

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
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CONSUMER CLASS CASES.	)	
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**PLAINTIFFS' LIST OF EXHIBITS IN SUPPORT OF THE  
MEMORANDUM OF LAW IN SUPPORT OF  
CLASS PLAINTIFFS' MOTION FOR FINAL APPROVAL  
OF SETTLEMENT, APPROVAL OF PLAN OF ALLOCATION, AND  
AWARD OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

<b>Exhibit No.</b>	<b>Description</b>
A	Joint Declaration
A-1	Declaration of A. B. Data
A-2	Declaration of Teia Amell
A-3	Declaration of Todd Beaulieu
A-4	Declaration of Carly Bowersock
A-5	Declaration of Raymond Buchta
A-6	Declaration of Laura Chapin
A-7	Declaration of Shannon Clements
A-8	Declaration of Heather DeStefano
A-9	Declaration of Donna Dvorak
A-10	Declaration of Kenneth Evans
A-11	Declaration of Michael Gill
A-12	Declaration of Suzanne Harwood
A-13	Declaration of Elizabeth Huelsman
A-14	Declaration of Lesley Huston
A-15	Declaration of Anastasia Johnston
A-16	Declaration of Mark Kovarik

A-17	Declaration of Meredith Krimmel
A-18	Declaration of Linda Wagner
A-19	Declaration of Mario Bulding
A-20	Declaration of Nikitia Marshall
A-21	Declaration of Angie Nordstrum
A-22	Declaration of Sonya North
A-23	Declaration of Jeffery Rippey
A-24	Declaration of Lee Seltzer
A-25	Declaration of Rosetta Serrano
A-26	Declaration of Joy Shepard
A-27	Declaration of Kenneth Steinhauser
A-28	Declaration of April Sumner
A-29	Declaration of Annette Sutorik
A-30	Declaration of Stacey Malin (formerly Stacey Svites)
A-31	Declaration of Jennifer Walton
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A-34	Declaration of Elizabeth Williamson
A-35	Declaration of Vishal Aggarwal
A-36	Declaration of Trent Ipson
A-37	Declaration of Layn R. Phillips
A-38	Declaration of James B. Eubank
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A-48	Declaration of Steven N. Williams
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A-50	A.B. Data, Ltd.
B	Declaration of Layn Phillips
C	Declaration of Steven S. Gensler
C-1	Gensler CV
D	Table of Cases

# EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
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This Document Relates To:	)	
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CONSUMER CLASS CASES.	)	
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**JOINT DECLARATION OF CO-LEAD COUNSEL IN  
SUPPORT OF CLASS PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF SETTLEMENT, APPROVAL OF PLAN OF ALLOCATION,  
AND AWARD OF ATTORNEYS' FEES, EXPENSES, AND SERVICE AWARDS**

We, Warren T. Burns, Paul J. Geller, Rex A. Sharp, Lynn Lincoln Sarko, and Elizabeth C. Pritzker, hereby declare under penalty of perjury as follows:

1. Warren T. Burns is a partner at the law firm Burns Charest LLP and one of the attorneys serving as Co-Lead Counsel for Class Plaintiffs in this litigation. Mr. Burns submits this declaration in support of Class Plaintiffs' motion for (i) final approval of the settlement with the Pfizer Defendants<sup>1</sup> (the "Settlement"), and (ii) an award of attorneys' fees, litigation expenses and charges ("expenses"), and service awards. Mr. Burns makes this declaration based on his personal knowledge, and if called to do so, could testify to the matters contained herein. He has over 15 years of experience in complex litigation.

2. Paul J. Geller is a partner at the law firm Robbins Geller Rudman & Dowd LLP and one of the attorneys serving as Co-Lead Counsel for Class Plaintiffs in this litigation. Mr. Geller submits this declaration in support of Class Plaintiffs' motion for (i) final approval of the Settlement with the Pfizer Defendants and (ii) an award of attorneys' fees, litigation expenses, and service awards. Mr. Geller makes this declaration based on his personal knowledge, and if called to do so, could testify to the matters contained herein. He has nearly 30 years of experience in complex litigation.

3. Rex A. Sharp is a partner at the law firm Sharp Law LLP and one of the attorneys serving as Co-Lead Counsel for Class Plaintiffs in this litigation. Mr. Sharp submits this declaration in support of Class Plaintiffs' motion for (i) final approval of the Settlement with the Pfizer Defendants and (ii) an award of attorneys' fees, litigation expenses, and service awards. Mr. Sharp

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<sup>1</sup> The Pfizer Defendants are Pfizer, Inc., Meridian Medical Technologies, Inc., and King Pharmaceuticals, Inc. n/k/a King Pharmaceuticals LLC.

makes this declaration based on his personal knowledge, and if called to do so, could testify to the matters contained herein. He has over 35 years of experience in complex litigation.

4. Lynn Lincoln Sarko is a partner at the law firm Keller Rohrback L.L.P. and one of the attorneys serving as Co-Lead Counsel for Class Plaintiffs in this litigation. Mr. Sarko submits this declaration in support of Class Plaintiffs' motion for (i) final approval of the Settlement with the Pfizer Defendants and (ii) an award of attorneys' fees, litigation expenses, and service awards. Mr. Sarko makes this declaration based on his personal knowledge, and if called to do so, could testify to the matters contained herein. He has over 35 years of experience in complex litigation.

5. Elizabeth C. Pritzker is a partner at the law firm Pritzker Levine LLP and one of the attorneys serving as Co-Lead Counsel for Class Plaintiffs in this litigation. Ms. Pritzker submits this declaration in support of Class Plaintiffs' motion for (i) final approval of the Settlement with the Pfizer Defendants and (ii) an award of attorneys' fees, litigation expenses, and service awards. Ms. Pritzker makes this declaration based on her personal knowledge, and if called to do so, could testify to the matters contained herein. She has over 30 years of experience in complex litigation.

## **I. THE EPIPEN LITIGATION**

### **A. Procedural Background**

6. In 2016, numerous putative class action lawsuits were filed against both the Mylan Defendants<sup>2</sup> and the Pfizer Defendants "involv[ing] allegations of anticompetitive conduct or unfair methods of competition" with respect to the EpiPen, an epinephrine auto-injector used in the emergency treatment of anaphylaxis. ECF No. 1 at 1. These cases were transferred and/or centralized by the Judicial Panel on Multidistrict Litigation into MDL No. 2785, *In re EpiPen*

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<sup>2</sup> The Mylan Defendants are Mylan N.V., Mylan Specialty L.P., Mylan Pharmaceuticals Inc., and Heather Bresch.

*(Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, No. 17-md-2785, and transferred to the United States District Court in the District of Kansas before the Honorable Daniel D. Crabtree (referred to herein as the “Litigation”) on August 4, 2017. ECF No. 1.

7. On September 12, 2017, the Court appointed Co-Lead Counsel and approved Plaintiffs’ proposed organizational structure, including Liaison Counsel and a Steering Committee. ECF No. 40. The Court has since substituted a member of the Steering Committee (ECF No. 2111) and added an additional Co-Lead Counsel (ECF No. 2018).

8. On October 17, 2017, Plaintiffs filed a 400-page Consolidated Class Action Complaint (“Complaint”) alleging claims for violations of the federal Racketeer Influenced and Corrupt Organizations (“RICO”) Act, certain state antitrust laws, and other causes of action. ECF No. 60.

9. On December 15, 2017, all Defendants filed motions to dismiss the Complaint contending none of Plaintiffs’ claims had merit. ECF Nos. 93, 95. Following extensive briefing, the Court granted in part and denied in part the motions to dismiss on August 20, 2018. ECF No. 896.

10. On December 7, 2018, Plaintiffs moved for class certification under Rule 23(b)(3) of the Federal Rules of Civil Procedure. ECF No. 1353. The motion was supported by extensive evidence obtained through depositions and discovery, as well as reports from multiple experts. Defendants opposed class certification, submitted multiple expert reports in support of their oppositions, and moved to strike Plaintiffs’ expert reports. Following extensive briefing on the class certification motion and the motions to strike each sides’ experts, the Court conducted a two-day class certification hearing on June 11-12, 2019. On February 27, 2020, the Court granted in part and denied in part Plaintiffs’ motion for class certification and the parties’ respective motions to strike certain expert reports filed in connection with class certification. ECF Nos. 2017–18. The

Court certified a nationwide RICO Class and a State Antitrust Class under Rule 23(b)(3) (collectively, the “Class”). ECF No. 2018. The Court also appointed Warren T. Burns, Paul J. Geller, Elizabeth Pritzker, Lynn Lincoln Sarko, and Rex A. Sharp as Co-Lead Counsel for the certified Class. *Id.*

11. On March 12, 2020, Defendants filed a Rule 23(f) petition for review of that decision with the Tenth Circuit. ECF No. 2035. The Tenth Circuit denied Rule 23(f) review on May 26, 2020. ECF No. 2071.

**B. The Parties Engaged in Extensive Discovery**

12. During the pendency of the Litigation, Plaintiffs left no stone unturned to marshal evidence supporting their claims against Defendants, engaging in substantial fact discovery that involved the Defendants, Plaintiffs, and countless third parties. This discovery ultimately resulted in the production of over 1.75 million documents (totaling over 11 million pages) from Defendants and third parties, all of which Plaintiffs carefully reviewed, analyzed, and organized according to their theories of the case. In connection with this document discovery, there was extensive motion practice, particularly with respect to some of the subpoenaed third parties. Many of the third parties objected to producing documents in response to the subpoenas served by Plaintiffs and only complied with those subpoenas after Plaintiffs filed motions to compel and prevailed on those motions. *See, e.g.*, ECF Nos. 248-252, 645, 647, 687, 693, 695, 980, 1281, 1438-1440, and 1444.

13. Plaintiffs also prepared for and defended or took 158 depositions, including those of Defendants’ executives and employees, all the named Plaintiffs (many of whom traveled from their homes to Kansas for their depositions), a large number of third parties that conducted business with Defendants related to the sale and marketing of the EpiPen, and experts for all parties.



14. Plaintiffs engaged in additional substantial expert discovery work as well, including consulting with and preparing eight expert witnesses,<sup>3</sup> preparing expert reports for class certification and summary judgment, and vigorously defending many *Daubert* motions against their experts. From October 2019 to February 2020, the parties served over a dozen expert reports on the merits of their respective claims and defenses in the Litigation.

### **C. Class Notice and Related Discovery**

15. In addition to fact and expert discovery, Plaintiffs also separately conducted discovery needed to provide notice of the Litigation to members of the certified Class. On April 21, 2020, Plaintiffs moved for the appointment of A.B. Data to act as the notice administrator and for Court approval of stage one of Plaintiffs' notice plan, which would authorize Plaintiffs to issue subpoenas to the largest pharmacy benefit managers and pharmacy chains in the United States to obtain Class member contact information. ECF No. 2058. Over Defendants' opposition, on June 1, 2020, the Court granted Plaintiffs' motion, appointed A.B. Data and authorized the issuance of the subpoenas. ECF No. 2074.

16. Having issued the class notice subpoenas and obtained Class member contact information in response, on August 31, 2020, Plaintiffs moved for Court approval of stage two of

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<sup>3</sup> These experts included, among others: Professor Meredith Rosenthal of Harvard, who provided several expert opinions on classwide damages; Professor Einer Elhague of Harvard, who also opined on classwide damages and defendants' antitrust liability; Dr. Jay Portnoy, a Professor of Pediatrics at the University of Missouri School of Medicine and a Physician in the Division of Allergy, Asthma & Immunology at Children's Mercy Hospital in Kansas City, Missouri, who provided medical opinions on anaphylaxis and its treatment; James Bruno, who provided expert opinions on Teva's development of a generic EpiPen; Dr. Andrew W. Torrance, who provided expert opinions relating to Plaintiffs' pay-for-delay claims; Dr. Carl Peck, who provided expert opinions regarding Plaintiffs' pay-for-delay claims and the FDA approval process; and Shawn Fox, a certified public accountant who provided expert opinions relating to Plaintiffs' unjust enrichment claims. Each of these experts was central to securing class certification, proving the merits of Plaintiffs' claims, or both.

Plaintiffs' notice plan, which sought approval of both the form and manner of providing notice to the certified Class. ECF No. 2209. Defendants again opposed the motion. On October 13, 2020, the Court granted Plaintiffs' motion and approved the form and manner of class notice (ECF No. 2240), which commenced on November 1, 2020, and ended on January 15, 2021. ECF No. 2245-1.

#### **D. Dispositive Motions and Trial Preparation**

17. While class notice was being litigated, on July 15, 2020, Defendants moved for summary judgment and filed *Daubert* motions to strike Plaintiffs' experts in whole or in part. ECF Nos. 2133, 2134, 2135, 2136, 2141, 2148, 2151, 2156. The parties extensively briefed summary judgment and *Daubert* motions (Plaintiffs filed one *Daubert* motion directed to Defendants' experts and defended many more directed to their own experts), and the motions were taken under submission by the Court in September 2020.

18. Once briefing on the summary judgment and *Daubert* motions concluded in September 2020, Plaintiffs began extensive work preparing for the jury trial, which the Court had set to commence on September 7, 2021 and last for approximately seven weeks. ECF No. 2169. This work involved meeting and conferring on preparation of a detailed proposed pretrial order, which served as the foundation for the Court's Pretrial Order entered July 17, 2020 (ECF No. 2169), drafting jury instructions, preparing a proposed jury questionnaire, putting together witness lists, preparing witness deposition testimony excerpts, and completing other work tasks necessary to ready the litigation for trial. These tasks included, among other things, retaining and working with several jury consultants and preparing for mock jury presentations in Kansas.

