

OTTO DELCID, LUZ ROMAN, MINA
KALLAMNI, MARY MOLINA, CARLO
GARCIA, and ANDREA FAHEY on behalf
of themselves and all others similarly
situated,

Plaintiffs,

v.

TCP HOT ACQUISITION LLC and IDELLE
LABS, LTD,

Defendants.

Case No. 1:21-cv-09569-DLC

Hon. Denise L. Cote

**DECLARATION OF CHARLES E. SCHAFER IN SUPPORT OF PLAINTIFF'S
MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT AND
MOTION FOR ATTORNEYS' FEES, LITIGATION COSTS, AND SERVICE AWARDS**

I, Charles E. Schaffer, submit this Declaration in support of: (i) Plaintiffs' Motion for Final Approval of Settlement; and (ii) Plaintiffs' Motion for Attorneys' Fees, Litigation Costs and Service Awards, and affirm that the following is truthful and accurate:

I. INTRODUCTION

1. I am an attorney duly admitted before this Court. I am a partner at Levin Sedran & Berman, LLP, which, along with Sultzer Law Group, P.C., Bursor & Fisher, P.A. and Milberg Coleman Bryson Phillips Grossman PLLC are counsel for Plaintiffs Otto Delcid, Luz Roman, Mina Kallamni, Mary Molina, Carlo Garcia, and Andrea Fahey in the above-captioned action ("Class Counsel").

2. I am one of the attorneys principally responsible for the handling of this case. I am personally familiar with the facts set forth in this declaration. If called as a witness, I could and would competently testify to the matters stated herein.

3. On October 28, 2022, the Court granted Plaintiffs' unopposed Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class and Approval of Notice Plan ("Motion for Preliminary Approval") and appointed Jason P. Sultzer of The Sultzer Law Group, P.C., Charles E. Schaffer of Levin Sedran & Berman LLP, Sarah Westcot of Bursor & Fisher, P.A., and Nick Suci, III of Milberg Coleman Bryson Phillips Grossman, PLLC as Class. *See* ECF No. 68.

4. Plaintiffs, by and through Class Counsel and the Court Appointed Claim Administrator – Angeion Group, successfully implemented the Notice Plan and process approved by the Court, and the Settlement Class has been notified about the settlement.

5. The reaction to the Settlement has been overwhelmingly favorable.

6. No objections have been filed to the Settlement or attorneys' fees request and only 10 requests for exclusion have been received by the Claim Administrator.

7. As a result of the robust Notice Program, the Claim Administrator has received 329,809 valid Claim Forms.

8. At all times, Plaintiffs, by and through their counsel, have diligently co-prosecuted the Litigation.

9. Throughout the Litigation, TCP Hot Acquisition LLC and Idelle Labs, LTD ("Defendants") have strongly contested standing, liability, damages, and class certification.

II. QUALIFICATIONS

10. Charles Schaffer is a partner with Levin Sedran & Berman LLP and a member in good standing of the bar of the Commonwealth of Pennsylvania.

11. Levin Sedran is one of the nation's preeminent and most experienced Plaintiff class-action firms with extensive experience and expertise in consumer protection, product

liability, antitrust, securities, financial, commercial and other complex class-action litigation. Levin Sedran has been recognized by its peers and Courts nationwide for its successful class-action leadership. As a result of its success representing consumers in complex litigation throughout the country, Levin Sedran has been distinguished as a Tier I class-action firm in the Best Law Firms rankings published in the U.S. News and World Report Best Law Firms. It also ranked Levin Sedran Tier I for personal injury and mass tort firms. Levin Sedran was also named to THE NATIONAL LAW JOURNAL'S insurance list of America's Elite Trial Lawyers in 2014. Members of Levin Sedran are listed in the LEGAL 500, LAW DRAGON 500, Martindale Hubbell's Directory of Preeminent Attorneys, as in the Best Lawyers in America. *See generally* Levin Sedran firm resume at ECF Doc. 20-8 .

