed and reviewed the audit of our Firm's time submissions for purposes of the Motion and submitting this individual declaration. The audit included, *inter alia*, removal of duplicative time, adjusting rates, clarifying work descriptions, removing incorrectly designated time, revising block billed entries, and eliminating time that was not for the common benefit, consistent with Protocol for Common Benefit Work and Expenses (Dkt. No. 302) ("Protocol"). *See also* J.D. ¶¶ 57-58. As part of the audit, HSGLaW has also removed hours associated with pure travel time, time and expense reporting, and the original leadership dispute at the beginning of the case, and has removed hours by any timekeepers totaling under 10 hours. It is my understanding that each Co-Lead firm have undertaken the same audit process in connection with their time, rate and lodestar detail. HSGLaW has also removed from its lodestar calculation all hours expended by litigation professionals other than the lead HSGLaW paralegal.

14. As set forth in the Joint Declaration, HSGLaW spent 15,100.3 hours (post-audit) on common benefit work through March 31, 2026, for a total lodestar of \$9,618,415.00, calculated at current rates. (J.D. ¶ 62.) I have reviewed the audited entries supporting this figure, and I affirm that they are true and accurate, and that the work they reflect was reasonable and necessary to the prosecution of this case. This work was undertaken on a fully contingent basis and for which HSGLaW has not been paid, thus bearing the risk of non-payment. These hours and the associated lodestar do not include the time that HSGLaW has devoted and will continue to devote to the case after March 2026 against Defendants – including RealPage – who have not settled. HSGLaW will continue to represent Plaintiffs on a fully contingent basis for which it has no guarantee of remuneration.

15. The chart attached as **Exhibit 2** is a chart identifying all the time-keepers, titles, current rates,¹⁴ hours worked on the case, and lodestar for common benefit work through March 31, 2026, in connection with the prosecution of this litigation.

16. The hourly attorney rates that HSGLaW attorneys are charging in this MDL are our current hourly complex litigation rates, reflective of HSGLaW's expertise in class action and complex litigation matters, as well as the skill required to litigate this matter and the substantial risks of assuming representation in this MDL.

17. Attached as **Exhibit 3** is a chart identifying, by hours and lodestar, the time expended by task category for common benefit work through March 31, 2026, in connection with the prosecution of this litigation.

18. Exhibits 2 and 3 were prepared from contemporaneous, daily time records regularly prepared and maintained by my Firm and audited as indicated above.

¹⁴ If the employee is no longer with the Firm, the last rate used by the time-keeper has been applied.

HSGLAW EXPENSE DETAIL FROM INCEPTION THOROUGH JUNE 30, 2026

19. I also directed and reviewed the audit of our Firm's expense submissions for purposes of the Motion and submitting this declaration. The purpose of this review was to confirm both the accuracy of the entries as well as the necessity for, and reasonableness of, the expenses committed to the litigation. *See also* J.D. ¶¶ 57-58 and 60. It is my understanding that each Co-Lead firm and the PSC have undertaken the same audit process in connection with this Motion and made appropriate adjustments.

20. As set forth in the Joint Declaration, my firm is seeking reimbursement for a total of **\$183,642.68** in litigation expenses reasonably incurred in connection with the prosecution of this Action from November 1, 2022 through and including June 30, 2026. The most significant portion of the firm's expenses are the \$75,000 in assessments paid to the litigation fund. The use of these funds (and those contributed by Co-Lead Counsel and the PSC) are accounted for in the litigation fund reconciliation in the Joint Declaration. *See* J.D. ¶¶ 64-67.

21. The litigation expenses reflected in **Exhibit 4** are the actual incurred expenses by category. Exhibit 4 was prepared from receipts and records kept in the ordinary course of HSGLaW's business, and is consistent with the Protocol.

22. These expenses have not been reimbursed, and HSGLaW expects to incur additional expenses in connection with the litigation of this case through expert discovery, class certification, summary judgment, and trial.

IV. The Skill Required and the Risks of Taking the Case.

23. Antitrust cases often take years to resolve – sometimes more than a decade. *See, e.g., In Re Payment Card Interchange Fee & Merchant Discount Card Antitrust Litig.*, No. 05-md-01720 (E.D.N.Y.) (originally filed in 2005 and currently pending final approval hearing in

November 2026); *In re Broiler Chicken Antitrust Litig.*, Case No. 1:16-cv-08637 (N.D. Ill.) (originally filed in 2016, settlement with certain defendants finally approved in 2024). Here, this case involved 52 Defendants, and the Court set an aggressive schedule with a two-year fact discovery phase. The Court also set simultaneous litigation and settlement tracks. This meant that Plaintiffs' counsel, including HSGLaW, had to litigate quickly, efficiently, and proactively to complete more discovery in less time against more defendants than would normally be the case in an antitrust action. The case also involves highly contested legal issues, along with fact- and data-intensive issues involving multiple RealPage software products and how the Property Defendants used them. Accordingly, given the posture of the case and its substance, this case has required an exceptional degree of skill to litigate effectively.

24. HSGLaW accepted representation in this litigation on a contingency fee basis. This means that HSGLaW would receive no compensation without a favorable recovery.

25. As a condition of representation, HSGLaW also advanced substantial litigation costs without guarantee of reimbursement.

26. As described above, HSGLaW expended over 15,000 hours of professional time through March 31, 2026 alone, and has continued to devote substantial time and resources to the case since that time. The time that HSGLaW allocated to this litigation – and time that HSGLaW will continue to allocate to it – is time that otherwise would have been spent on other matters and revenue-generating business. Accordingly, in litigating this MDL, HSGLaW has shouldered the risk of incurring substantial fees and costs that would not be remunerated in the event of an adverse judgment.

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

Executed on July 28, 2026.

/s/ Tricia R. Herzfeld
Tricia R. Herzfeld

EXHIBIT 1

firm resume



**Herzfeld
Suetholz
Gastel
Leniski
and Wall
PLLC**

**NASHVILLE
LOUISVILLE
CINCINNATI
WASHINGTON, D.C.**



“Our mission is to guide our clients through life’s most difficult times. We are a partnership of smart, trustworthy, and caring lawyers who are committed to providing the best possible legal services to our clients.”



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ABOUT HSGLaW

The attorneys at Herzfeld, Suetholz, Gastel, Leniski, and Wall PLLC have decades of experience providing legal representation to individuals and entities across the United States with attorneys and staff in four offices in Nashville, Louisville, Cincinnati, and Washington, D.C. The Firm services clients with a wide range of legal needs, including complex civil litigation involving consumer protection, antitrust, shareholder derivative suits, and securities fraud. The firm dedicates itself to vindicating the rights of employees and labor union members, fighting civil rights violations, advising public utilities, advocating for victims of abuse and corporate malfeasance.

The Firm's attorneys are also active members in their communities, and have had their accomplishments recognized by local bar associations and regional and national legal organizations. In 2022, the Tennessee Trial Lawyers Association awarded the 2022 Outstanding trial Lawyer of the Year Award to five of the Firm's attorneys for their exceptional work in helping Tennessee local governments (and a minor child) hold drug manufacturers accountable for their role in the state's opioid epidemic.