## **II. SETTLEMENT NEGOTIATIONS WITH THE PFIZER DEFENDANTS**

19. Beginning in February 2021, as the trial date approached and with the summary judgment and *Daubert* motions under submission, Plaintiffs and the Pfizer Defendants engaged an experienced and neutral third-party mediator, the Honorable Layn R. Phillips (Ret.), and held

numerous pre-mediation and direct settlement discussions under Judge Phillips' auspices. Plaintiffs and the Pfizer Defendants each made several presentations to the mediator between February 2021 and June 3, 2021. The parties also continuously negotiated and discussed with the mediator the terms of a settlement memorandum of understanding to serve as a starting point of a settlement agreement, if settlement could be agreed upon. As of late May 2021, the parties had not reached a resolution.

20. On June 10, 2021, the Plaintiffs and the Pfizer Defendants (with the assistance of Judge Phillips) agreed to settle the claims against the Pfizer Defendants in return for a non-reversionary cash payment of \$345 million inclusive of all fees and costs, for the benefit of the certified Class. On June 14, 2021, the Settling Parties informed the Court that, with the assistance of Judge Phillips, they had agreed to settle all claims asserted in the Litigation.<sup>4</sup>

21. Between June 10 and July 14, 2021, Plaintiffs and the Pfizer Defendants drafted and extensively negotiated the Settlement Agreement and its related documents, which include the form of judgment, the proposed preliminary approval order, the claim form, the plan of allocation, and the forms of notice to the Class of the Settlement.

22. Plaintiffs and the Pfizer Defendants completed their negotiations over the Settlement Agreement and its related documents on July 14, 2021 and executed the Settlement Agreement that day. ECF No. 2393-2. All the Class representatives approved and support the Settlement. *See* Declarations of Class Representatives, attached as **Exhibits A-2 thru A-36**.

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<sup>4</sup> On June 23, 2021, the Court issued its rulings on the pending motions for summary judgment and *Daubert* motions as to the Mylan Defendants. The Court denied the Mylan Defendants' motion for summary judgment as to Plaintiffs' generic delay claim but granted the Mylan Defendants' motion for summary judgment as to Plaintiffs' branded exclusion and RICO claims. The Court also granted in part and denied in part Plaintiffs and the Mylan Defendants' respective *Daubert* motions. ECF Nos. 2380, 2381.

### III. THE PFIZER SETTLEMENT

23. The Settlement Agreement provides that Plaintiffs and the certified Class will settle and release their claims against the Pfizer Defendants in exchange for a non-reversionary \$345 million cash payment (the “Settlement Amount”) from the Pfizer Defendants, \$5 million of which was deposited into an escrow account within five days of the Court’s July 23, 2021 order granting preliminary approval of the Settlement (ECF No. 2401) and the remaining \$340 million of which will be deposited into the escrow account no later than thirty days before the October 27, 2021 Final Fairness Hearing. ECF No. 2393-2 at ¶ 2.1.

24. The Settlement Fund, which consists of the Settlement Amount and all interest and accretions thereto, will be used to pay the costs of settlement administration (including the costs of notice to the Class, taxes, and tax expenses), Plaintiffs’ attorneys’ fees and litigation expenses, and service awards to the class representatives, as allowed by the Court. *Id.*, ¶¶ 1.35, 2.7, 2.8. The balance of the Settlement Fund (the “Net Settlement Fund”) will be distributed pursuant to the Plan of Allocation to Class members who submit timely and valid claim forms to the Settlement Administrator.

25. The Plan of Allocation (ECF No. 2393-9) will create two pools of funds from the Net Settlement Fund, one for individual consumers and one for third-party payors. The allocation of funds between the two pools will be based on the work done by Plaintiffs’ experts and tracks, as a percentage, the relative damages suffered by individual consumers and third-party payors, as calculated in the Merits Expert Report of Professor Meredith Rosenthal. Within each pool, funds will be distributed on a *pro rata* basis to all eligible Class members. Any funds remaining in one pool will spill-over to the other pool in certain circumstances. Plaintiffs anticipate that all funds will be distributed to Class members pursuant to the Plan of Allocation. No reversion of funds to the

Pfizer Defendants is permitted under the Settlement, and under no circumstances will any portion of the Settlement Amount be returned to the Pfizer Defendants, once the Settlement becomes final.

#### **IV. PRELIMINARY APPROVAL OF THE SETTLEMENT**

26. On July 14, 2021, Plaintiffs filed their motion for preliminary approval of the Settlement. ECF No. 2393. The Court granted preliminary approval of the Settlement on July 23, 2021. ECF No. 2401.

27. In the order granting preliminary approval of the Settlement, the Court also (i) appointed A.B. Data as the Settlement Administrator, (ii) approved the form and manner of notice to class members, and (iii) stayed the litigation as to the Pfizer Defendants pending a final determination about the approval of the Settlement.

#### **V. CLASS NOTICE AND SETTLEMENT ADMINISTRATION**

28. The notice program proposed by Plaintiffs in their motion for preliminary approval of the Settlement (ECF No. 2393), and approved by the Court in the preliminary approval order (ECF No. 2401) has been implemented by A.B. Data, the Settlement Administrator.

29. As set forth in the accompanying Declaration of Eric Schachter of A.B. Data,<sup>5</sup> since the entry of the preliminary approval order, A.B. Data has (i) mailed 5,542,835 copies of the summary notice to Class members, (ii) emailed 2,157,305 copies (of which 1,854,210 were successfully delivered) of the summary notice to Class members, (iii) implemented the media plan to publish notice of the Settlement on certain websites, social media platforms, and in *People* magazine, (iv) disseminated the summary notice as a news release via PR Newswire to

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<sup>5</sup> Declaration of Eric Schachter of A.B. Data, Ltd. In Support of Class Plaintiffs' Motion for Final Approval of Settlement and Plan of Allocation ("Schachter Decl."), attached as **Exhibit A-1**.

approximately 10,000 newsrooms, and (v) updated and managed the settlement website, EpipenClassAction.com. See Schachter Decl. at ¶¶ 4-12.

30. The settlement website provides information to Class members about the litigation and the Settlement, contains links to important case and settlement documents, and allows Class members to file a claim electronically. To date, there have been over 454,000 users visit the settlement website. See Schachter Decl. at ¶ 12. A.B. Data has also maintained a toll-free telephone number, with an automated interactive voice response system and live operators, that appeared on the Short-Form Notice and Long-Form Notice. To date, a total of 11,918 phone calls have been received, of which 4,465 of the callers opted to speak with a live operator. *Id.* at ¶ 11.

#### **VI. RESPONSE OF THE CLASS TO DATE**

31. The deadline for Class members to object to the Settlement is September 24, 2021 and the deadline for Class members to file a claim is November 12, 2021. As of September 10, 2021, 154,204 consumer claims and 154 TPP claims have been filed. See Schachter Decl. at ¶ 13. As more claims typically are filed closer to the claims filing deadline, A.B. Data (and Co-Lead Counsel) expects the claims rate will increase significantly by the November 12, 2021 deadline. *Id.*

32. Co-Lead Counsel will provide the Court with a final update on the response of the Class in their October 15, 2021 filing, which is after the September 24, 2021 objection deadline and before the October 27, 2021 final approval hearing.

#### **VII. THE SETTLEMENT IS FAIR, REASONABLE, AND ADEQUATE**

33. In analyzing the fairness of a class settlement, it is proper to consider “the judgment of the parties that the settlement is fair and reasonable.” *Chavez Rodriguez v. Hermes Landscaping, Inc.*, No. 17-2142-JWB-KGG, 2020 WL 3288059, at \*2 (D. Kan. June 18, 2020).

34. The undersigned Co-Lead Counsel are all senior attorneys at law firms with considerable experience in complex antitrust and civil RICO class actions, and they only agreed to

settle with the Pfizer Defendants after extensive investigation, written discovery, voluminous document production, motion practice, extensive deposition testimony by fact and expert witnesses, expert reports, data analyses, and rigorous arm's-length negotiations.

35. Co-Lead Counsel have compared the substantial recovery the certified Class will receive from the Settlement against the risks, delays, and uncertainties of continued litigation and appeals.

36. Co-Lead Counsel sincerely and firmly believe the Settlement is fair, adequate, and reasonable, meets all of the standards for approval under Rule 23(e) and Tenth Circuit law, and should be granted final approval for the reasons discussed below.

**A. Standards for Approval of a Proposed Settlement**

37. Rule 23(e)(2) provides that a class action settlement may be approved by the court “only after a hearing and only on finding that it is fair, reasonable, and adequate.” Fed. R. Civ. P. 23(e)(2). In deciding whether to approve a class action settlement, courts should consider whether:

- (A) the class representatives and class counsel have adequately represented the class;
- (B) the proposal was negotiated at arm's length;
- (C) the relief provided for the class is adequate, taking into account:
  - (i) the costs, risks, and delay of trial and appeal;
  - (ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;
  - (iii) the terms of any proposed award of attorney's fees, including timing of payment; and
  - (iv) any agreement required to be identified under Rule 23(e)(3); and
- (D) the proposal treats class members equitably relative to each other.

Fed. R. Civ. P. 23(e)(2).

38. Additionally, in deciding whether a settlement is “fair, reasonable, and adequate,” courts in the Tenth Circuit consider whether:

(1) the settlement was fairly and honestly negotiated, (2) serious legal and factual questions placed the litigation’s outcome in doubt, (3) the immediate recovery was more valuable than the mere possibility of a more favorable outcome after further litigation, and (4) the parties believed the settlement was fair and reasonable.

*In re Syngenta AG. MIR 162 Corn Litig.*, No. 14-MD-2591-JWL, 2018 WL 1726345, at \*2 (D. Kan. Apr. 10, 2018).

The Settlement satisfies all these factors.

**1. Plaintiffs and Their Counsel Have Adequately Represented the Class**

39. Class Plaintiffs share the same interests and types of alleged injuries as the absent Class Members. They have been subjected to extensive discovery and kept informed of the developments of the case. And Class Plaintiffs have selected well-qualified counsel who are highly experienced and capable in handling class action and antitrust litigation. Co-Lead Counsel have litigated scores of such cases to resolution. As described above, prior to reaching the Settlement, Co-Lead Counsel conducted extensive investigation and research into the claims asserted, reviewed extensive data and information, and consulted with numerous experts. Co-Lead Counsel vigorously prosecuted the Litigation by, among other activities: (i) investigating the relevant factual events; (ii) drafting the detailed, 400-page Complaint; (iii) successfully opposing Defendants’ motions to dismiss; (iv) engaging in extensive document and written discovery, through both coordinated and non-coordinated phases, including reviewing, analyzing, and organizing over 11 million pages of documents produced by Defendants and third parties; (v) taking or defending 158 depositions; (vi) successfully moving for class certification supported by four expert reports; (vii) successfully opposing Defendants’ petition to appeal the same to the Tenth Circuit pursuant to Rule 23(f); (viii) vigorously opposing summary judgment; (ix) spending months preparing for a seven-week trial;



and (x) at the same time, preparing for and engaging in a lengthy mediation session with Judge Phillips, preceded by detailed mediation submissions. As a result of these extensive efforts, spanning tens of thousands of hours of work and several years, Co-Lead Counsel have achieved a significant all-cash Settlement of \$345 million with the Pfizer Defendants, which will provide immediate relief to the certified Class.

## **2. The Proposed Settlement Was Negotiated at Arm's Length**

40. Settlements are fairly and honestly negotiated when “[t]he completeness and intensity of the mediation process, coupled with the quality and reputations of the Mediators, demonstrate a commitment by the Parties to a reasoned process for conflict resolution that took into account the strengths and weaknesses of their respective cases and the inherent vagaries of litigation.” *Wilkerson v. Martin Marietta Corp.*, 171 F.R.D. 273, 285 (D. Colo. 1997).

41. The use of an experienced mediator “in the settlement negotiations strongly supports a finding that they were conducted at arm’s-length and without collusion.” *In re Telik, Inc. Sec. Litig.*, 576 F. Supp. 2d 570, 576 (S.D.N.Y. 2008); *In re Molycorp, Inc. Sec. Litig.*, No. 12-cv-00292-RM-KMT, 2017 WL 4333997, at \*4 (D. Colo. Feb. 15, 2017), *report and recommendation adopted*, No. 12-cv-00292-RM-KMT, 2017 WL 4333998 (D. Colo. Mar. 6, 2017).

42. The Settlement is the product of arm’s-length negotiations between Plaintiffs and the Pfizer Defendants, advised by their sophisticated counsel, who possessed more than sufficient evidence and knowledge to allow them to make informed decisions about the strengths and weaknesses of their respective cases. During mediation, the relevant legal issues were fully presented, not only for the benefit of the mediator, but also for the parties to effectively evaluate liability and damages. As a result, Plaintiffs and the Pfizer Defendants were well prepared for the serious negotiations that led to the Settlement and were well-informed of the respective parties’ arguments.

43. The settlement negotiations were conducted under the direct supervision of retired U.S. District Court Judge Phillips, one of the most experienced and well-respected mediators in the country. In the mediation process with Judge Phillips, Plaintiffs and the Pfizer Defendants delivered numerous detailed presentations over Zoom video and telephone conference. Throughout, the Pfizer Defendants maintained that Plaintiffs' claims were without merit and denied all allegations of wrongdoing whatsoever with respect to the subject matter of the Litigation. The Settlement reached resulted from mediations supervised by Judge Phillips, whose involvement, skill, and experience ensured the parties engaged in fair, arm's-length negotiations.

**3. The Proposed Settlement Is Adequate in Light of the Costs, Risks, and Delay of Trial and Appeal**

44. In assessing the Settlement, the Court should balance the benefits afforded to the certified Class, including the immediacy and certainty of a recovery, against the significant costs, risks, and delay of proceeding with the Litigation. This factor is based on the premise that the Class "is better off receiving compensation now as opposed to being compensated, if at all, several years down the line, after the matter is certified, tried, and all appeals are exhausted." *See McNeely v. Nat'l Mobile Health Care, LLC*, No. CIV-07-933-M, 2008 WL 4816510, at \*13 (W.D. Okla. Oct. 27, 2008).