12. Levin Sedran pioneered the use of class actions and mass actions in the United States and its work has resulted in numerous record-breaking recoveries over the past four decades. Just for example:

- a) *In re: Asbestos School Litigation*, No. 83-0263 (E.D. Pa.) (Levin Sedran as member of Executive Committee and Lead Trial Counsel obtained a certification of a nationwide class and settlement on behalf of school districts);
- b) *In re: Diet Drug Product Liability Litigation*, MDL No. 1203 (E.D. Pa.) (Levin Sedran as Co-Lead Counsel obtained a \$6.75 billion-dollar settlement on behalf of consumers who ingested Fen Phen);
- c) *In re: The Exxon Valdez*, No. 89-00095 (D. Alaska) (Levin Sedran as a member of the Trial and Discovery Committee represented fishermen, native corporations, native villages, native claims and business claims in this mass tort. After a jury trial, Plaintiffs obtained 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);
- d) *In re: Chinese-Manufactured Drywall Product Liability Litigation*, MDL No. 2047 (E.D. La.) (Levin Sedran as Lead Counsel obtained inter-related settlements involving various suppliers, builders, installers, insurers and manufacturers of Chinese drywall valued in excess of \$1 billion);

e) *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 was instrumental in achieving a \$4.85 billion-dollar settlement on behalf of consumers who ingested Vioxx);

f) *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 obtained 28 inter-related settlements against air cargo service providers totaling \$1.2 billion dollars);

g) *In re: Galanti v. The Goodyear Tire and Rubber Co. ("Entran IP")*, No. 03-209 (D.N.J.) (As a member of the Executive Committee Levin Sedran was instrumental in negotiating and achieving the creation of a common fund in the amount of \$344,000,000); and

h) *In re: National Football League Players' Concussion Injury Litigation*, MDL No. 2323 (E.D. Pa.) (As Subclass Counsel working along with Lead Counsel obtained an uncapped settlement valued in excess of \$1 billion dollars on behalf of NFL football players).

13. To briefly summarize my experience, I have been an attorney at Levin Sedran for over 25 years and during that time, the entirety of my practice has been devoted to complex litigation and class actions involving product liability, defective building products, consumer claims and personal injury matters. I have served as court-appointed class counsel in more than 30 class actions, most involving defective products.

14. My firm and I regularly prosecute complex consumer class actions involving consumers who have been victimized by unfair or deceptive practices and have 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, unfair or deceptive practices, consumer fraud, and other corporate malfeasance such as anti-competitive conduct, as well as working cooperatively with others. Through smart, efficient, strategy and tailored creative problem-solving my firm and I have recovered billions of dollars for victims of defective products, unfair or deceptive practices, consumer fraud, and other corporate malfeasance such as anti-

competitive conduct.¹ We have accomplished these outstanding global and class settlements while zealously prosecuting the action while minimizing costs and maximizing value.

15. My 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: Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.) (Plaintiffs' Executive Committee); *In re: Intel Corp. CPU Marketing Sales Practices and Products Liability Litigation*, MDL 2828 (D. Or.) (Plaintiffs' Steering 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*, 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

¹ For example, I was instrumental in bringing about settlements in *inter alia* *In Re CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.) which was approved by the court in 2010 and valued at \$815,000,000; *In re CertainTeed Fiber Cement Siding Litigation*, MDL No: 2270 (E.D. Pa.) which was a common fund settlement of \$103.9 million dollars; and *Pollard v. Remington Arms Company*, Case No. 4:13-CV-00086-ODS (W.D. Mo.) which was approved by the court in 2016 and valued at \$97,000, 000. *See also* Levin Sedran's Firm Resume at ECF. Doc.20-8.

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. Miss.) (Plaintiffs' Executive Committee); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D.N.H.) (Plaintiffs' Executive Committee); and *Gold v. Lumber Liquidators, Inc.*, No.3:14-cv-05373-TEH (N.D. Cal.) (Plaintiffs' Executive Committee). I have also served in leadership positions in class actions which were not consolidated in an MDL. *See* ECF Doc. 20-8 . In addition, I have served as member of litigation teams where Levin Sedran 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.).