Statement of Practice

Class Actions and Complex Litigation; Antitrust Law; Data Breach; Mass Tort; Securities Law; Shareholder Derivative Law; Wage & Hour Law; Consumer Protection; Civil Rights Litigation; Labor and Employment Law; ERISA and Pension Law; Commercial Litigation; Utility Law; Municipal Law; Appellate Law; Personal Injury; and Election and Campaign Finance Law.



Tricia Herzfeld
Founding Member

Practice Areas

Civil Litigation, Antitrust, Class Action and Complex Litigation, Mass Tort, Personal Injury, and Civil Rights

Education

George Washington University (B.A. 1997); George Washington University Law School (J.D., 2001)

Memberships

Super Lawyers (2012-2016), Davidson County Election Commission, (2012-2024); Tennessee Bar Association; Nashville Bar Association; Lawyers Association for Women, Marion Griffin Chapter; Tennessee Trial Lawyers Association

Admissions

- **State:** Tennessee (2007), Florida (2001), West Virginia (2005),
- **Federal:** M.D. Tenn. (2009); E.D. Tenn. (2008); W.D. Tenn. (2010); S.D. W. Va. (2005); N.D. Fla. (2019); S.D. Fla. (2022); M.D. Fla. (2023); E.D. Mich. (2022); U.S. Court of Appeals for the Sixth Circuit (2007), U.S. Court of Appeals for the Fifth Circuit (2013), and U.S. Immigration Courts (2015)



David O'Brien Suetholz
Founding Member

Practice Areas

Union-side Labor Law

Education

Villanova University (B.A. 2000); Notre Dame Law School (J.D., 2003)

Additional Experience

General Counsel Kentucky Labor Cabinet 2009-2011; Thompson v. North American Stainless, L.P., 562 U.S. 170 (2011) (expanded Title VII protection nationwide); General Counsel, International Brotherhood of Teamsters (2024-present)

Admissions:

- **State:** Kentucky (2004); Indiana (2005)
- **Federal:** E.D. Ky. (2005); W.D. Ky. (2005); S.D. Ind. (2005); E.D. Mich. (2021); U.S. Court of Appeals for the Sixth Circuit (2004), U.S. Court of Appeals for the Federal Circuit (2008), Supreme Court of the United States of America (2010)



Benjamin A. Gastel
Founding Member

Practice Areas

Class Actions and Complex Litigation, Data Breach, Antitrust, Product Liability, Consumer Protection and Fraud, and Labor & Employment

Education

University of Dayton (B.S., 2004), Vanderbilt School of Law (J.D., 2007)

Memberships

Nashville, Tennessee, Georgia, and American Bar Associations.

Admissions

- **State:** Tennessee (2010), Tennessee Supreme Court (2010); Georgia (2007); Georgia Court of Appeals (2008); Georgia Supreme Court (2010)
- **Federal:** N.D. Ga. (2008); M.D. Tenn. (2011); E.D. Tenn. (2012); W.D. Tenn. (2012); C.D. Ill. (2020); N.D. Ill. (2022); U.S. Court of Appeals for the Sixth Circuit (2012); U.S. Court of Appeals for the First Circuit (2014)



Joey P. Leniski, Jr.
Founding Member

Practice Areas

Class Actions and Complex Litigation, Data Breach, Antitrust, Shareholder Derivative Law, Union-side Labor Law, Employment (Employee-side), Consumer Protection, Privacy, and ERISA

Education

University of Notre Dame (B.A., cum laude, 2000), Vanderbilt University Law School (J.D., 2003). Vanderbilt Bar Association, President; Trial Advocacy Association, member; and Vanderbilt Juvenile Practice Clinic

Memberships

Nashville and Tennessee Bar Associations, American Bar Association, American Association of Justice, Public Justice, Harry Phillips American Inn of Court, Super Lawyers (2012-2019), Class Action Trial Lawyers Top 25, Mass Tort Trial Lawyers Top 25, The National Trial Lawyers Top 100 Civil Plaintiff, Union Lawyers Alliance, and Nashville Bar Fellows

Admissions

- **State:** Tennessee (2003); Arkansas (2022)
- **Federal:** M.D. Tenn. (2004); E.D. Tenn. (2005); W.D. Tenn. (2008); E.D. Ark. (2016); W.D. Ark. (2016); N.D. Okla. (2014); E.D. Wisc. (2019); E.D. Mich. (2022); U.S. Court of Appeals for the First Circuit (2014); U.S. Court of Appeals for the Second Circuit (2025); U.S. Court of Appeals for the Third Circuit (2015); U.S. Court of Appeals for the Sixth Circuit (2005); U.S. Court of Appeals for the Eighth Circuit (2011); U.S. Court of Appeals for the Ninth Circuit (2025)



Michael J. Wall
Founding Member

Practice Areas

Civil Litigation, Labor & Employment, ERISA, Class Actions and Complex Litigation, Utilities, and Appellate Law

Education

Vanderbilt University (B.A., 2002); Vanderbilt University Law School (J.D., 2005)

Memberships

Nashville, Tennessee, and American Bar Associations

Admissions

- **State:** Tennessee (2005)
- **Federal:** M.D. Tenn. (2006); W.D. Tenn. (2008); E.D. Tenn. (2009); U.S. Court of Appeals for the Sixth Circuit (2006); U.S. Court of Appeals for the Eleventh Circuit (2010); U.S. Court of Appeals for the Eighth Circuit (2011); and the U.S. Supreme Court (2009)



Edward Gleason
Governing Member

Practice Areas

Union-side Labor Law, ERISA, Labor and Employment-Related Civil Litigation, and Labor and Employment Related Administrative Proceedings

Education

Fordham University Phi Beta Kappa (B.A. 1986); Dickinson School of Law with distinction, (J.D., 1989)

Additional Experience

Adjunct Professor Georgetown University Law Center for fourteen years, Pro-Bono International Labor Rights, General Counsel of Marine Engineers Beneficial Association (1996-99, 2002-2007), Counsel for International Brotherhood of Teamsters, Carhaul and Airline Divisions (2007-2013), Chief Counsel to Teamsters Local 1224 (2013-present); General Counsel, International Brotherhood of Teamsters (2022-2024)

Admissions

- **State:** Pennsylvania (1989), Washington, D.C. Bar (1991)
- **Federal:** U.S. Courts of Appeal for the Second, Third, Seventh, Ninth, D.C. Circuits; United States Supreme Court (1998)



Anthony (Tony) Orlandi
Member

Practice Areas

Class Action Litigation; Antitrust; Complex Litigation; Constitutional Rights Litigation; General Civil Litigation; Telephone Consumer Protection Act Litigation

Education

Brown University, B.A. (2003), Public Policy & American Institutions, Phi Beta Kappa; University of Virginia School of Law (J.D., 2006), Earle K. Shawe Labor Relations Award

Memberships

Member, Tennessee and Nashville Bar Associations; Phi Beta Kappa, National Chapter and Rhode Island Chapter; Executive Board Member, Law Association for Women, Nashville Chapter; Hearing Examiner, Tennessee Board of Professional Responsibility; Harry Phillips American Inn of Court, Barrister (2016-2020 and 2024-present); Tennessee Bar Association Leadership Law Class of 2017; Nashville Bar Foundation 2015 Young Leadership Forum; Member, M.D. Tenn. Local Rules Committee

Additional Experience

Law Clerk, Hon. Aleta A. Trauger, M.D. Tenn.