45. The presence of serious legal and factual questions concerning the outcome of the Litigation weighs heavily in favor of settlement, "because settlement creates a certainty of some recovery, and eliminates doubt, meaning the possibility of no recovery after long and expensive litigation." *In re Qwest Commc'ns Int'l, Inc. Sec. Litig.*, 625 F. Supp. 2d 1133, 1138 (D. Colo. 2009). The current proposed Settlement notwithstanding, there remain numerous factual and legal issues on which Plaintiffs and the Pfizer Defendants still intensely disagree.

46. The Pfizer Defendants deny that they have engaged in any wrongdoing as alleged by Plaintiffs, deny any liability whatsoever for any of the claims alleged by Plaintiffs, and deny that Plaintiffs have suffered any injuries or damages. Conversely, Plaintiffs have advanced numerous complex legal and factual issues under federal and state antitrust and federal RICO statutes. The issues on which the parties disagree are many, but include: (1) whether any of the Pfizer Defendants engaged in conduct that would give rise to any liability to Plaintiffs under the RICO statute or certain state antitrust laws; (2) whether the Pfizer Defendants have valid defenses to any such claims of liability; (3) the amount of damages Plaintiffs suffered by reason of the Pfizer Defendants' alleged wrongdoing, as well as the methodology for estimating any such damages; (4) whether the Court properly certified the Class; and (5) whether the Pfizer Defendants had other meritorious defenses to the alleged claims. Had the parties not settled this Litigation, the Court or a jury would ultimately be required to decide these issues, placing the ultimate outcome in doubt. While Plaintiffs believe their claims would be borne out by the evidence presented at trial, they recognize that there are significant hurdles to proving liability or even proceeding to trial.<sup>6</sup>

47. Considering the risks associated with continued litigation, the immediate, substantial relief offered by the Settlement outweighs the "mere possibility of a more favorable outcome after protracted and expensive litigation over many years in the future." *Syngenta*, 2018 WL 1726345, at \*2. This Litigation has already been pending for over four years, and the parties and the Court would expend significant additional time, resources, costs to proceed to trial, and the inevitable appeals likely extending years into the future. Considering the complex legal and factual issues

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<sup>6</sup> Indeed, following the parties' agreement to the terms of the Settlement, the Court granted summary judgment to the Mylan Defendants on Plaintiffs' RICO and branded-competition antitrust claims. Notwithstanding Plaintiffs' view on whether these rulings will be reversed on either reconsideration or appeal, these rulings demonstrate the significant hurdles—and likely protracted nature of the litigation—if a settlement had not been reached.

associated with continued litigation, there is an undeniable and substantial risk that, after years of continued litigation, Plaintiffs could receive an amount significantly less than the Settlement Amount, or nothing at all for their claims against the Pfizer Defendants.

48. Thus, the \$345 million immediate recovery, particularly when viewed in the context of the risks, costs, delay, and the uncertainties of further proceedings, weighs in favor of approval of the Settlement.

#### **4. The Proposed Method for Distributing Relief Is Effective**

49. The settlement notice plan approved by the Court includes individual notice by email or First-Class Mail to all Class members who can be identified with reasonable effort, supplemented by various forms of internet and publication notice, targeted to reach likely EpiPen purchasers. In addition, a case-designated website has been created where settlement-related and other key documents have been posted, including the Settlement Agreement, Notices, Plan of Allocation, Proofs of Claim (Claim Forms), and Preliminary Approval Order. The Settlement website also allows for claims to be filed electronically. ECF No. 2401.

50. Plaintiffs have proposed a fair and orderly claims administration process in which Class members who wish to participate in the Settlement will complete and submit claims in accordance with the instructions contained therein. ECF No. 2401. The Settlement Administrator will distribute the Net Settlement Fund to Eligible Claimants on a *pro rata* basis under a Court-approved Plan of Allocation. ECF No. 2393-9. The Plan of Allocation proposed here was prepared with information provided by Plaintiffs' experts and in consultation with A.B. Data.

#### **5. Attorneys' Fees and Expenses**

51. Rule 23(e)(2)(C)(iii) addresses "the terms of any proposed award of attorney's fees, including timing of payment." Plaintiffs' counsel seek an award of attorneys' fees of one-third of the Settlement Amount, plus payment of Plaintiffs' counsel's expenses incurred in connection with

this Litigation, plus interest earned on these amounts at the same rate as earned by the Settlement Fund.

52. Class Counsel's fee request is well within the range that other courts in this District and the Tenth Circuit have approved in class actions. *See, e.g., Nakamura v. Wells Fargo Bank, N.A.*, No. 17-4029-DDC-GEB, 2019 WL 2185081, at \*1 (D. Kan. May 21, 2019) (awarding attorneys' fees of 33% of the gross settlement fund); *In re Universal Serv. Fund Tel. Billing Pracs. Litig.*, No. 02-MD-1468-JWL, 2011 WL 1808038, at \*2 (D. Kan. May 12, 2011) (finding a fee of one-third of the total amount of the settlement fund to be "a reasonable and appropriate fee"); *In re Hill's Pet Nutrition, Inc. Dog Food Prods. Liab. Litig.*, No. 19-MD-2887-JAR-TJJ (D. Kan. July 30, 2021) (Dkt. No. 132) ("In this Circuit and District, courts typically award one-third of the fund as payment for attorneys' fees in complex class action cases like this MDL.") (citations omitted).

53. With respect to the timing of payment, the Settlement Agreement provides that any Plaintiffs' attorneys' fees and expenses, as awarded by the Court, shall be paid to Plaintiffs' counsel within ten (10) days of the Court executing the Judgment and an order awarding such fees and expenses, subject to Plaintiffs' counsel's several obligation to make appropriate refunds or repayments to the Settlement Fund plus interest thereon if, and when, as a result of any appeal and/or further proceedings on remand, or successful collateral attack, the fee or expense award is lowered or the Settlement is disapproved by a final order not subject to final review. ECF No. 2393-2 at ¶ 6.2; *see Syngenta*, 2021 WL 102819, at \*4 (D. Kan. Jan. 12, 2021) (approving immediate payment of plaintiff counsel's attorneys' fees and costs).

## **6. The Settling Parties Have No Additional or Side Agreements**

54. Plaintiffs and the Pfizer Defendants have no additional or side agreements.

**7. Class Members Are Treated Equitably**

55. Class members are treated equitably here. The Net Settlement Fund will be allocated based on estimated damages as calculated in the Merits Expert Report of Professor Meredith Rosenthal and then distributed on a *pro rata* basis to Class members based on total amounts paid for EpiPens during the Class Period. Two separate pools are established for TPPs and individual consumers because of their differing claim rates. The Plan of Allocation provides for a spill-over from one pool to the other if one pool exhausts but the other does not. Therefore, all Class Members, including the appointed class representatives, are treated alike and equitably in receiving their *pro rata* share of the Settlement.

**VIII. ATTORNEYS' FEES, LITIGATION EXPENSES AND SERVICE AWARDS**

56. As noted in paragraph 50 above, Plaintiffs seek an award of one-third of the \$345 million Settlement Amount, or \$115 million, in attorneys' fees, \$9,661,379.25 in litigation expenses, \$3,232,990.56 to be paid from the Settlement Fund to A.B. Data for costs incurred to implement the Class notice plan, and service awards in the amount of \$5,000 to each of the 35 Class representatives (the "Fee Motion").

57. The amount of attorneys' fees requested by Plaintiffs in the Fee Motion is consistent with the information disclosed in Plaintiffs' motion for preliminary approval of the Settlement. *See* ECF No. 2393-1 at 18. In the preliminary approval motion, Plaintiffs also disclosed that they would be seeking an award of litigation expenses and service awards for the Class representatives. *Id.*

58. The amount of attorneys' fees requested in the Fee Motion also was disclosed to Class members in the settlement notice, which states that counsel will seek attorneys' fees not to exceed one-third of the Settlement Fund, as well as reimbursement of litigation expenses and service awards for the class representatives. *See* ECF No. 2393-4 at 11.

**A. Attorneys' Fees Incurred by Plaintiffs' Counsel**

59. As described above and as is reflected in the Court docket, for the past four years, Plaintiffs' counsel have taken the lead in prosecuting this litigation on a completely contingent basis to a successful partial resolution with the Pfizer Defendants on behalf of Plaintiffs and the Class. We have always believed in the importance and merit of the antitrust and RICO claims asserted in this litigation, and knew the claims asserted would be time-consuming and resource-intensive to develop and prove. We further knew the case would require years of discovery, extensive motion practice, a contentious class certification process, a substantial dispositive motion challenge, and a difficult and lengthy trial on the merits. We fully anticipated, moreover, that the claims would have to survive difficult challenges at several different stages of the case—on a motion to dismiss, at the class certification phase, on a motion for summary judgment, at trial, or on appeal—and appreciated that there was “a substantial risk of no recovery.” *In re Syngenta*, 357 F. Supp. 3d. at 1114. And finally, we pursued this antitrust and RICO case even though there was no assistance from a government prosecution.

60. Plaintiffs' counsel performed substantial work at the outset of the litigation, including researching and drafting original complaints, informally organizing counsel to work together in a unified manner, drafting and filing motions with the Judicial Panel on Multidistrict Litigation to have the various cases against Defendants consolidated and sent to this Court, and arguing before the JPML. These efforts were successful and resulted in the cases being consolidated and sent to this Court.

61. Once the litigation was before this Court, Plaintiffs' counsel researched and drafted a consolidated amended complaint, successfully defended motions to dismiss, prevailed on their motion for certification of a nationwide class, oversaw and conducted extensive discovery

throughout the United States (including written discovery, document review, data review, depositions, interviews, and non-party subpoenas), and retained and worked with multiple experts in connection with class certification and the merits. Plaintiffs' counsel also fully briefed summary judgment and *Daubert* motions and had completed a substantial portion of the pre-trial and trial preparation work against all Defendants at the time the Settlement was reached.

62. With respect to the Settlement, Plaintiffs' counsel prepared for and attended (by Zoom) multiple mediation sessions with the mediator, successfully negotiated the Settlement, drafted the Settlement Agreement with Pfizer's counsel, sought and obtained preliminary approval of the Settlement, retained and oversaw the Settlement Administrator and notice program, and prepared the pending motion for final approval of the Settlement. Plaintiffs' counsel have also been communicating with Class members about the Settlement since the notice was distributed. And Plaintiffs' counsel will continue to ensure proper distribution of the settlement proceeds and address any issues that arise after final approval of the Settlement.

63. Plaintiffs' counsel's collective lodestar through June 30, 2021, based on the current usual and customary hourly billing rates of each firm, is more than \$90,000,000 based on more than 146,200 hours billed. These attorney hours were reported to Court-appointed Liaison Counsel in detailed monthly time and expense reports throughout the litigation under a strict time and expense protocol that was prepared for and required for all participating Plaintiffs' counsel.

64. Plaintiffs' counsel are seeking an award of \$115 million in attorneys' fees, which, if awarded, represents 127% of their collective lodestar, in other words, a 1.27 multiplier on their lodestar.

65. In addition to the work done by Co-Lead Counsel, the collective lodestar set forth in paragraph 63 above includes time for nine other law firms representing certain Plaintiffs that did



work at various points in the litigation at the request and under the supervision of Co-Lead Counsel following the appointment of Co-Lead Counsel in September 2017. All firms that did work on the litigation under the supervision and at the request of Co-Lead Counsel agreed in advance to adhere to a time and expense reporting protocol that required detailed monthly time and expense reporting throughout the Litigation.

66. An award of attorneys' fees of one-third of the \$345 million Settlement Fund, amounting to \$115 million, is consistent with this District's law and the Tenth Circuit's requirement that the fee be reasonable under review of the 12 "*Johnson*" factors set forth in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). Judge Phillips, who mediated this case, has previously opined that a fee award in the range of 33.33% and 40% is in line with amounts approved by courts in the Tenth Circuit as fair and reasonable in contingent class action litigation such as this." See **Exhibit A-37**, Declaration of Layn R. Phillips, *Hitch Enterprises, Inc. v. Cimarex Energy Co.*, No. CIV-11-13-W, at ¶ 19 (W.D. Okla. Dec. 17, 2012).

67. *Johnson* Factors: The 12 *Johnson* factors must be considered differently depending on whether the case is a common fund contingent fee case, or a fee shifting, lodestar/multiplier case. In a lodestar/multiplier case—unlike this case, the important factors are in the order below because the starting base is time and rates. Factor 1 sets the time, and Factors 2-7 and 9-11 set the rate:

- (1) the time and labor involved
- (2) the novelty and difficulty of the questions;
- (3) the skill requisite to perform the legal services properly;
- (4) the preclusion of other employment by the attorney due to acceptance of the case;
- (5) the customary fee;
- (6) any prearranged fee
- (7) time limitations imposed by the client or other circumstances;
- (8) the amount involved and results obtained;
- (9) the experience, reputation, and ability of the attorneys;
- (10) the undesirability of the case;

- (11) the nature and length of professional relationship with the client; and
- (12) awards in similar case.

But in a contingent fee, common fund case, the standard 33 1/3% fee is applied by looking primarily at Factors 8 and 12, and the other factors that are not as important can be looked at to enhance or detract from that standard fee. With this understanding, we address the *Johnson* Factors in numerical order, not by importance in this common fund case.