16. Of particular relevance to this litigation, I have previously served in leadership as well as a part of litigation teams in class actions representing victims of unfair trade practices and consumer fraud. For instance, I was instrumental in bringing about settlements in national class actions involving *inter alia* roofing shingles and siding. *See e.g. In Re CertainTeed Corporation Roofing Shingles Product Liability Litigation*, MDL No.: 1817 (E.D. Pa.) (roofing shingles); *In re CertainTeed Fiber Cement Siding Litigation*, MDL No.: 2270 (E.D. Pa.) (siding) and *In re IKO Roofing Shingle Products Liability Litigation*, MDL No.: 2104 (C.D. Ill.) (roofing shingles). *See also* Levin Sedran's Firm Resume at ECF Doc. 35-3. With respect to consumer goods, I was instrumental in bringing about national settlements, *inter alia*, in *In re Hills Pet Nutrition, Inc., Dog Food Products Liability Litigation*, MDL No. 2887 (D. Kas.) (dog food) (Plaintiffs' Co-lead Counsel); *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal.) (phone);

United Desert Charities, et al v. Sloan Valve Company, et al, No. 12-6878 (C.D. Cal.) (toilet); *In re Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill.) (engine) *In re: Azek Decking Sales Practice Litigation*, Civil Action No.: 12-6627 (D. NJ) (composite deck); *In re: Carrier IQ Consumer Privacy Litigation*, MDL No.: 2330 (N.D. Cal.) (phone); *Pollard v. Remington Arms Company, LLC*, Case No. 4:13-cv-00086-ODS (W.D. Mo.) (rifle); *Leach v. Honeywell International, Inc.*, Case 1:14-cv-12245-LTS (D. Mass) (humidifier); *In re: Dial Complete Marketing and Sales Practices Litigation*, MDL No.: 2263 (D. NH) (antibacterial soap); *In re: Colgate-Palmolive Soft Soap Antibacterial Hand Soap Marketing and Sales Practice Litigation*, (D.N.H.) (antibacterial soap); *Gold v. Lumber Liquidators, Inc.*, No. 3:14-cv-05 (N.D. Cal.) (flooring); *In re Deva Concepts Products Liability Litigation*, No. 1:20-cv-01234 (S.D.N.Y.) (shampoo), *Declid v. Tco Hot Acquisition LLC et. al.*, No., 1:21-cv-09569 (S.D.N.Y.) (aerosol spray deodorant contaminated with benzene); and *Goldstein v. Henkel Corporation et. al.*, 3:22 -cv-00164 (D.Conn) (aerosol spray deodorant contaminated with benzene). We have prosecuted these cases from their inception, through discovery, to certification of class(es), to settlements and in some instances to trial.

17. In the process of handling these cases, Levin Sedran and Mr. Schaffer have devoted an extensive amount of time to the investigation, litigation, settlement, and administration of these class actions.

III. SUMMARY OF LEVIN SEDRAN & BERMAN LLP'S SIGNIFICANT WORK AND UNREIMBURSED LITIGATION EXPENSES

18. From the inception of this case to the present, Levin Sedran vigorously pursued this litigation, committing their services and resources and advancing funds out-of-pocket to prosecute it for the Plaintiff and the class. Plaintiff's Counsel provided these services and advanced necessary

litigation expenses with no assurance of compensation or repayment and have received no compensation or reimbursement of their expenses. Plaintiff's Counsel's compensation and expense reimbursement has at all times in this litigation been entirely contingent upon successfully obtaining relief.

19. Leven Sedran started its investigation into the contamination of Defendants' spray deodorant products with benzene and Defendants' corresponding false and misleading advertising in November 2021. Levin Sedran reviewed *inter alia* publicly available documents such as the Valisure Citizens petition to the FDA, conducted research on claims and federal regulations governing sunscreen products including limits for contaminants like benzene, interviewed and conferred with experts pertaining to sourcing of ingredients, testing/screening for benzene and economic damages model, and conferred with other counsel in advance of filing the complaint in the above captioned matter on January 24, 2022.