Admissions

- **State:** Tennessee (2015); Massachusetts (2006).
- **Federal:** M.D. Tenn. (2015); E.D. Tenn. (2016); W.D. Tenn. (2015); D. Mass. (2005); E.D. Ark. (2017); W.D. Ark. (2017); E.D. Mich. (2023); U.S. Court of Appeals for the Sixth Circuit (2016); U.S. Court of Appeals for the Eighth Circuit (2018)



Daniel Hull
Member

Practice Areas

Complex Civil Litigation; Class Actions and Mass Torts; Construction Law; Employment Law; Public Utility and Eminent Domain

Education

Carson-Newman University (B.A., 1999), University of Tennessee (M.A., 2001), and University of Tennessee College of Law (J.D., 2005)

Memberships

Tennessee Trial Lawyers Association

Admissions

- **State:** Tennessee (2005)
- **Federal:** M.D. Tenn. (2006); E.D. Tenn. (2011); W.D. Tenn. (2019); E.D. Mich. (2022)



Alyson Beridon
Member

Practice Areas

Class Actions and Complex Litigation, Civil Litigation, Consumer Fraud, and Labor & Employment

Education

University of Evansville (B.A., 1998); Salmon P. Chase College of Law at Northern Kentucky University (J.D., 2010).

Memberships

Cincinnati, Kentucky, Ohio, and Tennessee and American Bar Associations, AFL-CIO Union Lawyers Alliance

Admissions

- **State:** Ohio (2011); Kentucky (2017); Tennessee (2022)
- **Federal:** S.D. Ohio (2013); N.D. Ohio (2019); W.D. Ky. (2019); (E.D. Ky. 2018); M.D. Tenn. (2022); W.D. Tenn. (2022); U.S. Court of Appeals for the Sixth Circuit (2020)



Pamela Newport
Member

Practice Areas

Union-side Labor and Plaintiff-side Employment

Education

University of Cincinnati (B.A., 2001); University of Cincinnati (M.A., 2004); University of Cincinnati (J.D., 2005)

Memberships

AFL-CIO Union Lawyers Alliance (ULA) Board of Directors; AFL-CIO Union Lawyers Alliance (ULA) Member, American Bar Association, Labor & Employment Law Section, Co-Chair of the Technology Subcommittee of the Employment Rights & Responsibilities Committee; Contributing Editor, Developing Labor Law Treaties, Adjunct Professor, University of Cincinnati College of Law, 2009-2011; Cincinnati Interfaith Workers Center Board Member, 2006-2008

Admissions

- **State:** Ohio (2005)
- **Federal:** S.D. Ohio (2007); N.D. Ohio (2013); S.D. Ind. (2017); W.D. Tenn. (2019); U.S. Court of Appeals for the Sixth Circuit (2019)



Clement Tsao
Member

Practice Areas

Union-side Labor and Employment

Education

Brown University (A.B., 2003) and University of Cincinnati College of Law (J.D., 2012)

Memberships

American Bar Association - Labor and Employment Section, AFL-CIO Union Lawyers Alliance (Board Member, 2016-2018)

Admissions

- **State:** Ohio (2013); Kentucky (2014)
- **Federal:** S.D. Ohio (2013); N.D. Ohio (2015); W.D. Ky. (2020); E.D. Ky. (2016); E.D. Mich. (2021); U.S. Court of Federal Claims (2013); U.S. Federal Ct. of Appeals (2014); U.S. Ct. of Appeals of the Sixth Circuit (2021)



Zuzana Murarova
Of Counsel

Practice Areas

Labor Law, Employment Law, Civil Litigation, Arbitration

Education

Northwestern University (B.A, 2008) and Georgetown University Law Center (J.D., 2011)

Memberships

American Bar Association - Labor and Employment Section

Admissions

- **State:** Ohio (2011)
- **Federal:** S.D. Ohio (2011) W.D. Pa. (2024), U.S. Supreme Court (2016)



Bruce Kramer
Of Counsel

Practice Areas

Civil Rights & Constitutional Law, Complex Commercial Litigation, Premises Liability & Security, Class Actions, Securities & Corporate Litigation

Education

Washington & Lee University; The George Washington Law Center

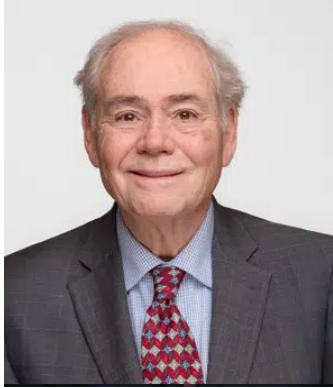
Memberships

American Bar Association, Tennessee Bar Association, Tennessee Trial Lawyers Association, Memphis and Shelby County Bar Associations, National Crime Victims Bar Association, Leo Bearman Sr. American Inn of Court

Admissions

- **State:** Tennessee
- **Federal:** Numerous U.S. Courts of Appeal and District Courts; U.S. Supreme Court

Gary Eby
Of Counsel



Practice Areas

Union-side Labor and Employment law

Education

University of Cincinnati College of Law (J.D., 1976), University of Cincinnati, M.A. in Industrial Relations (1984), University of Cincinnati, B.A., (1973)

Practice Areas

Labor and Employment and Employee Benefits

Admissions

- **State:** Ohio (1976); Kentucky (1992)
- **Federal:** S.D. Ohio (1976); E.D. Ky. (1982); W.D. Mich. (2010); District of Columbia Court of Appeals (1990); U.S. Court of Appeals for the Sixth Circuit (1977), U.S. Court of Appeals for the Fourth Circuit (1984)

Megan Killion
Senior Counsel



Practice Areas

Class Actions; Mass Tort; Complex Litigation; Personal Injury; Medical Malpractice, Consumer Protection, Plaintiff's-side Employment Law

Education

Belmont University (B.S. Political Science, Business 2005); Vanderbilt Law School (J.D., 2008)

Memberships

Tennessee Bar Association; Nashville Bar Association

Admissions

- **State:** Tennessee (2008)

Peter Jannace
Associate



Practice Areas

Union-side Labor and Employment law, Data Breach, Administrative Law, Appellate Advocacy, Civil Rights, Class Actions & Complex Litigation, and Constitutional Law

Education

University of Louisville (B.S. 2010); Hofstra Univ. School of Law (J.D., 2013)

Practice Areas

Labor and Employment and Employee Benefits

Admissions

- **State:** Kentucky (2014)
- **Federal:** W.D. Ky. (2014); Sixth Circuit Court of Appeals (2019)

Jeff Preptit
Associate



Practice Areas

Civil Litigation, Civil Rights, General Litigation

Education

Milligan College (B.A., 2015) and Lincoln University (J.D., 2019)

Memberships

Nashville Metro Council (District 25), NAACP, Tennessee Bar Association, Tennessee Alliance for Black Lawyers, Napier-Looby Bar Association, Tennessee Trial Lawyers Association.