- (1) Time and labor required. In a common fund, contingent fee case where everyone knows at the outset of the case that Plaintiff's counsel will only get paid for results, and not how much time or labor it takes to get those results, this factor is important to show the case was not a lay-down winner involving little effort or risk. Here, given the battle reflected on the Docket and the over 146,200 hours invested by Co-Lead Class Counsel, this factor warrants an enhancement above the standard one-third fee.
- (2) The novelty and difficulty of the question. Class actions are always difficult, and when coupled with RICO and antitrust, often present novel questions as they did in this case. Again, this factor supports an enhancement above the standard one-third fee.
- (3) The skill requisite to perform the legal services properly. The complex nature of this case—procedurally, factually, and substantively, required highly skilled counsel to represent the Class. To prosecute these claims against large corporate defendants, represented by highly capable defense counsel with extensive resources, necessitated assembling a team of Class Counsel skilled in RICO and antitrust indirect purchaser class action litigation. The qualifications, skills, and experience of the attorneys in this case are well known throughout the legal community; we are highly skilled and capable counsel who worked very hard to obtain an excellent result for the Class. Again, this factor supports an enhancement above the standard one-third fee.
- (4) The preclusion of other employment. Co-Lead Counsel are engaged in the on-going practice of law. Committing to take one major case necessarily precludes taking on other cases. With the commitment of time and resources to this case, Co-Lead Counsel could not accept many other matters. The prosecution of this case has substantially reduced the Co-Lead Counsel's opportunity for employment in other matters. Again, this factor supports an enhancement above the standard one-third fee.
- (5) The customary fee. These types of class action cases are always handled on a contingent fee basis. The fee percentage in these types of cases is typically and customarily 40% of the gross fund. Less difficult, less risky, and less

expensive class actions can be handled for one third, but not RICO or indirect purchaser class actions. Again, this factor supports an enhancement above the standard one-third fee.

- (6) Any prearranged fee. All class representatives engaged counsel in this case on contingency fee basis. Class Counsel agreed to advance litigation costs to pursue the claims on behalf of Plaintiffs and the Class and to recover litigation expenses only if Class Counsel was successful in recovering money. Class Counsel bore the risk of no recovery of expenses or time invested if they were unsuccessful. Again, this factor supports an enhancement above the standard one-third fee.
- (7) Time limitations imposed by client or circumstances. Although Plaintiffs nor the Class imposed time limitations on Class Counsel, the Court's orders, its local rules, the Federal Rules of Civil Procedure, and circumstances imposed many. Class Counsel had to meet rigorous deadlines to move the case toward settlement or trial. Again, this factor supports an enhancement above the standard one-third fee.
- (8) The amount involved and the results obtained. The Class and Co-Lead Class Counsel had no assurance of any recovery, much less a substantial recovery as in this case. Defendants raised many defenses to the Class's claims. But for the efforts of Co-Lead Counsel, no Settlement Fund would exist. The \$345 million settlement in this case, valued at more than \$2 Billion by Class Counsel in actual damages, and considerably less, if anything, by the Pfizer Defendants, represents approximately a 20% recovery. Importantly, the case continues against the Mylan Defendants, who are jointly and severally liable for whatever damages Co-Lead Counsel can prove. The results obtained for the Class are excellent. Again, this factor supports an enhancement above the standard one-third fee.
- (9) Experience, reputation, and ability of counsel. As previously stated, this case required highly skilled counsel to represent the Class. To prosecute class claims against a large corporate defendant like Pfizer, with substantial resources and represented by the very best defense counsel, necessitated assembling a team of Class Counsel qualified, skilled, and experienced in RICO, indirect purchaser, and class action litigation. This factor supports an enhancement above the standard one-third fee.
- (10) The undesirability of the case. Compared to most civil litigation that attracts counsel to represent plaintiffs on a contingent basis, this litigation with complex procedural and legal issues against a large, well-funded, and zealously-represented defendant fits the initially "undesirable" test. Few law firms are willing to risk the investment of the time and expenses necessary to prosecute litigation of this sort to completion. The issues of class certification, liability, and damages were all hotly contested. Certainly, the

possibility of no recovery was a significant risk and made the case undesirable to all but a few firms. Again, this factor supports an enhancement above the standard one-third fee.

- (11) Nature and length of the professional relationship with the client. This factor has little to do with contingent fee litigation or this case. This factor is inapplicable or neutral on enhancement of the standard one-third fee.
- (12) Awards in similar cases. The awards in similar cases were discussed in detail in Co-Lead Counsel's motion and exhibits, which are incorporated herein by reference. A one-third fee award of the common fund for attorney's fees is consistent with fees awarded by this Court, in the Tenth Circuit, and other courts across the country. However, the fee is often higher in complex cases such as this one. Again, this factor supports an enhancement above the standard one-third fee, but only the one-third standard fee is being sought in this settlement.

#### **B. Unreimbursed Costs and Litigation Expenses**

68. Not surprisingly, Plaintiffs' counsel have expended millions of dollars in costs, expenses, and charges in order to effectively prosecute this Litigation against two large and well-funded Defendants. Specifically, Plaintiffs' counsel have incurred \$9,661,379.25 in costs, expenses, and charges in connection with the prosecution of this Litigation. These costs and expenses are broken down in the declarations of Plaintiffs' counsel attached hereto as **Exhibits A-38** thru **A-49**, and are summarized in the following chart:

<b>Firm</b>	<b>Expenses Reported</b>
Robbins Geller	\$2,033,310.24
Keller Rohrback	\$1,592,366.97
Pritzker Levine	\$447,029.31
Burns Charest	\$1,396,935.45
Sharp Law	\$1,605,676.61
Boies Schiller	\$945,290.80
Lanier Law Firm	\$887,889.86
Miller Law Firm	\$391,199.17
Goldman Scarlato	\$84,728.79

Beasley Allen	\$4,300.40
Squitieri & Fearon	\$1,682.60
Levi & Korsinsky	\$111,614.29
Saveri Law	\$159,354.76
<b>Total</b>	<b>\$9,661,379.25</b>

69. These expenses include items typically borne by clients in non-contingent fee litigation, such as filing fees, expert costs, court reporting services and transcripts, document management, travel, electronic research, photocopying, overnight delivery, phone charges, and mediation fees, among others, and are directly related and necessary to Plaintiffs' counsel's prosecution of this litigation and are typical of large, complex class actions such as this.

70. The costs, expenses, and charges summarized in paragraph 68 above and itemized in Exhibits A-38 thru A-49 were incurred on behalf of Plaintiffs and the Class by Plaintiffs' counsel on a contingent basis, and have not been repaid. All of these costs and expenses are reflected in the books and records of each respective firm, which are prepared from expense vouchers, check records, invoices and other source materials, and represent an accurate recordation of the costs and expenses incurred in connection with this action. Copies of all such records are available at the Court's request.

71. In addition to the costs and expenses of counsel identified in paragraph 68 above, Co-Lead Counsel also seek approval of payment from the Settlement Fund of \$3,232,990.56 to A.B. Data, the Notice and Settlement Administrator, for costs incurred to implement the Class notice plan described in the Declaration of Eric Schachter of A.B. Data, Ltd. on Status of Implementing Stage Two of Class Notice Plan (ECF No. 2245-1), which commenced on November

1, 2020 pursuant to the Court's October 13, 2020 Order. ECF No. 2240. A copy of A.B. Data's invoice, including copies of third-party expense backup, is attached here to as **Exhibit A-50**.<sup>7</sup>

**C. Service Awards to the Class Representatives**

72. The 34 individual and one third-party payor class representatives are named plaintiffs in the Complaint, have served as Plaintiffs throughout the Litigation, and have made significant contributions that inured to the benefit of the Class.

73. In response to Defendants' discovery requests, all of the Class representatives gathered and produced responsive documents and worked with counsel to provide written responses to Defendants' interrogatories. All of the Class representatives also expended significant time and effort in preparing for and attending their respective depositions, which included reviewing their documents and written discovery responses and meeting with counsel in advance of the deposition and, in many instances, travelling to Kansas City for the deposition. Each Class representative describes and attests to the specific work they performed to advance the case for the benefit of the Class in the declarations attached hereto as **Exhibits A-2** thru **A-36**.

74. The Class representatives all performed their class representative duties willingly and ably for the benefit of Class members, and they did so without any guarantee of reimbursement or compensation for the work they performed on behalf of the Class. In the opinion of the undersigned counsel, the Class representatives are each deserving of a modest service award of \$5,000 in recognition of the important contribution they made to the Litigation and the benefits ultimately obtained for the Class.

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<sup>7</sup> Pursuant to ¶ 2.7 of the Settlement Agreement, A.B. Data's additional costs associated with providing notice of the Settlement to the Class and administering the Settlement on behalf of the Class (up to a cap of \$5 million) are to be paid directly from the Settlement Fund without the need for a Court order. ECF Nos. 2393-2 at ¶ 2.7 (Settlement Agreement), 2401 at ¶ 23 (Preliminary Approval Order).

75. The approximate Net Settlement Fund to be distributed to the Class amounts to \$216,930,630 after the \$115 million attorneys' fees award, the \$9,661,379.25 in Plaintiffs' counsel's expenses, the \$3,232,990.56 payment to A.B. Data for class notice, and the \$175,000 in services awards to Class representatives are subtracted from the \$345 million Settlement Fund.

We declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 10th day of September 2021 at the following locations:

/s/ Rex A. Sharp  
Rex A. Sharp,  
Prairie Village, Kansas

/s/ Warren T. Burns  
Warren T. Burns,  
Dallas, Texas

/s/ Paul J. Geller  
Paul J. Geller,  
Boca Raton, Florida

/s/ Elizabeth C. Pritzker  
Elizabeth C. Pritzker,  
Emeryville, California

/s/ Lynn Lincoln Sarko  
Lynn Lincoln Sarko,  
Seattle, Washington

# EXHIBIT A-1



**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS**

In re EPIPEN (EPINEPHRINE INJECTION, ) Civil Action No. 2:17-md-02785-DDC-TJJ  
USP) MARKETING, SALES PRACTICES ) (MDL No. 2785)  
AND ANTITRUST LITIGATION )  
\_\_\_\_\_ )  
This Document Relates To: )  
CONSUMER CLASS CASES )  
\_\_\_\_\_ )

I, Eric Schachter, declare as follows:

1. I am a Vice President with A.B. Data, Ltd. (“A.B. Data”). I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto. I submit this declaration at the request of Class Plaintiffs in connection with the above-captioned action (the “Action”).

2. As detailed in my previous Declaration of Eric Schachter of A.B. Data, Ltd. in Support of Plaintiffs’ Motion for Preliminary Approval of Settlement with Pfizer, dated July 14, 2021 (ECF No. 2393-8) (the “Preliminary Approval Declaration”) and pursuant to the Court’s Order (I) Preliminarily Approving Settlement Under Fed. R. Civ. P. 23(e)(1), (II) Appointing the Settlement Administrator, (III) Approving Form and Manner of Notice to Class Members, (IV) Scheduling a Final Fairness Hearing to Consider Final Approval of the Settlement, and (V) Granting Related Relief entered on July 23, 2021 (the “Preliminary Approval Order”), A.B. Data was responsible for implementing the Court-approved Notice Plan. The Notice Plan was designed to provide notice to potential Class Members generally defined as follows:

All persons and entities in the United States who paid or provided reimbursement for some or all of the purchase price of Branded or authorized generic EpiPens for the purpose of consumption, and not

resale, by themselves, their family member(s), insureds, plan participants, employees, or beneficiaries, at any time since August 24, 2011.

3. As detailed in the Preliminary Approval Declaration, the Notice Plan featured: i) direct notice by a combination of email and mail to potential consumer Class Members; ii) direct notice to potential third-party payor (“TPP”) Class Members using A.B. Data’s proprietary database (the “TPP Database”); iii) a digital advertising campaign on numerous digital and social media platforms; iv) a print advertisement in *People* magazine; v) a news release disseminated over *PR Newswire*; and vi) a toll-free telephone number and case-specific website to address potential Class Member inquiries.

#### **DIRECT NOTICE**

4. As detailed in the Preliminary Approval Declaration, A.B. Data has been maintaining contact information for over 7.8 million potential consumer Class Members. This contact information was used to provide direct notice by a combination of email and mail.

5. On August 4, 2021, A.B. Data began to send the Short-Form Notice by email to potential consumer Class Members with a known email address. To maximize deliverability, A.B. Data implemented several best practices such as sending the emails in tranches over a period of weeks and not using email attachments and certain trigger words to avoid SPAM and junk filters. In total, A.B. Data sent the Short-Form Notice to 2,157,305 unique email addresses, of which 1,854,210 were successfully delivered. A true and correct copy of the emailed Short-Form Notice is attached as **Exhibit A**.

6. Beginning on August 4, 2021 and continuing on a rolling basis for approximately 30 days, A.B. Data sent the Short-Form Notice formatted as a sealed double-postcard (“Postcard Notice”) by First-Class Mail to potential consumer Class Members with a known mailing address and either an unknown or invalid email address. Prior to mailing the Postcard Notices, in order to

standardize and update the mailing addresses where applicable to maximize postage discounts, A.B. Data processed all mailing addresses through the United States Postal Service's ("USPS") National Change of Address database ("NCOA"). In sum, A.B. Data caused 5,501,442 Postcard Notices to be mailed to potential consumer Class Members. A true and correct copy of the Postcard Notice is attached as **Exhibit B**.

7. On August 4, 2021, A.B. Data mailed the Postcard Notice to the 41,393 entities in A.B. Data's TPP Database. These entities include insurance companies, health maintenance organizations, self-insured entities, pharmacy benefit managers ("PBMs"), third-party administrators ("TPAs"), and other entities that represent TPP Class Members.

#### **DIGITAL MEDIA**

8. To supplement direct notice efforts, beginning on August 4, 2021, A.B. Data caused internet banner ads and social media newsfeed ads to appear on various websites and social media platforms. Over 283 million impressions have been delivered resulting in over 221,000 engagements and/or conversions across Twitter, Facebook, Instagram, Healthline.com, WebMD.com and other health-related websites. The banner ads will continue to run through September 22, 2021. To provide additional reach to TPP Class Members, A.B. Data also caused digital banner ads to appear on ThinkAdvisor.com/life-health, which is affiliated with the former publication *National Underwriter Life & Health* to provide notice to insurance agents and brokers and related TPP professionals, and BenefitNews.com, which targets HR personnel that specialize in employee benefits including health insurance. A sampling of the consumer and TPP digital banner and newsfeed ads are attached as **Exhibit C**.

**PRINT MEDIA**

9. The Short-Form Notice was published in *People* magazine that hit newsstands on August 27, 2021. Proof of the publication is attached as **Exhibit D**.