20. Levin Sedran diligently, skillfully and efficiently investigated prosecuted this litigation for more than a year. Class Counsel did so also in the face of skilled, professional and determined opposition from Defendants and its capable counsel. These efforts required briefing of complex legal and factual issues, and numerous meetings, extensive negotiations and other communications with defense counsel and third parties.

21. More specifically, Levin Sedran's efforts on behalf of the Settlement Class included, *inter alia*, the following:

- a) investigating the underlying factual background regarding the contamination of the aerosol deodorant products with benzene including analysis of the Valisure study and Citizens Petition filed with the FDA, researching industry standards regarding sourcing of ingredients, screening and testing for benzene, interviewing industry and supply experts regarding sourcing of ingredients for the products as well as propellant used in the spray can, conducting testing on products to confirm benzene contamination and developing legal theories of the case regarding the misbranding and adulteration of the products;

- b) investigating and researching the applicable legal standards for product defect cases involving sunscreen products regulated by the FDA;
- c) vetting and working with experts in the field of cosmetic, sunscreen and deodorant products including sourcing of ingredients, screening and testing for benzene;
- d) vetting and working with experts in the fields of economics and determination of economic loss on a class wide basis in consumer class actions;
- e) drafting the complaint and amended complaint;
- f) conducting legal research and analysis regarding certification of consumer claims on a national basis and statewide basis;
- g) conducting informal i.e. settlement discovery pre-and post-mediation;
- h) legal research related to defendants' motion to dismiss and drafting of letter briefs;
- i) participating in case strategy decisions and discussions with Class counsel;
- j) engaging in countless meet and confer conference with defense counsel regarding motion to dismiss, discovery, mediation and settlement related issues;
- k) conducting numerous arms – length, independent settlement negotiations with mediator, Judge Gold;
- l) drafting the settlement agreement along with the requisite exhibits including: claim forms, content of settlement webpage, opt out forms, long and short form notice forms, and other related documents;
- m) researching and selecting claims administration and implementation of notice and selecting the claims administrator/notice provider Angeion;
- n) developing and implementing the notice plan with claims administrator/notice provider Angeion;
- o) working with Angeion to prepare and send notice of the Settlement to putative Settlement Class Members, respond to inquiries from Settlement Class Members and others, and supervise the claims administration process;
- p) troubleshooting the claims process in conjunction with defendant's counsel and claims administrator/notice provider Angeion;

- q) speaking with class members who contacted class counsel regarding filing of claim forms; and
- r) preparing and drafting the motion for preliminary approval of the settlement;
- s) preparing and drafting the motion for final approval of the settlement.

22. Further, our work on this litigation has not ended and will not end until the last settlement distribution payment is made to eligible Settlement Class Members. We expect to expend additional hours going forward, which of course are not included in Class Counsel's lodestar reported below, concerning the Settlement approval and administration processes, preparing for the Final Approval Hearing, responding to Settlement Class Members and other inquiries and, if the Court grants final approval, overseeing Settlement administration.

23. The chart below details the hours billed and the amount billed at historical rates through March 8, 2023 for Levin Sedran attorneys:

Attorney	Total Hours	Hourly Rate	Amount
Charles E. Schaffer	342.75	\$975	\$334,181.25
David Magagna	74.00	\$550	\$40,700.00
Marissa Pembroke	23.80	\$500	\$11,900.00
Total:	437.80		\$386,781.77

24. This summary was prepared from contemporaneous, daily time records regularly prepared and maintained by Levin Sedran.