Admissions

- **State:** Tennessee (2021)
- **Federal:** M.D. Tenn. (2022), W.D. Tenn. (2022), E.D. Tenn. (2024), Sixth Circuit Court of Appeals (2022)

Stella Yarbrough
Senior Counsel



Practice Areas

Civil Litigation, Civil Rights & Constitutional Litigation, First Amendment Law, LGBTQ+ Rights, Voting Rights, Anti-Discrimination & Equal Protection, Education & Title IX Litigation, Appellate Advocacy

Education

Pepperdine University (2010); Vanderbilt Divinity School (2014); Vanderbilt University Law School (2014)

Admissions

- **State:** Tennessee (2014)

Rachel L. Rekowski
Associate



Practice Areas

Union-side Labor and Employment law

Education

Xavier University, Political Science (B.A., 2009) and University of Cincinnati College of Law (J.D., 2022)

Memberships

Ohio Bar Association, Union Lawyers Alliance, and American Bar Association

Admissions

- **State:** Ohio (2022)

Kyle Beatty
Associate



Practice Areas

Union-side Labor and Employment law

Education

University of Dayton (B.A. 2011) and University of Dayton School of Law (J.D., 2014)

Memberships

American Bar Association – Labor & Employment Law Section, Ohio Bar Association, and AFL-CIO Union Lawyers Alliance

Admissions

- **State:** Ohio (2016)
- **Federal:** S.D. Ohio (2020)

Ellie M. Buerk
Associate



Practice Areas

Mass Torts, Class Actions

Education

University of Notre Dame (B.A., 2020); Case Western Reserve Univ. School of Law (J.D., 2025)

Memberships

Yemen Accountability

Admissions

- **State:** Michigan (2025)
- **Federal:** E.D. Mich. (2026).

Naumi Vate
Associate



Practice Areas

Mass Torts, Class Actions, Antitrust

Education

University of North Georgia (2021); Belmont Univ. College of Law (2025)

Admissions

- **State:** Tennessee (2025)
- **Federal:** M.D. Tenn. (2026)

Noteworthy Cases

Attorneys with Herzfeld, Suetholz, Gastel, Leniski and Wall PLLC have served as lead counsel, plaintiffs' executive committee member, or counsel of record in a substantial number of precedent- setting class actions, multi-district litigation proceedings, and, antitrust, labor, shareholder derivative, securities, and other complex cases both in state and federal courts. Their efforts have produced significant monetary recovery and other benefits for plaintiffs across the country. The founding members formed HSGLaW to build on their decades of legal experience and to continue their work holding corporations accountable, fighting for workers' rights and wages, and ensuring that governments respect the civil rights of all individuals. The following is a list of notable complex litigation cases in which HSGLaW's attorneys have performed substantial work and achieved superior results for their clients.

CLASS ACTIONS

- **In re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litig.**, MDL No. 2672 CRB (N.D. Cal.): The Firm's attorneys served as counsel on behalf of consumer and car dealerships alleging that Volkswagen AG and Volkswagen Group of America, and other defendants illegally installed so-called "defeat devices" in their vehicles which allowed the cars to pass emissions testing but enabled them to emit nearly forty-times the allowable pollution during normal driving conditions. The court granted final approval to a settlement fund worth over \$10 billion to consumers with 2.0 liter diesel engines, \$1.2 billion settlement for consumers with 3.0 liter diesel engines, and a \$357 million settlement with co-defendant Bosch.
- **In re Nissan N. Am., Inc. Litig.**, 3:19-cv-00843, 3:19- cv-00854, 3:22-cv-00098 (M.D. Tenn.) (J. Campbell): Attorneys at the Firm served as counsel of record in a class action against Nissan related to faulty brake systems, successfully petitioning the Court to certify the case as a damages class action across 10 states.
- **Stringer v. Nissan N. Am., Inc., et al., 3:21- cv- 00099 (M.D. Tenn.):** Attorneys served as counsel in class action lawsuit against Nissan concerning faulty continuous variable transmission (CVT) systems. Court approved a settlement valued at nearly \$278 million in benefits for class members.
- **Irika Skeete, et al. v. RePublic Schools Nashville, No. 3:16-cv-0043 (M.D. Tenn.):** Attorneys served as class counsel for a certified class of individuals with claims under the TCPA who received unsolicited spam texts to their cellular telephones. The Court approved a \$2.2 million class settlement.
- **Elrod, et al. v. NoTax4 Nashville, et al.,** No. 20- cv-617, 2021 WL 1316703 (M.D. Tenn.) (J. Richardson). Attorneys and partnering firm obtained class certification for recipients of unlawful prerecord robocalls and final approval of a class settlement of over \$1 million.
- **Ajose v. Interline Brands, Inc.,** No. 14-cv-01707 (M.D. Tenn.) (J. Campbell): Attorneys served as counsel in class action lawsuit against Interline Brands related to defective toilet part. Court approved a \$16.5 million class settlement.
- **In re Nortel Networks Corp. "ERISA" Litig.,** No. 3:03-MD-1537 (M.D. Tenn.) (J. Nixon). Attorneys served as co-lead counsel in a 401k/ESOP class action suit brought on behalf of pension plan participants against fiduciaries of Nortel Network Corp. for violation of duties owed under ERISA. The court approved a settlement that provided a minimum recovery of \$21.5 million plus access to additional monies held by others.

CLASS ACTIONS

- **In re: Reciprocal of America (ROA) Sales Practices Litig.**, No. 03-CV-2859 (W.D. Tenn.) (J. Breen). Attorneys represented people and entities which purchased or were insured, or made a claim on or received payment under a policy issued by Doctors Insurance Reciprocal and/or The Reciprocal Alliance, who sued for unpaid insurance claims and costs associated with purchasing replacement insurance. A class settlement was reached valued at \$15 million.
- **In re: King Pharmaceuticals, Inc. Derivative Litig.**, Civil. No. B0019077 (M) (Sullivan Chancery, Tennessee) (J. McLellan). Attorneys served as lead counsel in a shareholder derivative action against the Board of Directors and certain officers at King Pharmaceuticals alleging various breaches of fiduciary duty, abuse of control, unjust enrichment and waste of corporate assets. The parties settled the case for substantial and material revisions to the Company's corporate governance practices.
- **In re: Caremark RX, Inc. Stock Option Litig.**, Civil No. 06-C-1329 (Davidson Cnty., Tenn.). Attorneys acted as co-lead counsel in litigation against the board of directors of Caremark RX, Inc. alleging breach of fiduciary duties resulting from the Board's attempt to merge the company with CVS Corp., Inc. and extinguish their liability for improperly backdating stock option grants to certain Board members and high-ranking officers at the Company. A settlement was reached that provided for corporate governance reforms concerning the granting of options, additional disclosures to voting shareholders prior to the merger vote, and recognition that the case indirectly resulted in additional compensation to shareholders.
- **M.S. Wholesale v. Westfax et al.**, 58CV-15-442 (Cir. Ct. of Pope Cnty., Ark.) (J. Sutterfield). Attorneys served as co-lead counsel for individuals and entities in a nationwide class action under the TCPA involving the sending of illegal junk facsimiles. The Court granted final approval to a class settlement worth \$5.45 million.
- **Howell v. Eastman Credit Union**, Master Case No. C42517 (Sullivan Cnty. Tenn. Cir. Ct.). Attorneys assisted in briefing and obtaining approval of \$3.25 million settlement for class of current and former credit union members assessed challenged overdraft and insufficient funds fees.
- **Duling v. Mid-American Credit Union**, 2021-CV- 001679-OT (District Court of Sedgwick Co., Kansas) (J. Mitchell). Attorney helped defeat a motion to compel arbitration at the trial court level and on appeal (see 521 P.3d 1145 (Kan. Ct. App. 2022)), in putative consumer class action against a large Midwest credit union for assessing illegal overdraft fees.
- **Walkingstick v. Simmons Bank**, 6:19-cv-3184 (W.D. Mo.) (J. Ketchmark). Attorney successfully argued for final approval of a \$2.5 million class action settlement against Simmons Bank to refund challenged overdraft fees.
- **Horton v. Molina Healthcare, Inc.**, 4:17-CV- 0266-CVE-JFJ (N.D. Okla.) (J. Eagan). Attorneys served as co-lead counsel on behalf of individuals and entities in this national class action under the TCPA regarding the sending of illegal junk facsimiles. Court granted final approval to a class settlement worth \$3.5 million.
- **Davis Neurology, P.A. v. Dental Equities LLC, d/b/a Peer United et al.**, Case No. 4:16-cv- 00371-BSM (E.D. Ark.) (J. Miller). Attorneys acted as lead counsel in this nationwide class action brought under the TCPA regarding the sending of illegal junk facsimiles to individuals and business entities. Court finally approved a \$1.525 million class-wide settlement.
- **In re Xcel Energy, Inc. ERISA Litig.**, Civ. 02-2677 (D. Minn.) (J. Doty). Attorneys served as co-lead counsel in a 401k/ESOP class action suit brought on behalf of the pension plan against fiduciaries of Provident Financial Corp. for violation of duties owed under ERISA. Settlement reached that provided an \$8.6 million cash payment to the Plan for participants, lifted stock restrictions in the Plan