**EARNED MEDIA**

10. On August 4, 2021, A.B. Data caused the Short-Form Notice formatted as a news release be disseminated via *PR Newswire*'s US1 and Multi-cultural Newslite distribution lists. This news release was distributed via *PR Newswire* to the news desks of approximately 10,000 newsrooms across the United States and was translated and published in multiple languages. A true and correct copy of the press release is attached as **Exhibit E**.

**TELEPHONE AND WEBSITE**

11. A.B. Data continues to maintain a toll-free telephone number (1-877-221-7632) with an automated interactive voice response system and live operators. The toll-free telephone number appeared on the Short-Form Notice and Long-Form Notice. On August 4, 2021, the automated interactive voice response system, which presents callers with a series of choices to hear prerecorded information, was updated with Settlement-specific information. Callers also had the option to speak with a live operator during business hours. Since August 4, 2021, a total of 11,918 phone calls have been received, of which 4,465 of the callers opted to and spoke with a live operator.

12. A.B. Data continues to maintain the case website, [EpiPenClassAction.com](http://EpiPenClassAction.com). Beginning on August 4, 2021, the website was updated to include Settlement-specific information, including relevant deadlines, a downloadable version of the Settlement Agreement, Preliminary Approval Order, the Long-Form Notice, Consumer and TPP Claim Forms, and other relevant

documents regarding the Action. The website also includes functionality for Class Members to submit their claims online. Since August 4, 2021, over 454,000 users have visited the website.

### **REPORT ON CLAIMS**

13. Pursuant to the Preliminary Order, Claim Forms are to be postmarked or submitted online on or before November 12, 2021. As of the date of this Declaration, A.B. Data has received 154,204 consumer Claim Forms and 154 TPP Claim Forms. A.B. Data continues to receive and process Claim Forms and anticipates that a large percentage of the TPPs will file claims closer to the filing deadline.

### **CONCLUSION**

14. It is my opinion, based on my experience and expertise, and that of my A.B. Data colleagues, that the Notice Plan described herein effectively reached potential Class Members, delivered plain language notices designed to provided them with the information in an informative and easy to understand manner that is necessary to effectively understand their rights and options. For these reasons, in my opinion, this notice plan satisfied the requirements of Rule 23 and Due Process.

Executed this 10th day of September 2021.



Eric Schachter  
Vice President, A.B. Data, Ltd.

# EXHIBIT A

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**From:** EpiPen Class Action <noreply@EpiPenClassAction.com>  
**Sent:** Tuesday, August 03, 2021 4:39 PM  
**To:**  
**Subject:** Notice of Class Action Settlement - In re EpiPen Antitrust Litigation

## **\$345 MILLION DOLLAR EPINEPHRINE AUTO-INJECTOR ("EPIPEN®") CLASS ACTION SETTLEMENT WITH PFIZER**

*In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND  
ANTITRUST LITIGATION*

Case No. 2:17-md-02785-DDC-TJJ, MDL 2785 (District of Kansas)

**To register to receive compensation, visit  
[www.EpiPenClassAction.com/fileclaim](http://www.EpiPenClassAction.com/fileclaim)**

### **Who Is Eligible?**

People or entities that paid for some or all of the purchase price of a branded or authorized generic EpiPen® or EpiPen Jr® for the purpose of consumption, and not resale. This includes:

- Yourself
- Family members
- Plan participants or employees

This lawsuit asserts that Defendants violated certain state antitrust and federal racketeering laws, harming competition and causing class members to overpay for EpiPen products. Defendants deny these allegations.

**PLEASE NOTE: This is NOT a recall, safety, or other similar notice. No one is claiming that EpiPen products are unsafe or ineffective.**

If you purchased or paid for an EpiPen® or EpiPen Jr® at any time between August 24, 2011 and November 1, 2020, your rights will be affected by this class action settlement with the Pfizer Defendants (Pfizer Inc., King Pharmaceuticals LLC and Meridian Medical Technologies, Inc.). Plaintiffs are still litigating against other Defendants with a trial scheduled for January 24, 2022.

If you fall into one of these categories you are a Class Member (unless you are excluded by the class definition, see the Settlement Agreement available for download on the settlement website) and you may:

1. Share in the distribution of settlement funds OR
2. Object. Any objection to the Settlement, the Plan of Allocation, or the fee and expense application must be filed with the Court and sent to and received by counsel for the parties **no later than September 24, 2021**:

Clerk of the Court  
United States District Court  
District of Kansas  
500 State Avenue  
Kansas City, KS 66101

Rex A. Sharp  
SHARP LAW, LLP  
4820 West 75th Street  
Prairie Village, KS 66208

Raj S. Gandesha  
WHITE & CASE LLP  
1221 Avenue of the Americas  
New York, NY 10020

If you are a Class Member and did not timely request exclusion prior to January 15, 2020, you will be bound by any judgment in the Action. You may appear in court through an attorney at your expense. The Court will hold a hearing on October 27, 2021, at 9:00 a.m. Central Time to consider whether to approve the Settlement, attorneys' fees, expenses and service awards.



To share in the distribution of the Net Settlement Fund, Class members must submit a Proof of Claim through the settlement website or by mail. If submitted through the settlement website, the Proof of Claim must be received no later than November 12, 2021. If submitted by mail, the Proof of Claim must be postmarked no later than November 12, 2021. Unless the deadline is extended, failure to submit your timely Proof of Claim will preclude you from receiving any payment from the Settlement.

For more information about how to participate in this proposed class action settlement with the Pfizer Inc. defendants only, please visit [www.EpiPenClassAction.com](http://www.EpiPenClassAction.com), call 1-877-221-7632, or write to:

EpiPen Settlement  
c/o A.B. Data, Ltd.  
P.O. Box 173113  
Milwaukee, WI 53217

To file a claim, visit [www.EpiPenClassAction.com/fileclaim](http://www.EpiPenClassAction.com/fileclaim).

[Unsubscribe](#)

# EXHIBIT B

Notice Administrator  
c/o A.B. Data, Ltd.  
P.O. Box 173113  
Milwaukee, WI 53217

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE PAID  
MILWAUKEE, WI  
PERMIT NO. 3780

Important and Time Sensitive Class Action Settlement Notice - Open Immediately





**S345 MILLION DOLLAR EPINEPHRINE AUTO-INJECTOR (“EPIPEN®”) CLASS ACTION SETTLEMENT WITH PFIZER**

*In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION*  
Case No. 2:17-md-02785-DDC-TJJ, MDL 2785 (District of Kansas)

**To register to receive compensation, visit  
[www.EpiPenClassAction.com/fileclaim](http://www.EpiPenClassAction.com/fileclaim)**

**Who Is Eligible?**

People or entities that paid for some or all of the purchase price of a branded or authorized generic EpiPen® or EpiPen Jr® for the purpose of consumption, and not resale. This includes:

- Yourself
- Family members
- Plan participants or employees

This lawsuit asserts that Defendants violated certain state antitrust and federal racketeering laws, harming competition and causing class members to overpay for EpiPen products. Defendants deny these allegations.

**PLEASE NOTE: This is NOT a recall, safety, or other similar notice. No one is claiming that EpiPen products are unsafe or ineffective.**

If you purchased or paid for an EpiPen® or EpiPen Jr® at any time between August 24, 2011 and November 1, 2020, your rights will be affected by this class action settlement with Pfizer. Plaintiffs are still litigating against other Defendants with a trial scheduled for January 24, 2022.

If you fall into one of these categories you are a Class Member (unless you are excluded by the class definition, see the Settlement Agreement available for download on the settlement website) and you may:

1. Share in the distribution of settlement funds OR



2. Object. Any objection to the Settlement, the Plan of Allocation, or the fee and expense application must be filed with the Court and sent to and received by counsel for the parties **no later than September 24, 2021**:

Clerk of the Court United States District Court District of Kansas 500 State Avenue Kansas City, KS 66101	Rex A. Sharp SHARP LAW, LLP 4820 West 75th Street Prairie Village, KS 66208	Raj S. Gandesha WHITE & CASE LLP 1221 Avenue of the Americas New York, NY 10020
---	--	--

If you are a Class Member and did not timely request exclusion prior to January 15, 2020, you will be bound by any judgment in the Action. You may appear in court through an attorney at your expense. The Court will hold a hearing on October 27, 2021, at 9:00 a.m. Central Time to consider whether to approve the Settlement, attorneys’ fees, expenses and service awards.

To share in the distribution of the Net Settlement Fund, Class members must submit a Proof of Claim through the settlement website or by mail. If submitted through the settlement website, the Proof of Claim must be received **no later than November 12, 2021**. If submitted by mail, the Proof of Claim must be postmarked **no later than November 12, 2021**. Unless the deadline is extended, failure to submit your timely Proof of Claim will preclude you from receiving any payment from the Settlement.

For more information about how to participate in this proposed class action settlement with the Pfizer Inc. defendants only, please visit [www.EpiPenClassAction.com](http://www.EpiPenClassAction.com), call 1-877-221-7632, or write to:

EpiPen Settlement  
c/o A.B. Data, Ltd.  
P.O. Box 173113  
Milwaukee, WI 53217



To file a claim, visit [www.EpiPenClassAction.com/fileclaim](http://www.EpiPenClassAction.com/fileclaim) or scan this QR code:



# EXHIBIT C

CONSUMER SAMPLE BANNER ADS

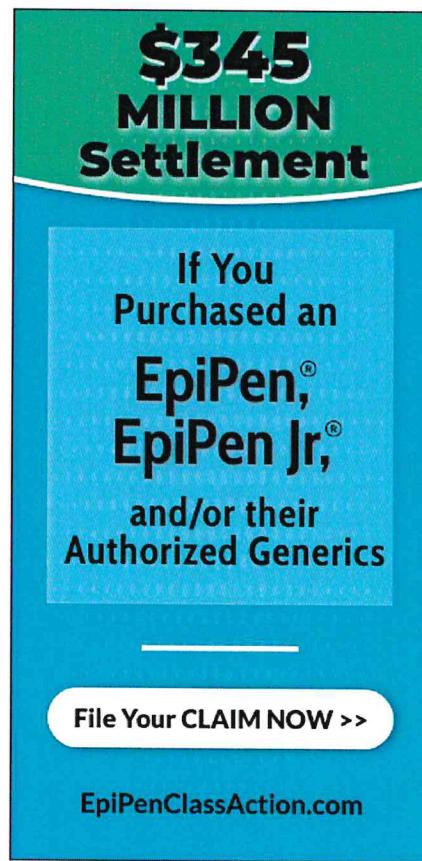


**\$345 MILLION Settlement**

If You Purchased an  
**EpiPen<sup>®</sup>, EpiPen Jr.<sup>®</sup>**  
and/or their  
Authorized Generics

File Your CLAIM NOW >

EpiPenClassAction.com



**\$345 MILLION Settlement**

If You Purchased an  
**EpiPen<sup>®</sup>, EpiPen Jr.<sup>®</sup>**  
and/or their  
Authorized Generics

File Your CLAIM NOW >>

EpiPenClassAction.com

TPP SAMPLE BANNER ADS

**\$345 MILLION  
Settlement**

If You Purchased or Provided  
Reimbursement for  
**EpiPen<sup>®</sup>, EpiPen Jr.<sup>®</sup>**  
and/or their Authorized Generics for  
Members, Employees, Insureds,  
Participants or Beneficiaries

**File Your CLAIM NOW >**

[EpiPenClassAction.com](http://EpiPenClassAction.com)

**\$345 MILLION  
Settlement**

If You Purchased or Provided Reimbursement for  
**EpiPen<sup>®</sup>, EpiPen Jr.<sup>®</sup>**  
and/or their Authorized Generics for Members,  
Employees, Insureds, Participants or Beneficiaries

**FILE A  
CLAIM NOW>>**

[EpiPenClassAction.com](http://EpiPenClassAction.com)

# EXHIBIT D



People picks

**HBO | NYC Epicenters**  
9/11→2021½

**DOCUMENTARY** Director Spike Lee interviewed more than 200 people for this eight-hour documentary about New York City over the past two decades, from the destruction of the Twin Towers up through Black Lives Matter and the pandemic. It's a massive, vital slab of social history—vivid, densely textured and tumultuous. *(Sundays, 8 p.m.)*



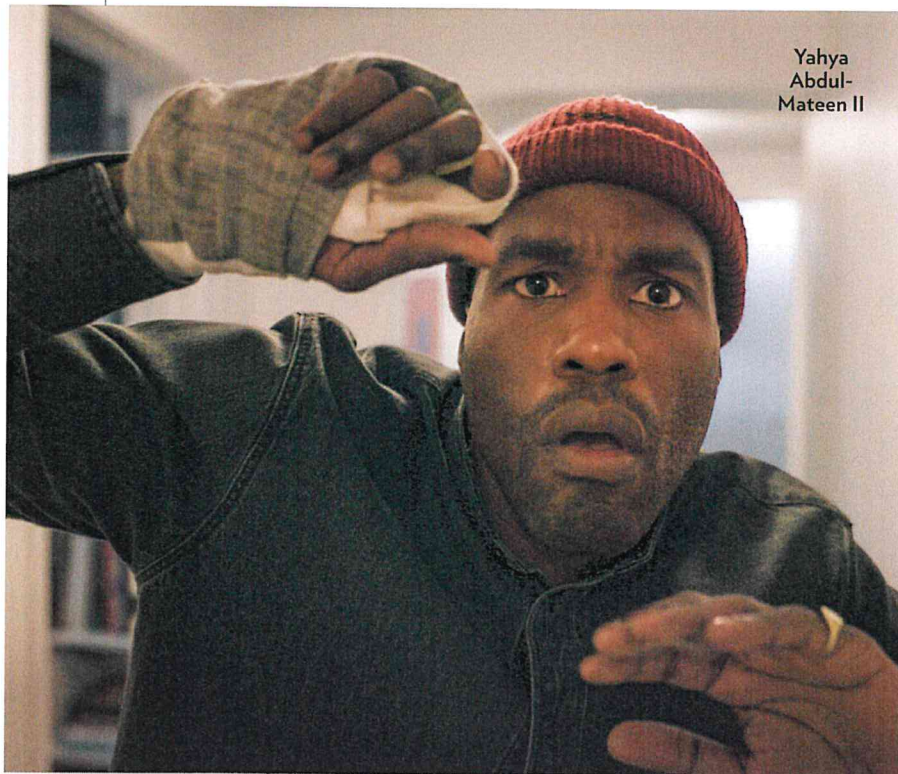
**MOVIE | Candyman**

A scary tale with no sugar-coating

**HORROR** This unsettling, coolly skillful reboot of the 1992 film makes the original's racial themes—about prejudice, injustice, gentrification—much more explicit and much more powerful.