25. Shown above is a true and correct summary identifying the attorneys who have worked on this litigation, the number of hours, those individuals have worked, their regular hourly billing rates, and their respective lodestar values. The detailed descriptions of the time spent by the attorneys and other professionals of my firm in this litigation was prepared from contemporaneous, daily time records prepared and maintained by my firm. The lodestar figure is based on the ordinary professional billing rates that my law office charges clients in class action

litigation. Expenses are accounted for and billed separately, without markup, and are not duplicated in the professional billing rates. Further detail regarding the litigation and trial experience of each professional can be found, to the extent available, in the firm resume. *See* ECF Doc. 20-8.

26. The hourly rates shown the Summary Chart above are the usual and customary lodestar rates charged in Philadelphia, and the national venues in which the firm typically handles cases for each individual doing the type of work performed in this litigation. These rates were not adjusted, notwithstanding the complexity of this litigation, the skill and tenacity of the opposition, the preclusion of other employment, the delay in payment, or any other factors that could be used to justify higher hourly compensation. The rates reflect Levin Sedran's experience in the field, the complexity of the matters involved in this litigation and have not been adjusted.

27. These lodestar amounts were derived from contemporaneous daily time records compiled on this matter, which are recorded in our computerized database. The firm requires regular and contemporaneous recording of time records, which occurred in this case. I oversaw the day-to-day activities in the litigation and reviewed these printouts and backup documentation when necessary. The purpose of the reviews were to confirm both the accuracy of the entries on the records as well as the necessity for, and reasonableness of the time and expenses that my firm committed to the litigation. I believe that the time reflected in the firm's lodestar calculation and the expense for which payment is sought are reasonable in amount and were necessary for the effective and efficient prosecution and resolution of this litigation.

28. The lodestar summary reflects Levin Sedran's experience in the field, the complexity of the matters involved in this litigation, and the prevailing rate for providing such services.

29. The number of hours that Levin Sedran has devoted to pursuing this litigation is reasonable and appropriate, considering, among other factors: (a) the scope and high stake's nature of this proceeding; and b) the novelty and complexity of the claims asserted in the litigation.

30. Levin Sedran is a well-respected leader in the fields of product liability, consumer fraud, antitrust, securities, financial, commercial and other complex class-action litigation. The Levin Sedran rates, which were used for purposes of calculating the lodestar here, are based on prevailing rates for national class-action work and have been approved by multiple courts across the country. For instance, Levin Sedran's and Charles E. Schaffer's rates were approved by courts in the following cases:

- a) *In re Vioxx Products Liability Litigation*, MDL No. 1657 (E.D. La. 2011);
- b) *In re Propulsid Products Liability Litigation*, MDL No. 1355 (E.D. La.);
- c) *In re: CertainTeed Roofing Shingle Products Liability Litig.*, No. 07-MDL-1817 (E.D. Pa. 2010);
- d) *In re: Davis v. SOH Distribution Company, Inc.*, No. 09-CV-237 (M.D. Pa.);
- e) *In re: Wellbutrin SR Antitrust Litigation*, No. 04-5525 (E.D. Pa.);
- f) *In re: Gwaizdowski v. County of Chester*, No. 08-CV-4463 (E.D. Pa.);
- g) *In re: Meneghin v. The Exxon Mobile Corporation*, No. OCN-002697-07 (Superior Court, Ocean County, NJ 2012);
- h) *In re: Melillo v. Building Products of Canada Corp.*, No. 1:12-CV-00016-JGM (D. Vt. 2012);
- i) *In re: Vought v. Bank of America*, No. 10-CV-2052 (C.D. Ill. 2013);
- j) *In re: Eliason v. Gentek Building Products, Inc.*, No. 10-2093 (N.D. Ohio. 2013); and *In re: Navistar Diesel Engine Products Liability Litigation*, MDL No. 2223 (N.D. Ill. 2013).