with a value between \$38 million and \$94 million, and allowed the Plan to recover in parallel securities action.

- **Bach v. Amedisys et al.** (Case No. 3:10-CV-00395 (Derivative Litigation) – D. La.) – Co-Lead Counsel for Derivative Plaintiffs suing officers and directors of Amedisys for their role causing the Company to bill Medicare for medically-unnecessary home therapy visits to patients, settlement resulted in corporate governance changes and reforms to internal controls.
- **Indiana State District Council of Laborers and HOD Carriers Pension Fund v. Renal Care et al.** (Case No. 05-1392-II – Chancery Court for Davidson Cty., Tenn.) – Co-Lead Counsel for Plaintiff suing officers and directors of Renal Care Group, Inc. both directly and derivatively on behalf of the Company regarding the sale of Renal Care to Fresenius Medical Care AG, resulting in a \$4 million settlement.
- **Davis Neurology PA v. DoctorDirectory.com, et al.,** 4:19-cv-00499 (E.D. Ark.): Attorneys served as class counsel certified class action over junk marketing faxes, culminating in a multi-million dollar settlement value for the class.
- **Chin et al. v. Evergreen Freedom Foundation,** 5:24-CV-01473-AH-SHK (C.D. Cal.) (J. Hwang): Firm filed lawsuit on behalf of Union members who received unsolicited spam email to their work addresses under California's Anti-Spam Law. Case was settled on a class-wide basis in early 2025 and is awaiting approval.
- **Huddleston, et al. v. Progressive Nw. Ins. Co.,** 58CV-22-74 (Pope County, Ark.): Certified class action suing to prevent offsets of med-pay benefits based on existing health care coverage. Class received summary judgment on liability in April, 2025 and will proceed to trial on damages.
- **Loza v. Hobby Lobby Stores, Inc.,** Case No. 24-cv-07861-AMO (N.D. Cal.): Firm defeated motion to dismiss in consumer class action alleging false advertising claims.

MASS TORT

- **Staubus et al., v. Endo Pharmaceuticals, Inc., et al.**, C-41916 (Circuit Court for Sullivan County at Kingsport, Tenn.): Attorneys served as co-lead counsel in a case involving claims on behalf of twenty-seven cities and counties and one child born drug-dependent in upper Northeast Tennessee against numerous prescription drug manufacturers and doctors under the Tennessee Drug Dealer Liability Act due to their participating in an illegal drug market for opioids. Two defendants, Purdue Pharma and Mallinckrodt, declared bankruptcy during the litigation. Plaintiffs reached a settlement with doctor defendants, and the remaining manufacturing defendants, Endo Pharmaceuticals, Inc., and Endo Health Solutions, Inc., settled the plaintiffs' claims on the eve of trial for \$35 million, representing the largest per capita recovery against the Endo Defendants in any opioid-related litigation to that point.
- **In Re: Tepezza Marketing, Sales, Practices, & Products Liab Litig.**, MDL No. 3079 (N.D. Ill.): Alyson Beridon appointed to Plaintiffs' Executive Committee in multi-district litigation alleging hearing loss side effects from the thyroid eye disease drug Tepezza, asserting product defect and negligence claims.
- **East Palestine Consolidated Cases/ Atkinson v. Norfolk Southern Corp., et al.**, 4:23-cv-00363 (N.D. Ohio): Alyson Beridon appointed to Plaintiffs' Steering Committee in consolidated cases brought by residents, property owners, and businesses against Norfolk Southern for its role in the train derailment and toxic chemical spill in East Palestine, Ohio.
- **In re: Suboxone Film Products Liability Litigation**, 1:24-md-3092 (N.D. Ohio) (J. Calabrese). Alyson Beridon appointed to Plaintiffs' Executive Committee, representing individuals alleging that the Defendants designed Suboxone film to be acidic, causing dental erosion and decay when the film is dissolved in the mouth.
- **In re: New England Compounding Pharmacy Product Liability Action**, 1:13-md-02419 (D. Mass) (J. Zobel). The Firm's attorneys represented hundreds of individuals injured as a result of exposure to tainted pharmaceuticals manufactured at New England Compounding Pharmacy in Framingham, Massachusetts. This litigation stems from the 2012 nationwide outbreak of fungal meningitis that, according to the Center for Disease Control, injured over 750 people nationwide and led to over 60 deaths. Over 100 Tennesseans were injured as a result of the catastrophe, and 17 Tennesseans lost their lives. Following NECC's bankruptcy, settlement of claims against the bankrupt estate resulted in the creation of a \$210 million tort trust. The litigation then turned to litigating the remaining claims against the doctors, clinics, and other healthcare providers that exposed their patients to tainted pharmaceuticals from NECC. The Court determined the first bellwether trials were to be against Tennessee-based defendants. All of the Tennessee cases were settled just prior to the first bellwether trial.