Anthony McCoy (*Watchmen's* Yahya Abdul-Mateen II), an up-and-coming Black artist looking for his next big theme, thinks he's found it: Candyman, a mythical hook-handed ghost whose hauntings—and killings—began at a Chicago housing project long ago. He also brings bees with him. Anthony learns that this is not someone you want for a muse. *Get Out* director Jordan Peele is one of the producers. *(In theaters Aug. 27, R)*

FRONT: TOP: HBO; UNIVERSAL PICTURES AND MGM PICTURES



Yahya  
Abdul-  
Mateen II

**\$345 Million Dollar**  
**Epinephrine Auto-Injector**  
**("EpiPen®")**  
**Class Action Settlement with Pfizer**

*In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION*  
Case No. 2:17-md-02785-DDC-TJJ,  
MDL 2785 (District of Kansas)

To register to receive compensation, visit [www.EpiPenClassAction.com/fileclaim](http://www.EpiPenClassAction.com/fileclaim)

**Who Is Eligible?**

People or entities that paid for some or all of the purchase price of a branded or authorized generic EpiPen® or EpiPen Jr® for the purpose of consumption, and not resale. This includes:

- Yourself
- Family members
- Plan participants or employees

This lawsuit asserts that Defendants violated certain state antitrust and federal racketeering laws, harming competition and causing class members to overpay for EpiPen products. Defendants deny these allegations. **PLEASE NOTE: This is NOT a recall, safety, or other similar notice. No one is claiming that EpiPen products are unsafe or ineffective.**

If you purchased or paid for an EpiPen® or EpiPen Jr® at any time between August 24, 2011 and November 1, 2020, your rights will be affected by this class action settlement with the Pfizer Defendants (Pfizer Inc., King Pharmaceuticals LLC and Meridian Medical Technologies, Inc.). Plaintiffs are still litigating against other Defendants with a trial scheduled for January 24, 2022.

If you fall into one of these categories you are a Class Member (unless you are excluded by the class definition, available on the settlement website) and you may:

1. Share in the distribution of settlement funds OR
2. Object. Any objection to the Settlement, the Plan of Allocation, or the fee and expense application must be filed with the Court and sent to and received by counsel for the parties no later than September 24, 2021:

Clerk of the Court  
United States District Court, District of Kansas  
500 State Avenue  
Kansas City, KS 66101

Rex A. Sharp, SHARP LAW, LLP  
4820 West 75th Street  
Prairie Village, KS 66208

Raj S. Gandesha, WHITE & CASE LLP  
1221 Avenue of the Americas  
New York, NY 10020

If you are a Class Member and did not timely request exclusion prior to January 15, 2020, you will be bound by any judgment in the Action. You may appear in court through an attorney at your expense. The Court will hold a hearing on October 27, 2021 at 9:00 a.m. Central Time to consider whether to approve the Settlement, attorneys' fees, expenses and service awards.

To share in the distribution of the Net Settlement Fund, Class Members must submit a Proof of Claim through the settlement website or by mail. If submitted through the settlement website, the Proof of Claim must be received no later than November 12, 2021. If submitted by mail, the Proof of Claim must be postmarked no later than November 12, 2021. Unless the deadline is extended, failure to submit your timely Proof of Claim will preclude you from receiving any payment from the Settlement.

For more information about how to participate in this proposed class action settlement with the Pfizer Inc. defendants only, please visit

[www.EpiPenClassAction.com](http://www.EpiPenClassAction.com),  
call 1-877-221-7632, or write to:  
EpiPen Settlement, c/o A.B. Data, Ltd.,  
P.O. Box 173113, Milwaukee, WI 53217

# EXHIBIT E

# **Pritzker Levine LLP, Robbins Geller Rudman & Dowd LLP, Sharp Law, LLP, Burns Charest LLP and Keller Rohrback L.L.P., Announce a \$345 Million Class Action Settlement with Defendant Pfizer Inc. for Purchasers of EpiPen, EpiPen Jr. and/or their Authorized Generics**

*Robbins Geller Rudman & Dowd LLP*

KANSAS CITY, Kan., Aug. 4, 2021 /PRNewswire/ --

## **\$345 Million Dollar Epinephrine Auto-Injector ("EpiPen®") Class Action Settlement with Pfizer**

*In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION*  
Case No. 2:17-md-02785-DDC-TJJ, MDL 2785 (District of Kansas)

**To register to receive compensation, visit [www.EpiPenClassAction.com/fileclaim](http://www.EpiPenClassAction.com/fileclaim)**

### **Who Is Eligible?**

People or entities that paid for some or all of the purchase price of a branded or authorized generic EpiPen® or EpiPen Jr® for the purpose of consumption, and not resale. This includes:

- Yourself
- Family members
- Plan participants or employees

This lawsuit asserts that Defendants violated certain state antitrust and federal racketeering laws, harming competition, and causing class members to overpay for EpiPen products. Defendants deny these allegations.

**PLEASE NOTE: This is NOT a recall, safety, or other similar notice. No one is claiming that EpiPen products are unsafe or ineffective.**

**If you purchased or paid for an EpiPen® or EpiPen Jr® at any time between August 24, 2011 and November 1, 2020, your rights will be affected by this class action settlement with the Pfizer Defendants (Pfizer Inc., King Pharmaceuticals LLC and Meridian Medical Technologies, Inc.). Plaintiffs are still litigating against other Defendants with a trial scheduled for January 24, 2022.**

If you fall into one of these categories you are a Class Member (unless you are excluded by the class definition, available on the settlement website) and you may:

1. Share in the distribution of settlement funds OR

2. Object. Any objection to the Settlement, the Plan of Allocation, or the fee and expense application must be filed with the Court and sent to and received by counsel for the parties **no later than September 24, 2021**:

Clerk of the Court  
United States District Court, District of Kansas  
500 State Avenue  
Kansas City, KS 66101

Rex A. Sharp  
SHARP LAW, LLP  
4820 West 75th Street  
Prairie Village, KS 66208

Raj S. Gandesha  
WHITE & CASE LLP  
1221 Avenue of the Americas  
New York, NY 10020

If you are a Class Member and did not timely request exclusion prior to January 15, 2020, you will be bound by any judgment in the Action. You may appear in court through an attorney at your expense. The Court will hold a hearing on October 27, 2021, at 9:00 a.m. Central Time to consider whether to approve the Settlement, attorneys' fees, expenses and service awards.

To share in the distribution of the Net Settlement Fund, Class Members must submit a Proof of Claim through the settlement website or by mail. If submitted through the settlement website, the Proof of Claim must be **received no later than November 12, 2021**. If submitted by mail, the Proof of Claim must be **postmarked no later than November 12, 2021**. Unless the deadline is extended, failure to submit your timely Proof of Claim will preclude you from receiving any payment from the Settlement.

For more information about how to participate in this proposed class action settlement with the Pfizer Inc. defendants only, please visit [www.EpiPenClassAction.com](http://www.EpiPenClassAction.com), call 1-877-221-7632, or write to:

EpiPen Settlement  
c/o A.B. Data, Ltd.  
P.O. Box 173113  
Milwaukee, WI 53217

August 4, 2021

SOURCE Robbins Geller Rudman & Dowd LLP

# EXHIBIT A-2

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF TEIA AMELL FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, TEIA AMELL, declare as follows:

1. I am a resident of the State of Maryland and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

1. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

2. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on June 5, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 40 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Brunswick, Maryland to Washington, DC to comply with the deposition notice.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

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

13<sup>th</sup> day of August, 2021, at Brunswick, Maryland.

  
TEIA AMELL

# EXHIBIT A-3



UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF TODD BEAULIEU FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Todd Beaulieu, declare as follows:

1. I am a resident of the State of North Carolina and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class. I was a resident of Massachusetts when I filed my original complaint

2. I have actively participated in this case from inception. On February 3, 2017, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Keller Rohrback L.L.P. concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on August 23, 2018. I worked closely with the lawyers at Keller Rohrback L.L.P. and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my previous residence in Buzzards Bay, MA to Washington, D.C. to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of August 2021, at Apex, North Carolina.



Todd Beaulieu

08/24/21

# EXHIBIT A-4

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF CARLY BOWERSOCK FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Carly Bowersock, declare as follows:

1. I am a resident of the State of Ohio and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

1. I have actively participated in this case from inception. On April, 7, 2017, I filed a lawsuit in the United States District Court for the District of New Jersey concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

2. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Goldman Scarlato & Penny concerning discovery, class certification, appeal, summary judgment and settlement.

3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on June 27, 2018. I worked closely with the lawyers at Goldman Scarlato & Penny and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Dover, Ohio to Columbus, Ohio to comply with the deposition notice.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19 day of August, 2021, at Dover, Ohio.

  
Carly Bowersock

# EXHIBIT A-5

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF RAYMOND BUCHTA III FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, RAYMOND BUCHTA III, declare as follows:

1. I am a resident of the State of Delaware and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US DISTRICT COURT DISTRICT OF KANSAS concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

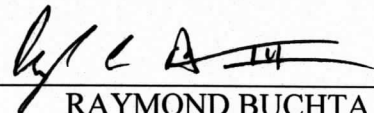
3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on July 11, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 40 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Wilmington, DE to Philadelphia, Pennsylvania to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10<sup>TH</sup> day of August, 2021, at Wilmington, Delaware.



---

RAYMOND BUCHTA, III



# EXHIBIT A-6

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF LAURA CHAPIN
This Document Relates To:	)	FILED IN SUPPORT OF SETTLEMENT
	)	WITH PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	
_____	)	

I, LAURA CHAPIN, declare as follows:

1. I am a resident of the State of New Hampshire and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On August 23, 2016, I filed a lawsuit in the Eastern District of Michigan concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at The Miller Law Firm, P.C. concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on August 14, 2018. I worked closely with the lawyers at The Miller Law Firm, P.C. and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Dover, New Hampshire to Kansas City, Missouri to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of August, 2021, at Dover, New Hampshire.



A handwritten signature in black ink, appearing to read 'Laura Chapin', is written over a horizontal line. The signature is fluid and cursive.

LAURA CHAPIN

# EXHIBIT A-7

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF SHANNON CLEMENTS FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
CONSUMER CLASS CASES.	)	DEFENDANTS
_____	)	

I, Shannon Clements, declare as follows:

1. I am a resident of the State of Missouri and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On October 18, 2016, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme, and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Wright Schimmel LLC and Sharp Law, LLP concerning discovery, class certification, appeal, summary judgment and settlement.


4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on August 8, 2018. I worked closely with the lawyers at Wright Schimmel LLC and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 60 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10<sup>th</sup> day of August, 2021, at Grain Valley, Missouri.

  
SHANNON CLEMENTS

# EXHIBIT A-8

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF HEATHER MARIE DESTEFANO FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
CONSUMER CLASS CASES.	)	DEFENDANTS
_____	)	

I, HEATHER MARIE DeSTEFANO, declare as follows:

1. I am a resident of the State of Minnesota and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.
2. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US DISTRICT COURT DISTRICT OF KANSAS concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.
3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

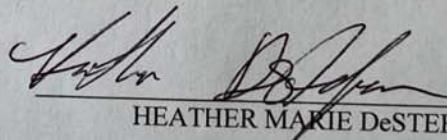


4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on August 9, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than ~~40~~<sup>40</sup> ~~MO~~<sup>MO</sup> hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Plymouth, Minnesota to Kansas City, MO to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of August, 2021, at Plymouth, Minnesota.

  
HEATHER MARIE DeSTEFANO

# EXHIBIT A-9

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF DONNA DVORAK FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, DONNA DVORAK, declare as follows:

1. I am a resident of the State of Virginia and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On October 17, 2017, I filed a lawsuit in the United States District Court for the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers, Rosemary M. Rivas and Rosanne L. Mah, with Gibbs Law Group LLP concerning discovery, class certification, appeal, summary judgment and settlement. My lawyers were previously at Levi & Korsinsky, LLP.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on June 6, 2018. I worked closely with my lawyers at Gibbs Law Group and Levi & Korsinsky, LLP, and the lawyers at Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 100 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my previous home in Fairfax, Virginia to Washington, D.C. to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
20 \_\_\_\_\_ day of August, 2021, at Chantilly, Virginia.

*Donna Dvorak*




---

DONNA DVORAK

# Signature Certificate

Document Ref.: 52DQ5-4SC6H-WJGDG-H9WHT

Document signed by:

	<p><b>Donna Dvorak</b> E-mail: <a href="mailto:summersmommy@gmail.com">summersmommy@gmail.com</a> Signed via link</p> <p>IP: 108.31.172.16      Date: 20 Aug 2021 11:20:13 UTC</p>	 
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Document completed by all parties on:  
20 Aug 2021 11:20:13 UTC  
Page 1 of 1



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# EXHIBIT A-10

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF KENNETH EVANS FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Kenneth Evans, declare as follows:

1. I am a resident of Mobile, Alabama and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On July 21, 2017, I filed a lawsuit in the Southern District of Alabama concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. concerning discovery, class certification, appeal, summary judgment and settlement.