31. Numerous courts have recently approved significant fee awards for Levin Sedran and Charles E. Schaffer, based on their customary hourly rate. Eleven recent decisions are:

- a) *Smith v. Volkswagen Group of America, Inc.*, No. 13-cv-370 (S.D. Ill. 2014);
- b) *In re: CertainTeed Fiber Cement Siding Litigation*, MDL No. 2270 (E.D. Pa. 2014);
- c) *In re: JP Morgan Chase Mortgage Modification Litigation*, No. 11-md-2290 (D. Mass. 2014);
- d) *United Desert Charities v. Sloan Valve Company*, No. 12-6878 (C.D. Cal. 2014);
- e) *Gulbankian v. MW Manufacturers, Inc.*, No. 10-10392 (D. Mass.);
- f) *Pollard v. Remington Arms Company, LLC*, No. 4:13-cv-00086-ODS (W.D. Mo. 2017);
- g) *Leach v. Honeywell International, Inc.*, No. 1:14-cv-12245-LTS (D. Mass);
- h) *In Re IKO Roofing Shingle Products Liability Litigation*, MDL No. 2104 (C.D. Ill.);
- i) *Newman v. Metropolitan Life Insurance Company*, No. 1:11-cv-03530 (N.D. Ill. 2019);
- j) *In re Apple Inc. Device Performance Litigation*, MDL 2827 (N.D. Cal. 2020);
- k) *Hill v. Canidae Corporation*, No. 20-1374 (C.D. Cal. 2021);
- l) *Herrera v. Wells Fargo Bank, N.A.*, No. 8:18-cv-00332(C.D. Cal 2021);
- m) *Erby v. Allstate Fire and Casualty Ins. Co.*, No. 2:18-cv 04944 (E.D. Pa. 2022) (ECF No. 63) (approving the hourly rates ranging from \$450 - \$975 and the number of hours worked as reasonable);
- n) *Segebarth v. CertainTeed LLC*, No. 2:19-cv-5500 (E.D. Pa. 2023) (ECF No. 79) (approving the hourly rates ranging from \$500 - \$1250 and the number of hours worked as reasonable).

32. In *Segebarth*, the United States District Court for the Eastern District of Pennsylvania approved the Levin Sedran and Berman rates and determined that these hourly rates

ranging from \$500- \$150 are reasonable given the complexity of this products liability action and the skill and experience of the attorneys involved. See ECF No. 79. In *Erby*, the United States District Court for the Eastern District of Pennsylvania approved the 2022 rates of Charles E. Schaffer (\$975.00), Daniel C. Levin (\$975.00), David Magagna (\$550), and Nicholas Elia (\$500). In *In re: CertainTeed Fiber Cement Siding Litigation*, the United States District Court for the Eastern District of Pennsylvania, approved the entire requested fee of \$18.5 million dollars, including the 2014 rates of Charles E. Schaffer (\$950.00). In *Pollard v. Remington Arms Company*, the United States District Court for the Western District of Missouri approved the entire requested fee of \$12.5 million dollars, including the 2017 rates of Charles E. Schaffer (\$975.00), and Sammi McCurtain (document reviewer) (\$450.00), and in *Leach v. Honeywell International, Inc.*, the United States District Court for the District of Massachusetts approved the entire requested fee award of \$1.15 million dollars, including the 2017 rates of Charles E. Schaffer (\$975.00) and Michael MacBride (attorney) (\$475.00). More recently in *In Re IKO Roofing Shingle Products Liability Litigation*, the United States District Court for the Central District of Illinois approved the entire requested fee award of \$7.5 million dollars, including the 2019 rates of Charles E. Schaffer (\$975.00) and Michael MacBride (attorney) (\$475). In *Newman v. Metropolitan Life Insurance Company*, the United States District Court for the Northern District of Illinois approved the entire requested fee award of \$5 million dollars, including the 2019 rates of Charles E. Schaffer (\$975.00); and in *In re Apple Inc. Device Performance Litigation*, the United States District Court for the Northern District of California approved the fee award of \$80.6 million dollars, including the submitted rates of Charles E. Schaffer (\$950), other members of the firm and paralegals. ECF No. 609 at 15. In 2021, the United States District Court for the Central District of California in *Hill v. Canidae Corporation*, No. 20-1374 (C.D. Cal. 2021) approved the submitted rates of