ANTITRUST CASES

- **In Re: RealPage, Inc., Rental Software Antitrust Litig. (No. II)**, MDL No. 3071 (M.D. Tenn.): Tricia Herzfeld appointed as Plaintiffs' Liaison Counsel in multi-district litigation alleging that RealPage, Inc., in coordination with various owners and real estate management companies, violating the Sherman Antitrust Act by fixing rental prices for rental units nationwide.
- **In re: Wellbutrin XL Antitrust Litig.**, No. 08- 2433 (E.D. Penn.): Joey Leniski served as Co-Lead counsel in an antitrust class action against pharmaceutical companies GlaxoSmithkline and Biovail on behalf of third-party payors alleging that defendants violated Tennessee, California, Florida, Wisconsin, and Nevada laws by colluding to illegally suppress a cheaper generic form of the blockbuster drug Wellbutrin XL from reaching the market. Through the efforts of the Firm and other co-lead counsel, plaintiffs were able to achieve certification of a class of indirect purchasers. Biovail reached a settlement and the remaining claims were resolved in GSK's favor.
- **In re: Prograf Antitrust Litig.**, No. 11621 (D. Mass): Serving in the role of Co- Lead Counsel, Joey Leniski represented a putative class of indirect purchaser plaintiffs in a nationwide antitrust action against Astellas Pharma, Inc., alleging that defendant illegally delayed entry of generic Prograf into the marketplace by filing a sham Citizen Petition with the Food and Drug Administration. Achieved partial class certification and withstood motions for summary judgment. The Court granted final approval to a class-wide settlement award of \$13.25 million.
- **In re: Skelaxin (Metaxalone) Antitrust Litig.**, No. 1:12-cv-194 (E.D. Tenn.) (J. Collier). Attorneys supported Lead Counsel in an antitrust class action on behalf of end-payors regarding monopoly practices which prevented the sale of generic Skelaxin, a muscle-relaxant prescription drug. The case against defendant Mutual Pharmaceuticals, Inc. was settled on a class basis for a sum total of \$9 million, and has been finally approved. The lawsuit against defendant King Pharmaceuticals, Inc. was settled on a non-class basis on behalf of the named plaintiffs.
- **In re High Pressure Laminate Antitrust Litig. (Tennessee)**: Attorneys served as co-lead counsel in class action in Davidson County, Tenn. Circuit Court by indirect purchasers of high pressure laminates and associated products across 12 states and D.C. The case culminated in a settlement of over \$5.1 million, which the trial court approved and the Tennessee Court of Appeals upheld on appeal.
- **Cates v. Crystal Clear Techs., LLC**, No. 16-6714 (6th Cir. 2017): Attorneys served as lead counsel in a putative class of owners within a residential development alleging antitrust claims for (inter alia) an unlawful tying arrangement for the provision of cable services. After district court dismissed the action, Attorneys obtained reversal of the unlawful tying arrangement on appeal.
- **In re: Loestrin 24 FE Antitrust Litig.**, No. 1:13-md- 2472-S-PAS (D.R.I.) (J. Smith). Attorneys worked with the Executive Committee of purchasers claiming that Warner Chilcott PLC signed a series of anti-competitive deals with Watson Pharmaceuticals Inc. and Lupin Pharmaceuticals Inc. that settled litigation over Loestrin and another oral contraceptive with a variety of early entry dates and exclusive sales rights. Though initially dismissed by the district court, the First Circuit revived the case in February 2016. The district court rejected the drugmakers' renewed dismissal efforts in August 2017. The case was eventually settled for \$63.5 million for a certified class of third-party payors.
- **In re: Effexor Antitrust Litig.**, No. 3:11-cv-5661 (D.N.J.) (J. Pisano) (pending). Firm Attorneys represent one of the named Class Representatives and have been active in discovery under the direction of lead counsel in this end payor antitrust class action against defendants Wyeth Pharmaceuticals,

manufacturer of antidepressant medication Effexor XR, and Teva Pharmaceuticals. This lawsuit alleges Defendant Wyeth unlawfully procured the patents underling Effexor XR, filed sham litigation against generic competitors, and then entered into anti-competitive settlement agreement with Teva in order to delay the arrival of generic forms of Effexor XR, causing plaintiffs to pay supracompetitive prices for Effexor XR, when they could have paid for far cheaper generics.

- **Sherwood et al. v. Microsoft Corporation**, No. 99-C-3562 (Davidson Circuit, Tennessee) (Judge Kurtz). Attorneys supported lead counsel in a consumer and indirect purchaser Tennessee class action against Microsoft Corporation alleging violation of the Tennessee Consumer Protection Act and the Tennessee Trades Act. A settlement was reached that was valued at \$64 million.
- **Ogilvie et al. v. Optimal Blue LLC et al.**, Case No. 3:25-cv-01140 (M.D. Tenn.): Tricia Herzfeld appointed as Interim Liaison Counsel for a nationwide class of consumers, alleging that Optimal Blue conspired with mortgage lending companies to artificially inflate mortgage lending fees in violation of antitrust laws.

DATA BREACH CASES

- **Patient 1, et al. v. Vanderbilt Univ. Med. Ctr., et al.**, Case No. 23:-1025-I (Chancery Ct. for Davidson Cnty., Tenn.): Tricia Herzfeld (lead counsel), Tony Orlandi, and Benjamin Gastel served as counsel alleging that defendant unlawfully disclosed PHI of patients at its transgender health clinic to state investigators. Confidential settlement reached on behalf of individual plaintiffs.
- **Monegato v. Fertility Ctrs. of Illinois, PLLC**, No. 2022 CH 00810 (Cook Cnty. Ch. Ct.): Peter Jannace was appointed as settlement class counsel in class action concerning data breach that affected nearly 80,000 patients.
- **In re Cmty. Health Sys., Inc., Data Security Litig.**, Master File No. 3:23-cv-00285 (M.D. Tenn.): Ben Gastel serves as local counsel for multiple plaintiffs in consolidated class actions concerning data breach affecting nearly 1 million patients of defendant's healthcare facilities.
- **Data Breach Sec. Litig. Against Brightline, Inc.** No C 23-02132 WHA, C 23-02291 TLT, 23-02503 MMC, 23-02909 VC (N.D. Cal.): Mike Wall and Peter Jannace serve as counsel for plaintiff in consolidated class action concerning a data breach that compromised the personal identifying information of nearly 1 million patients.
- **Savidge v. Pharm-Save, Inc.**, Civil Action No. 3:17-CV-00186-CHB-RSE (W.D. Ky.): Peter Jannace serves as counsel in pending data breach class action concerning the defendant's disclosure of current and former employees' personal identifying information in a phishing scam.
- **Marshall v. Conway Reg. Med. Ctr. Inc.**, Case No. 23CV-20-771 (Faulkner Cnty. Cir. Ct., Ark.): Peter Jannace served as counsel in data breach action concerning phishing attack, in which plaintiff obtained remand of matter to state court (2020 WL 5746839 (E.D. Ark. Sept. 25, 2020)), and court approved a class settlement that included a settlement fund and two free years of credit monitoring and identity restoration services.
- **Joyner v. Behavioral Health Network, Inc.**, No. 2079CV00629 (Hampden Super. Ct. MAss.): Peter Jannace served as counsel in data breach class action involving 130,000 impacted patients in which court, approved class settlement that included a \$1.2 million settlement fund.
- **Winsouth Credit Union v. MAPCO Express, Inc., et al.**, No. 3:14-cv-1573 (M.D. Tenn.) and **Phillips v. MAPCO Express, Inc., et al.**, 3:14-cv-1710 (M.D. Tenn.): Ben Gastel served as counsel in data breach class action that resulted in class settlement including cash disbursements and injunctive relief to safeguard against future violations.
- **McKenzie, et al. v. AllConnect, Inc.**, Case No. 5:18-cv-00359 (E.D. Ky.): Dave Suetholz and Tony Orlandi served as counsel for plaintiffs in data breach class action concerning defendant's disclosure of employee personally identifying information in a phishing scam. The Court finally approved a class settlement that provided direct cash payments to class members, five additional years of free credit monitoring and identity protection, and reimbursement for documented economic losses not otherwise reimbursable under that protection program.