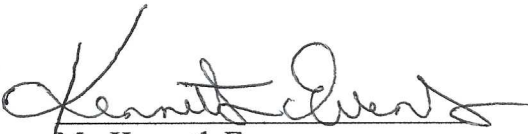
4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on May 25, 2018. I worked closely with the lawyers at Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 100 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Mobile, Alabama to Kansas City to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13 day of August 2021, in Mobile, ALABAMA

  
Mr. Kenneth Evans



# EXHIBIT A-11

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF MICHAEL GILL
This Document Relates To:	)	FILED IN SUPPORT OF SETTLEMENT
	)	WITH PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	
_____	)	

I, MICHAEL GILL, declare as follows:

1. I am a resident of the State of New York and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On October 17, 2017, I filed a lawsuit in the United States District Court for the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers, Rosemary M. Rivas and Rosanne L. Mah, with Gibbs Law Group LLP concerning discovery, class certification, appeal, summary judgment and settlement. My lawyers were previously at Levi & Korsinsky, LLP.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on May 15, 2018. I worked closely with my lawyers at Gibbs Law Group and Levi & Korsinsky, LLP, and the lawyers at Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Syracuse, New York to Kansas City, Missouri to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
18 day of August, 2021, at Syracuse, New York.



---

MICHAEL GILL

# Signature Certificate

Document Ref.: KKLMC-BSBWT-UVDKA-RXSTB

Document signed by:

	<p><b>Michael Gill</b> E-mail: <a href="mailto:mikegill4@gmail.com">mikegill4@gmail.com</a> Signed via link</p> <p>IP: 74.111.57.138      Date: 18 Aug 2021 13:34:56 UTC</p>	 
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Document completed by all parties on:

18 Aug 2021 13:34:56 UTC

Page 1 of 1



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# EXHIBIT A-12

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF SUZANNE HARWOOD FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
CONSUMER CLASS CASES.	)	DEFENDANTS
_____	)	

I, Suzanne Harwood, declare as follows:

1. I am a resident of the State of New York and am one of the Class Representatives in this case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from its inception. I was one of the first plaintiffs to file a case involving the subject matter of this lawsuit. I originally filed my Complaint in the Western District of Pennsylvania on August 31, 2016. As I was litigating that case through a motion to dismiss, other similar lawsuits were filed in this District and in other districts and counsel for plaintiffs in those cases (who eventually became lead counsel in this action) approached my attorneys about cooperating and voluntarily moving my claims to this District. In January 2017, I voluntarily dismissed my claims in Pennsylvania and agreed to move my claims to this District. I then became part of the group of plaintiffs pursuing this action. Since then I have

actively participated in this action, I am a named Plaintiff in the Consolidated Class Action Complaint, and, was appointed as one of the class representatives.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Squitieri & Fearon, LLP concerning discovery, class certification, appeal, summary judgment, and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in creating pleadings, searched for and provided information in response to multiple discovery requests from Defendants, and sat for my deposition on August 3, 2018. I worked closely with the lawyers at Squitieri & Fearon, LLP and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Dobbs Ferry, New York to Armonk, New York to prepare for my deposition and to travel to New York City for my deposition.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24th day of August, 2021, at Dobbs Ferry, New York.



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SUZANNE HARWOOD

# EXHIBIT A-13



UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF ELIZABETH HUELSMAN FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
CONSUMER CLASS CASES.	)	DEFENDANTS
_____	)	

I, Elizabeth Huelsman, declare as follows:

1. I am a resident of the State of California and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 3, 2017, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants’ EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Keller Rohrback L.L.P. concerning discovery, class certification, appeal, summary judgment and settlement.

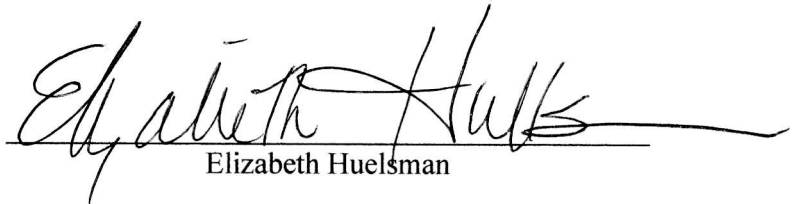
4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on October 9, 2018. I worked closely with the lawyers at Keller Rohrback L.L.P. and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Los Angeles, CA to Oakland, CA to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of August 2021, at Los Angeles, California.

  
Elizabeth Huelsman

# EXHIBIT A-14

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ
	)	(MDL No. 2785)
	)	
_____	)	DECLARATION OF LESLEY HUSTON
This Document Relates To:	)	FILED IN SUPPORT OF SETTLEMENT
	)	WITH PFIZER DEFENDANTS
	)	
CONSUMER CLASS CASES.	)	
	)	
_____	)	

I, Lesley Huston, declare as follows:

1. I am a resident of the State of Kansas and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.
2. I have actively participated in this case from inception. On December 2, 2016, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.
3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Wright Schimmel LLC and Sharp Law LLP concerning discovery, class certification, appeal, summary judgment and settlement.

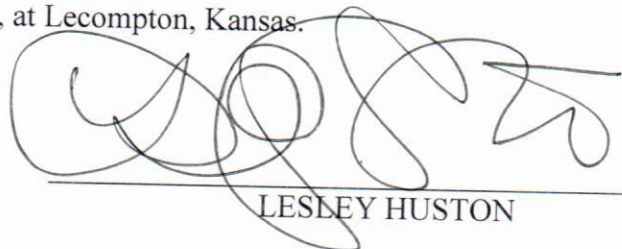
4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on August 10, 2018. I worked closely with the lawyers at Wright Schimmel LLC and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 75 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

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

18th day of August, 2021, at Lecompton, Kansas.



LESLEY HUSTON

# EXHIBIT A-15

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF ANASTASIA JOHNSTON FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
CONSUMER CLASS CASES.	)	DEFENDANTS
_____	)	

I, ANASTASIA JOHNSTON, declare as follows:

1. I am a resident of the State of Michigan and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On August 23, 2016, I filed a lawsuit in the Eastern District of Michigan concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at The Miller Law Firm, P.C. concerning discovery, class certification, appeal, summary judgment and settlement.


4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on June 22, 2018. I worked closely with the lawyers at The Miller Law Firm, P.C. and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Auburn Hills, Michigan to Kansas City, Missouri to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of August, 2021, at Auburn Hills, Michigan.

  
ANASTASIA JOHNSTON



# EXHIBIT A-16

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF MARK KOVARIK FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, MARK KOVARIK, declare as follows:

1. I am a resident of the State of Nebraska and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 1, 2017, I filed a lawsuit in the US District Court District Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.


3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on July 27, 2018. I worked closely with the lawyers at the Lanier Law firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Nebraska to Denver, Colorado to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10<sup>th</sup> day of August, 2021, at Gering, Nebraska.

  
\_\_\_\_\_  
MARK KOVARIK

# EXHIBIT A-17

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ
	)	(MDL No. 2785)
	)	
	)	DECLARATION OF MEREDITH B.
	)	KRIMMEL FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
	)	DEFENDANTS
CONSUMER CLASS CASES.	)	
	)	

I, MEREDITH B. KRIMMEL, declare as follows:

1. I am a resident of the State of Texas and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 1, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

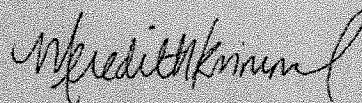
4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on May 23, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Houston, Texas to Kansas City, MO to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of August, 2021, at Houston, TX



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MEREDITH B. KRIMMEL

# EXHIBIT A-18

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF LINDA WAGNER FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, LINDA WAGNER, declare as follows:

1. I am a resident of the State of Hawaii and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 1, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

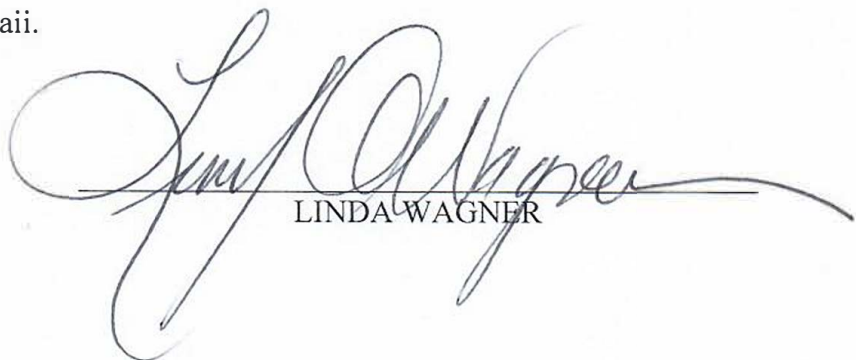


information in response to discovery requests from Defendants, and sat for my deposition on October 24, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 48 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of August, 2021, at Volcano, Hawaii.



LINDA WAGNER

# EXHIBIT A-19

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF MARIO BULDING ON BEHALF OF LOCAL 282 WELFARE
This Document Relates To:	)	TRUST FUND FILED IN SUPPORT OF
ALL ACTIONS.	)	SETTLEMENT WITH PFIZER
_____	)	DEFENDANTS

I, MARIO BULDING, declare as follows:

1. I am the Fund Administrator for the Local 282 Welfare Trust Fund (“Local 282”), a court-appointed Class Representative in the above-captioned certified class action. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class. I also submit this declaration in support of Local 282’s request for a service award associated with the time spent by myself and other Local 282 staff, and counsel monitoring and participating in the litigation over the past five years, and in support of Local 282’s request for reimbursement of expenses paid by Local 282 in connection with services performed by Local 282’s benefits consultant and actuarial firm in connection with and directly related to Local 282’s representation of the class. I have personal knowledge of the statements herein, and, if called as a witness, could and would testify competently thereto.

2. Local 282 has actively participated in this case from inception. On August 14, 2017, Local 282 filed a lawsuit in the District of New Jersey, alleging violations of the Sherman Antitrust Act and the Clayton Antitrust Act. Local 282’s District of New Jersey action was thereafter transferred by the Judicial Panel on Multidistrict Litigation to the District of Kansas for coordinated or consolidated pretrial proceedings. On October 17, 2017, Local 282 and the other named plaintiffs filed a Consolidated Class Action Complaint concerning the Mylan and Pfizer Defendants’ EpiPen pricing scheme, and Local 282 is a named Plaintiff in that complaint.

3. Since becoming involved, Local 282 has been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence, conference calls, and in-person meetings with Local 282’s retained counsel at Robbins Geller Rudman & Dowd LLP (“Robbins Geller”) concerning the status and direction of

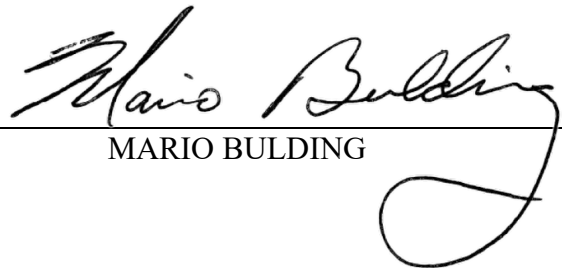
the case, the investigation and filing of the complaints, discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as the Fund Administrator for a named plaintiff and Class Representative in this case, and in addition to the above, I or Local 282's personnel aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for a full seven-hour deposition on August 8, 2018. Local 282 worked closely with co-lead counsel Robbins Geller throughout the litigation and during discovery, and also worked with other co-lead counsel, including the lawyers at Boies Schiller Flexner LLP, throughout discovery and to prepare for my deposition.

5. Altogether, I and other Local 282 personnel, including Local 282's general counsel, expended greater than 200 hours participating in and helping to oversee this litigation on behalf of the Class, including reviewing major pleadings and filings in this case, conferences and correspondence with counsel, and searching for, collecting, and producing documents. This work also required me and Local 282's general counsel to travel to the New York City offices of Hogan Lovells to comply with the deposition notice. And in June 2019, Local 282's general counsel travelled to Kansas City, Kansas, to attend and participate in the hearing on Class Plaintiffs' Motion for Class Certification, which was granted on February 27, 2020. In addition, by virtue of its contractual relationship with The Segal Group, Inc., ("Segal") an employee benefits consulting and actuarial firm, Local 282 incurred costs and expenses related to Segal's involvement in the litigation, including time and expenses related to Defendants' Rule 30(b)(6) deposition of Segal and searching for, collecting, and producing documents from Segal's files in response to Defendants' subpoena. As a result of Segal's involvement in this litigation, Local 282 incurred expenses totaling \$13,891.50.

6. I have discussed with counsel and evaluated the risks of continuing the case against Pfizer. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th of August, 2021, at Lake Success, New York.



MARIO BULDING

# EXHIBIT A-20

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF NIKITIA MARSHALL FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Nikitia Marshall, declare as follows:

1. I am a resident of the State of California and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

1. I have actively participated in this case from inception. On February 3, 2017, I filed a lawsuit in District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

2. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Burns Charest concerning discovery, class certification, appeal, summary judgment and settlement.

3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and



provided information in response to discovery requests from Defendants, and sat for my deposition on October 8, 2018. I worked closely with the lawyers at Burns Charest and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 100 hours participating in and helping to oversee this litigation on behalf of the Class.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 19 day of August, 2021, at Houston, Texas.



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Nikitia Marshall

# EXHIBIT A-21

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ
	)	(MDL No. 2785)
	)	
	)	DECLARATION OF ANGIE
	)	NORDSTRUM FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
	)	DEFENDANTS
CONSUMER CLASS CASES.	)	
	)	

I, Angie Nordstrum, declare as follows:

1. I am a resident of the State of Colorado and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.
2. I have actively participated in this case from inception. On April 7, 2017, I filed a lawsuit in the United States District Court for the District of New Jersey concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.
3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with

my lawyers at Goldman Scarlato & Penny concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on May, 22, 2018. I worked closely with the lawyers at Goldman Scarlato & Penny and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 60 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Erie, Colorado to Kansas City, Missouri to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17<sup>th</sup> day of August, 2021, at Erie, Colorado.



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Angie Nordstrum

# EXHIBIT A-22

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF SONYA NORTH FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, SONYA NORTH, declare as follows:

1. I am a resident of the State of Ohio and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on June 26, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 40 hours participating in and helping to oversee this litigation on behalf of the Class.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11 day of August, 2021, at Columbus, OH.