Charles E. Schaffer (\$975) and associate David Magagna (\$550). *See* ECF No. 79 at 16. (Plaintiffs also submit Class Counsel's billing rates that other courts have approved, which show that one of the partners who is counsel for Plaintiffs has consistently been approved at an hourly rate of \$950.00 to \$975.00 per hour, while a non-partner attorney was consistently approved at an hourly rate of \$450.00 to \$475.00. (Schaffer Decl. ¶ 28.) Accordingly, the Court determines that the hourly rates used to calculate the lodestar are reasonable.). In November of 2021, the United States District Court for Central District of California in *Herrera v. Wells Fargo Bank, N.A.*, No. 8:18-cv-00332 (C.D. 2021), approved the entire requested fee award of \$23.1 million dollars, including the 2021 rates of Charles E. Schaffer (\$975.00), associate David Magagna (\$550) and IT specialist Thomas Shrack (\$475). *See* ECF No. 208 adopting the Tentative Order Regarding Final Approval of Class Settlement and Final Approval of Attorneys' Fees at 21-22.

33. The Levin, Fishbein, Sedran & Berman current rates are higher than those used to calculate lodestar here. For example, my current rate is \$1,025 and David Magagna's rate is \$750. However, given the number of firms involved in this matter and that our rates were lower in the earlier years of litigation, we are using lower rates (\$975.00 and \$550.00) for myself and David Magagna, respectively, that have been approved by multiple federal courts.

34. During the course of this case, Levin Sedran incurred \$3,953.20 in unreimbursed expenses. These expenses were reasonably and necessarily incurred in connection with the prosecution of this litigation. These expenses are reflected in the books and records of Levin Sedran and are a true and accurate summary of the expenses for this case. The chart below details the expenses incurred by category:

CATEGORY	EXPENSE AMOUNT
Computer Research	\$130.37
Filing fees	\$400.00
Professional Services	\$3,280.16

Photocopy	\$60.75
Long Distance Telephone	\$71.92
Notary Public	\$10.00
TOTAL	\$3,953.20

I hereby declare under penalty of perjury under the laws of the United States that the above is true and correct to the best of my knowledge.

Dated: March 8, 2023

/s/Charles E. Schaffer

Charles E. Schaffer

EXHIBIT A

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

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).

Committee Levin Sedran & Berman was instrumental in negotiating 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. al. 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*

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.); *Jaroslavic 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 reputation 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.

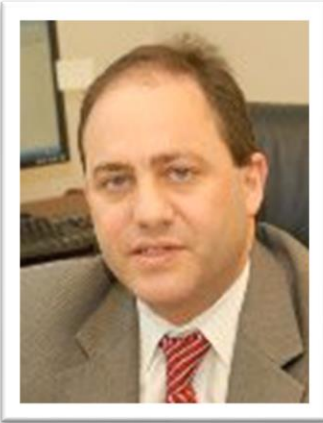
Mr. Longer, originally from Philadelphia, Pennsylvania, completed his undergraduate work at Carnegie Mellon University. He then attended the University Pittsburgh School of Law and was a Notes and Comments Editor for the University of Pittsburgh Law Review. Mr. Longer practiced for 3 years in Allegheny 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.

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 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) 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.

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. Volkswagen 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: Viox 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 al. 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.

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 homeowners 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 successfully argued for class certification before the trial court and, on interlocutory appeal, before the appellate court. The New Jersey Supreme Court recently rejected defendants' motion for interlocutory review.

Mr. Cohen is presently representing several large ethanol producers asserting, among other things, a Sherman Act Section 2 damages claim due to a cross-market manipulation scheme implemented by defendant Archer Daniels Midland Company involving the U.S. market for ethanol and ethanol derivatives. previously Mr. Cohen served as counsel for a New England electricity wholesaler who brought a Section 2 market manipulation claim against two New England energy companies.