DATA BREACH CASES

- **Slos v. Select Health Network, Inc.,** No. 71D05- 2002-PL-000060 (St. Joseph Cnty. Super. Ct., Ind.): Alyson Beridon served as counsel in data breach class action concerning a cyberattack. Case settled on a class basis including monetary relief, three years of credit monitoring and identity restoration services, and implementation of enhanced data security measures by the defendant.
- **Marshall v. Conway Reg. Med Ctr., Inc.,** Case No. 4:20cv-00933 JM (Cir. Ct. for Faulkner Cnty., Ark.): Peter Jannace served as counsel for Plaintiff in data breach class action concerning phishing attack, in which Plaintiff obtained remand of case back to state court.
- **Jones v. The Methodist Hospitals, Inc.** Cause No. 45C01-1911-CT-001201 (Cir. Ct. of Lake Cnty. Inc.): Alyson Beridon served as counsel in data breach class action that settled on a class basis, including monetary relief and free credit monitoring and identity theft protection.
- **Crawford v. Thyssenkrupp Materials NA,** No. 2122- CC00411 (City of St. Louis Cir. Ct. MO): Peter Jannace served as counsel in data breach class action about ransomware attack that settled on a class basis.
- **Hasson v. Comcast Cable Communications LLC et al.,** Master File No. 2:23-cv-05039-JMY (ED.Pa) (J. Young): Joey Leniski serves as Plaintiffs' Executive Committee member in this data breach class action affecting over 10 million customers. Court has preliminarily approved a settlement for \$117.5 million

WAGE & HOUR / LABOR & EMPLOYMENT CASES

- **Thompson v. North American Stainless, L.P.**, 562 U.S. 170 (2011). Member David O'Brien Suetholz litigated a Title VII retaliation case for seven years on behalf of the son of a Union pipefitter who was terminated shortly after his fiancé filed an EEOC complaint against their mutual employer. The unresolved question was whether a third party is protected from retaliation solely because of their close relationship with the person engaging in protected activity. After winning at the Sixth Circuit Court of Appeals and losing before the en banc Sixth Circuit Court of Appeals the Supreme Court of the United States accepted and resolved the question in favor of the Plaintiff Eric Thompson. Justice Antonin Scalia wrote for the unanimous Court that Title VII prohibits retaliation against closely related third parties because harming loved ones is the oldest and most effective form of retaliation.
- **Churchill Downs Racetrack, LLC v. Laborer's In'tl Union of N. Am. Local Union No. 576**, 2023 WL 5281937 (W.D. Ky. Aug. 16, 2023): Rejecting defendant's objections and upholding arbitrator's award of backpay to union members
- **Int'l Brh'd of Teamsters, Local 651 v. Philbeck**, 5:10-cv-105-DCR (E.D.KY 2018). Firm attorneys successfully litigated action requesting temporary restraining order and permanent injunction by Local Union to secure control of Facebook page belonging to the Union.
- **Matthew Denholm, RD of NLRB Region 9 v. Smyrna Ready Mix Concrete, LLC**, 5:20-cv-320-REW (E.D. Kt. 2019). Firm attorneys successfully litigated NLRB charges culminating in complaint for 10(j) injunctive relief where federal district court order the reinstatement of seven drivers and their plant manager and the reopening of a concrete plant.
- **Zeon Chemicals, L.P. v. UFCW Local 72- D**, 949 F.3d 980 (6th Cir. 2020). Firm attorneys successfully appealed a district court's reversal of the Union's arbitration victory for an unjustly terminated member who was ordered reinstated with full back pay.
- **Churchill Downs Racetrack LLC v. Laborers Local 576**, 2020 WL 6946574 (W.D.KY 2020). Firm attorneys successfully defended an arbitration award that ordered the company to cease subcontracting housekeeping and maintenance work at an off-track facility covered by the contract. The effect of the arbitrator and district court's holding was to increase the size of the Union's bargaining unit by one-third.
- **Workforce Development Cabinet v. Gaines**, 276 S.W.3d 789 (KY 2008). Member David O'Brien Suetholz successfully appealed to the Kentucky Supreme Court a decision that denied the protection of the public whistleblower protection statute to a state employee who reported waste, fraud or abuse to officials in her own Cabinet. The Supreme Court decision had the effect of expanding whistleblower protections for public employees in Kentucky.

CIVIL RIGHTS AND SEXUAL ASSAULT CASES

- **Joshua Lipscomb v. Metro. Gov't of Nashville & Davidson Cnty.**, No. 22-0501-1 (Chancery Ct. for Davidson Cnty., Tenn.) (Chancellor Moskal). Attorneys and partnering firm obtained a preliminary injunction to preserve constitutional rights of local firefighter who was unlawfully disciplined for engaging in free speech, culminating in a \$450,000 settlement.
- **Arnold v. Cornerstone Church of Nashville, Inc., et al.**, No. 16C1131 (Davidson Cnty., Tenn. Cir. Ct. 2017) (J. Gayden). Attorneys represented a sexual assault survivor, obtained sanctions against the church for discovery misconduct. The case resolved resolved in a confidential settlement.
- **Juana Villegas v. Metro. Gov't of Nashville & Davidson Cnty.**, No. 11-6031 (6th Cir. 2012). Attorneys filed an amicus brief in support of an immigrant woman forced to give birth in shackles, and in which Sixth Circuit found in favor of that victim on her claims.
- **Doe v. Corrections Corporation of America**, 3:15-cv-00068 (M.D. Tenn. 2016). (J. Trauger & J. Todd Campbell) Attorneys represented women alleging unconstitutional, invasive, strip searches in a Tennessee prison.
- **Escobar v. Gaines**, 3:11-cv-994 (M.D. Tenn. 2011). Attorneys represented immigrants who were unlawfully arrested in their homes, resulting in a \$310,000 settlement from Immigration and Customs Enforcement and the Nashville Police Department, a confidential monetary settlement with additional defendants, and 7 years of deferred action status for the noncitizen plaintiffs.
- **Occupy Nashville v. Haslam**, No. 3:11-cv-01037 (M.D. Tenn. 2011) (J. Trauger). Attorneys represented Occupy Nashville protestors to protect their First Amendment rights, including a temporary injunction preserving their right to protest.
- **Dilks v. City of Thompson Station**, 3:16-cv-2845 (M.D. Tenn. (J. Trauger): Attorneys were lead counsel in an action enjoining Thompson Station from enforcing a sign ordinance in violation of the First Amendment.
- **Harwell v. City of Mt. Juliet**, 3:16-cv-2374 (M.D. Tenn.) (J. Trauger): Attorneys served as lead counsel on First Amendment case involving an illegal sign ordinance and successfully negotiated a consent permanent injunction preventing the City from enforcing the unlawful ordinance.