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 "Super Lawyer" 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 and the Central District of Illinois.

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),

KEITH J. VERRIER*Member*

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, 2017, 2018, 2019, 2020 and 2021.

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:

- *United Wisconsin Grain Producers LLC, et al. v. Archer Daniels Midland*, No. 20-cv-2314 (C.D. Ill.) - Representing a group of large ethanol producers asserting claims for damages arising from an alleged cross-market manipulation scheme implemented by defendant Archer Daniels Midland Company involving the U.S. market for ethanol and ethanol derivatives in violation of, among other things, Section 2 of the Sherman Act.
- *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 Chinese-Manufactured Drywall Products Liability Litigation* – Prosecuted class action and mass tort on behalf of homeowners whose homes contain defective drywall. Levin Sedran & Berman served as Lead Counsel. A settlement with the German defendant provided full remediation for affected homeowners (valued at over \$1.1 billion) and settlement with the Chinese defendant provided \$248 million to members of the settlement class.

- *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 worked 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; in the U.S. District Courts for the Eastern District of Pennsylvania, the District of New Jersey, and the Central District of Illinois; and in the United States Court of Appeals for the Third Circuit.

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 and multi-district 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. She assisted Co-Lead Counsel and Subclass Counsel with negotiating the class settlement in *In re National Football League Players' Concussion Litig.*, MDL No. 2323 (E.D. Pa.).

In 2015, Ms. Duggan 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.).

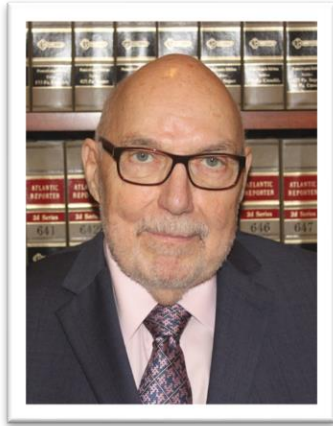
In 2019, Ms. Duggan negotiated a global class settlement with the Chinese manufacturers in the *Chinese Drywall Litigation*. See *In re Chinese-Manufactured Drywall Prods. Liab. Litig.*, MDL 2047, 424 F. Supp. 3d 456 (E.D. La. 2020). She was appointed by the Honorable Eldon E. Fallon to serve as Class Counsel for Plaintiffs in the Global Settlement and she also served as Chair of the Fee Allocation Committee in that case.

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 Mexican American. She is fluent in Spanish.

RAYMOND P. FORCENO
Of Counsel

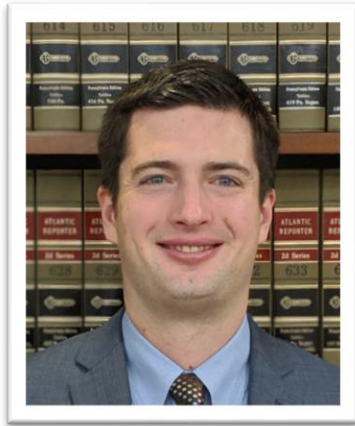


RAYMOND P. FORCENO has had a long and distinguished career practicing railroad law, representing railroad workers in litigation against their employing railroads for on the job injuries and diseases pursuant to the Federal Employers Liability Act (FELA). Mr. Forceno has extensive experience trying cases 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.

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.

ZACHARY M. WINKLER
Associate



ZACHARY M. WINKLER graduated in 2020 from Georgetown University Law Center, where he was selected to the Barristers' Council honors society and competed with the trial advocacy team. During law school, Zachary interned at the Philadelphia District Attorney's Office, served as a legal fellow to Congressman Brendan F. Boyle, and clerked for Administrative Law Judge J.P. Howard in Washington, D.C. Following law school, Zachary completed a litigation fellowship with the National Whistleblower Center in Washington, D.C., before joining Levin Sedran & Berman as an associate.

Mr. Winkler is admitted to practice in the Commonwealth 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; *Jaroslavicz, 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.).