Notable Reported and Unreported Decisions

- **In re RealPage, Inc., Rental Software Antitrust Litig. (No. II)**, 709 F. Supp. 3d 478 (M.D. Tenn. 2023): denying motion to dismiss multifamily housing complaint and finding that plaintiffs alleged antitrust claims against software company and multifamily housing owners and operators for conspiring to fix the price of rental housing through algorithmic pricing software.
- **Jared Effler, et al. v. Purdue Pharma, et al.**, 614 S.W.3d 681 (Tenn. 2020): Landmark ruling holding that drug companies can be held liable as “drug dealers” under Tennessee’s Drug Dealer Liability Act, including upholding claims of plaintiff baby born drug dependent.
- **Cates v. Crystal Clear Techs., LLC**, 874 F.3d 530 (6th Cir. 2017): overturning grant of motion to dismiss on antitrust claims related to alleged unlawful tying arrangements.
- **Davis Neurology PA v. DoctorDirectory.com LLC, et al.**, 896 F.3d 872 (8th Cir. 2018): vacating trial court motion to dismiss and remanding to state court for lack of jurisdiction, in lawsuit that ultimately resolved as a class settlement under the Telephone Consumer Protection Act for recipients of junk advertising faxes.
- **Staubus v. Purdue Pharma, L.P.**, 2017 WL 476788 (E.D. Tenn. Oct. 20, 2017): granting plaintiff’s motion to remand for lack of diversity jurisdiction, in decision subsequently cited as persuasive authority in remand orders in other opioids lawsuits.
- **Skeete v. Republic Schools Nashville**, No. 3:16-cv-0043, 2017 WL 2989189 (M.D. Tenn. Mar. 2017): granting class certification in class action challenging unlawful robo-texts under the Telephone Consumer Protection Act.
- **Dunaway v. Purdue Pharma, L.P.**, 391 F. Supp. 3d 802 (M.D. Tenn. 2019): Denying defendant’s motion to stay, granting plaintiff’s motion to remand, and remanding matter to state court for lack of federal question jurisdiction. Decision subsequently cited as persuasive authority nationwide in other stay denials and remand orders in opioids lawsuits.
- **Loza v. Hobby Lobby Stores, Inc.**, 2026 WL 1822984 (N.D. Cal. June 24, 2026): Order denying motion to dismiss in almost all respects as to false advertising claims in consumer class action.
- **Doe v. Wilson County School System**, 564 F. Supp. 2d 766 (M.D. Tenn. 2008): granting judgment after trial to plaintiff for violation of establishment clause rights of a kindergartner.
- **Dominguez v. Ramirez**, No. 3:24-cv-01154, 2025 WL 1439578 (M.D. Tenn. May 19, 2025): denying petitioner’s demand to return child to Mexico and permitting child to remain with child’s mother.
- **Friedmann v. Corrections Corp. of Am.**, 310 S.W.3d 366 (Tenn. Ct. App. 2009) (submitted an amicus brief): submitted an amicus brief, finding that defendant prison operator was the functional equivalent of a governmental agency and therefore subject to open records requests.
- **Escobar v. Gaines**, No. 3:11-cv-0994, 2014 WL 4384389 (M.D. Tenn. Sept. 4, 2014): Denying defendant’s motion for summary judgment in case alleging civil rights violations associated with law enforcement raid of an apartment complex.
- **Doe v. Corrections Corporation of America**, No. 3:15-cv-68, 2015 WL 4067765 (M.D. Tenn. July

Notable Reported and Unreported Decisions

2, 2015): denying motion to dismiss in case alleging unconstitutional strip searches of female visitors to Tennessee prison.

- **Akridge v. Finnegan**, No. 3:13-cv-00588, 2016 WL 743416 (M.D. Tenn. Feb. 22, 2016): Order largely denying motion for summary judgment concerning unreasonable search and seizure.
- **Clarke v. City of Franklin**, 639 S.W.3d 602 (Tenn. Ct. App. 2021), appeal denied (Oct. 14, 2021): upholding grant of summary judgment in plaintiff's favor on liability of city for unlawful liens and overturning trial court decision denying homeowners' monetary damage award.
- **Doup v. Van Tuyl Grp. LLC**, 2021 WL 1541552 (N.D. Tex. 2021): Denying motion to dismiss and finding subject matter jurisdiction over claims against Berkshire Hathaway affiliate under Telephone Consumer Protection Act for unlawful marketing calls.
- **Duling v. Mid-American Credit Union**, 521 P.3d 1145 (unpublished) (Kan. Ct. App. Dec. 16, 2022): affirming trial court decision denying motion to compel arbitration in putative class action challenging overdraft fee assessments.
- **In re High Pressure Laminate Antitrust Litig.**, 2006 WL 3681147 (Tenn. Ct. App. Dec. 13, 2006): Upholding class settlement for the benefit of indirect purchaser class.
- **Indiana State Dist. Council of Laborers v. Brukardt**, 2009 WL 426237 (Tenn. Ct. App. Feb. 19, 2009): Reversing and remanding trial grant of motion to dismiss.
- **Hitchcock v. Cumberland Univ. 403(b) DC Plan**, 851 F.3d 552 (6th Cir. 2017): reversing and remanding trial court grant of motion to dismiss.

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EXHIBIT 2

HSGLaW, PLLC**TIME-KEEPERS, TITLE, CURRENT RATE, HOURS WORKED LODESTAR**[illegible]

EXHIBIT 3

**SCHEDULE 2 - HSGLaW, PLLC
CATEGORY, HOURS, LODESTAR**

Category	Hours	Lodestar
Lead/Liaison/PSC Counsel		
Calls/Meeting	206.9	\$221,135.00
Lead/Liaison/PSC Counsel Duties	2427.6	\$2,268,585.00
Class/Client Communications	0	\$0.00
Administrative	129.9	\$44,697.50
MDL Status Conference	11.2	\$11,935.00
Hearing/Court Appearance	31	\$34,442.50
Research	519.3	\$458,467.50
Discovery	269.3	\$273,617.50
Doc. Review	6133.8	\$2,146,830.00
Litigation Strategy & Analysis	141	\$154,730.00
Dep: Prep/Take/Defend	3975.7	\$2,830,412.50
Pleadings/Briefs, Pretrial Motions, Legal	992	\$889,945.00
Computer Software Analysis	0	\$0.00
Experts/Consultants	1	\$975.00
Mediation/Settlemen t	261.6	\$282,642.50
Trial Prep/Bellwether	0	\$0.00
Trial	0	\$0.00
Appeal	0	\$0.00
Miscellaneous	0	\$0.00
TOTAL:	\$	9,618,415.00

EXHIBIT 4

HSGLaW, PLLC
EXPENSE CATEGORY AMOUNT

CATEGORY	AMOUNT
Assessment Fees	\$75,065.00
Federal Express/Local Courier	\$13.78
Postage Charges	\$0.00
Facsimile Charges	\$0.00
Long Distance	\$0.00
In-House Photocopying	\$0.00
Outside Photocopying	\$262.85
Hotels	\$34,807.84
Meals	\$9,636.76
Mileage	\$0.00
Air Travel	\$46,551.80
Deposition Costs	\$40.66
Lexis/Westlaw	\$0.00
Court Fees	\$9,909.20
Witness/Expert Fees	\$0.00
Investigation Fees/Service Fee	\$0.00
Transcripts	\$0.00
Ground Transportation	\$6,917.88
Misc.	\$436.91
TOTAL:	\$183,642.68