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SONYA NORTH

# EXHIBIT A-23



UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF JEFFERY CHRISTOPHER RIPPY FILED IN
This Document Relates To:	)	SUPPORT OF SETTLEMENT WITH
CONSUMER CLASS CASES.	)	PFIZER DEFENDANTS
_____	)	

I, JEFFERY CHRISTOPHER RIPPY, declare as follows:

1. I am a resident of the State of Arkansas and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

1. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

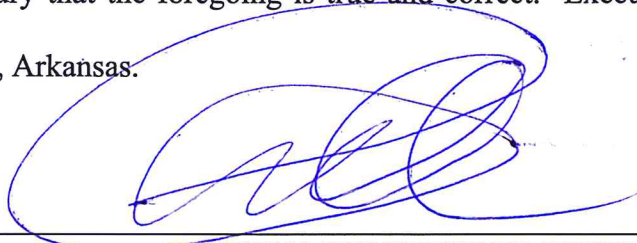
2. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on June 20, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Conway, Arkansas to Kansas City, MO to comply with the deposition notice.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10<sup>th</sup> day of August, 2021, at Conway, Arkansas.



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JEFFERY CHRISTOPHER RIPPY

# EXHIBIT A-24

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF LEE SELTZER FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, LEE SELTZER, declare as follows:

1. I am a resident of the State of Florida and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

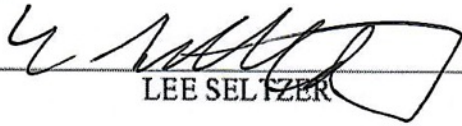
4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on July 17, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 75 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 11th day of August, 2021, at Orlando, Florida.

  
\_\_\_\_\_  
LEE SELTZER

# EXHIBIT A-25

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF ROSETTA SERRANO
This Document Relates To:	)	FILED IN SUPPORT OF SETTLEMENT
	)	WITH PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	
_____	)	

I, Rosetta Serrano, declare as follows:

1. I am a resident of the State of Oklahoma, who purchased the EpiPen in Kansas. I am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On October 18, 2016, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme, and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at Wright Schimmel LLC and Sharp Law, LLP concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on August 10, 2018. I worked closely with the lawyers at Wright Schimmel LLC and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 100 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this

matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16<sup>th</sup> day of August, 2021, at Turpin, Oklahoma.

*Rosetta Serrano*

ROSETTA SERRANO



# EXHIBIT A-26

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF JOY SHEPARD FILED
This Document Relates To:	)	IN SUPPORT OF SETTLEMENT WITH
	)	PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	
_____	)	

I, JOY SHEPARD, declare as follows:

1. I am a resident of the State of Kentucky and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on July 24, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 40 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10 day of August, 2021, at Lexington, Kentucky.

  
JOY SHEPARD

# EXHIBIT A-27

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
	)	DECLARATION OF KENNETH STEINHAUSER FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
	)	

I, KENNETH STEINHAUSER, declare as follows:

- I am one of the Class Representatives for the State of Utah in the above referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

- I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

- Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class

certification, appeal, summary judgment and settlement.

- Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on August 9, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

- Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in St. George, Utah to New York, New York to comply with the deposition notice.

- I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 10th day of August, 2021, at Satellite Beach, Florida.



KENNETH STEINHAUSER

# EXHIBIT A-28

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF APRIL SUMNER
This Document Relates To:	)	FILED IN SUPPORT OF SETTLEMENT
	)	WITH PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	
_____	)	

I, APRIL SUMNER, declare as follows:

1. I am a resident of the State of Tennessee and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On October 17, 2017, I filed a lawsuit in the United States District Court for the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers, Rosemary M. Rivas and Rosanne L. Mah, with Gibbs Law Group LLP concerning discovery, class certification, appeal, summary judgment and settlement. My lawyers were previously at Levi & Korsinsky, LLP.



4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on June 19, 2018. I worked closely with my lawyers at Gibbs Law Group and Levi & Korsinsky, LLP, and the lawyers at Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 60 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Soddy Daisy, Tennessee to Kansas City, Missouri to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
18 day of August, 2021, at Soddy Daisy, Tennessee.

*April Sumner*



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APRIL SUMNER

# Signature Certificate

Document Ref.: 6TODB-TZEQC-KT5CP-DUK9K

Document signed by:

	<p><b>April Sumner</b> E-mail: sumnerfamilytn@gmail.com Signed via link</p> <p>IP: 173.247.18.115      Date: 18 Aug 2021 17:18:19 UTC</p>	<p><i>April Sumner</i></p> 
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18 Aug 2021 17:18:19 UTC  
Page 1 of 1



Signed with PandaDoc.com

PandaDoc is a document workflow and certified eSignature solution trusted by 25,000+ companies worldwide.



# EXHIBIT A-29

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF ANNETTE SUTORIK FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, ANNETTE SUTORIK, declare as follows:

1. I am a resident of the State of Michigan and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 1, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on July 10, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Frankenmuth, Michigan to Kansas City, MO to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13<sup>TH</sup> day of August, 2021, at Frankenmuth, Michigan.

  
\_\_\_\_\_  
ANNETTE SUTORIK

# EXHIBIT A-30

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ
	)	(MDL No. 2785)
	)	
	)	DECLARATION OF STACEE MALIN
	)	(SVITES) FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
	)	DEFENDANTS
CONSUMER CLASS CASES.	)	
	)	

I, STACEE MALIN, formerly Stacey Svites, declare as follows:

1. I am a resident of the State of Colorado and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 1, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

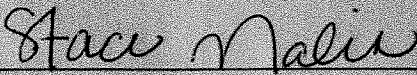
4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided

information in response to discovery requests from Defendants, and sat for my deposition on August 10, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 150 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Denver, Colorado to Kansas City, MO to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 18 day of August, 2021, at Denver, Colorado.

  
\_\_\_\_\_  
STACEE MALIN  
(formerly Stacey Svites)



# EXHIBIT A-31

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF JENNIFER WALTON FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, JENNIFER WALTON, declare as follows:

1. I am a resident of the State of South Carolina and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

1. I have actively participated in this case from inception. On February 3, 2017, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

2. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at The Miller Law Firm, P.C. concerning discovery, class certification, appeal, summary judgment and settlement.

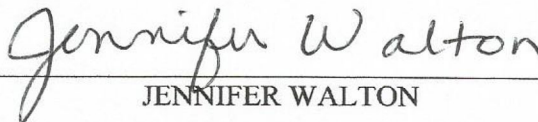
3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and

provided information in response to discovery requests from Defendants, and sat for my deposition on June 21, 2018. I worked closely with the lawyers at The Miller Law Firm, P.C. and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Lexington, South Carolina to Kansas City, Missouri to comply with the deposition notice.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24<sup>th</sup> day of August, 2021, at Lexington, South Carolina.

  
JENNIFER WALTON

# EXHIBIT A-32



6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13<sup>th</sup> day of August, 2021, at Mt. Vernon, NY.



DONNA WEMPLE

# EXHIBIT A-33

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF LORRAINE WIGHT FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, LORRAINE WIGHT, declare as follows:

1. I am a resident of the State of Maine and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On January 9, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.



4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on August 14, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 50 hours participating in and helping to oversee this litigation on behalf of the Class.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16 day of August, 2021, at Lisbon, Maine.

  
LORRAINE WIGHT

# EXHIBIT A-34

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF ELIZABETH WILLIAMSON FILED IN SUPPORT OF
This Document Relates To:	)	SETTLEMENT WITH PFIZER
CONSUMER CLASS CASES.	)	DEFENDANTS
_____	)	

I, ELIZABETH WILLIAMSON, declare as follows:

1. I am a resident of the State of Mississippi and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On February 3, 2017, I filed a lawsuit in the District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at The Miller Law Firm, P.C. concerning discovery, class certification, appeal, summary judgment and settlement.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and

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provided information in response to discovery requests from Defendants, and sat for my deposition on June 13, 2018. I worked closely with the lawyers at The Miller Law Firm, P.C. and Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 100 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Silver Creek, Mississippi to Madison, Mississippi to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 24<sup>th</sup> day of August, 2021, at Silver Creek, Mississippi.

  
ELIZABETH WILLIAMSON

# EXHIBIT A-35

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF VISHAL AGGARWAL
This Document Relates To:	)	FILED IN SUPPORT OF SETTLEMENT
	)	WITH PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	
_____	)	

I, VISHAL AGGARWAL, declare as follows:

1. I am a resident of the State of Illinois and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

2. I have actively participated in this case from inception. On March 21, 2017, I filed a lawsuit in the United States District Court for the Northern District of Illinois concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

3. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers, Rosemary M. Rivas and Rosanne L. Mah, with Gibbs Law Group LLP concerning discovery, class certification, appeal, summary judgment and settlement. My lawyers were previously at Levi & Korsinsky, LLP.

4. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and provided information in response to discovery requests from Defendants, and sat for my deposition on May 24, 2018. I worked closely with my lawyers at Gibbs Law Group and Levi & Korsinsky, LLP, and the lawyers at Boies Schiller Flexner LLP to prepare for my deposition.

5. Altogether, I would estimate that I have expended greater than 55 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in Naperville, Illinois to Kansas City, Missouri to comply with the deposition notice.

6. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this  
08/17/21 day of August, 2021, at Naperville, Illinois.

*Vishal Aggarwal*

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VISHAL AGGARWAL

# Signature Certificate

Document Ref.: KNME7-TM4JK-VYRRD-2K7ND

Document signed by:

	<p><b>Vishal Aggarwal</b> E-mail: <b>skokie5120@yahoo.com</b> Signed via link</p> <p>IP: 50.228.67.211      Date: 18 Aug 2021 03:32:25 UTC</p>	<p><i>Vishal Aggarwal</i></p> 
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Document completed by all parties on:  
18 Aug 2021 03:32:25 UTC

Page 1 of 1



Signed with PandaDoc.com

PandaDoc is a document workflow and certified eSignature solution trusted by 25,000+ companies worldwide.





# EXHIBIT A-36

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTI-TRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
This Document Relates To:	)	DECLARATION OF LANDON TRENT IPSON FILED IN SUPPORT OF SETTLEMENT WITH PFIZER DEFENDANTS
CONSUMER CLASS CASES.	)	

I, LANDON TRENT IPSON, declare as follows:

1. I am a resident of the State of Utah and am one of the Class Representatives in the above-referenced case. I respectfully submit this Declaration in support of the proposed \$345,000,000 settlement with Pfizer and request that the Court approve the proposed settlement on behalf of the Class.

1. I have actively participated in this case from inception. On October 17, 2017, I filed a lawsuit in the US District Court District of Kansas concerning the Mylan and Pfizer Defendants' EpiPen pricing scheme and I am a named Plaintiff in the consolidated class action complaint.

2. Since becoming involved, I have been kept fully informed of case developments and procedural matters over the course of the case, including regular correspondence with my lawyers at the Lanier Law Firm concerning discovery, class certification, appeal, summary judgment and settlement.

3. Specifically, as part of my role as a named plaintiff and Class Representative in this case, and in addition to the above, I aided in the creation of pleadings, searched for and

provided information in response to discovery requests from Defendants, and sat for my deposition on August 7, 2018. I worked closely with the lawyers at the Lanier Law Firm and Boies Schiller Flexner LLP to prepare for my deposition.

4. Altogether, I would estimate that I have expended greater than 40 hours participating in and helping to oversee this litigation on behalf of the Class. This work required me to travel from my home in West Jordan, UT to Kansas City, MO to comply with the deposition notice.

5. I have discussed with counsel and evaluated the risks of continuing the case. I have authorized counsel to settle this matter for \$345,000,000 for Class members. I believe this Settlement is fair and reasonable and is in the best interest of the Class members.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13 day of August, 2021, at West Jordan, Utah.



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LANDON TRENT IPSON

# EXHIBIT A-37

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) Hitch Enterprises, Inc.;	)	
(2) David D. Duncan; and	)	
(3) Sagacity Inc., on behalf of themselves	)	
and all others similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Civil Action No. CIV-11-13-W
	)	
(1) Cimarex Energy Co.;	)	
(2) Key Production Company, Inc.;	)	
(3) Magnum Hunter Production, Inc.;	)	
(4) Prize Energy Resources, L.P.; and	)	
(5) Gruy Petroleum Management	)	
Company (n/k/a Cimarex Energy	)	
Company of Colorado),	)	
	)	
Defendants.	)	
	)	

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**DECLARATION OF LAYN R. PHILLIPS**

I, LAYN R. PHILLIPS, declare as follows:

1. I was selected by the parties to mediate the above-entitled action and did so as an independent mediator. The mediation resulted in a settlement.

2. While the mediation process is confidential, the parties have authorized me to inform the Court of the procedural and substantive mediation matters set forth below in this declaration to be used in support of Plaintiffs’ Motion for Preliminary Approval and for the anticipated motion for Final Approval of Class Settlement.

3. My statements and those of the parties during the mediation are subject to a confidentiality agreement, and I do not intend to waive that agreement. I make this Declaration based on personal knowledge and am competent to so testify.

**QUALIFICATIONS**

4. I am a former United States Attorney and served as a United States District Judge for the Western District of Oklahoma for years, presiding over more than 140 federal trials. I am currently a litigation partner in the Newport Beach office of Irell & Manella LLP, where I have practiced complex civil litigation, internal investigations, and alternative dispute resolution since 1991.

5. For over 20 years, I have successfully mediated high-stakes civil disputes for Fortune 500 companies nationwide and am considered one of the leading mediators in the resolution of multi-party matters, some involving as many as 150 parties. I have mediated hundreds of disputes referred by private parties and courts, and have been appointed a Special Master by various federal courts in complex civil proceedings. I serve as a Fellow in the American College of Trial Lawyers. In addition, I have been nationally recognized as a mediator by the Center for Public Resources Institute for Dispute Resolution (CPR), serving on CPR's National Panel of Distinguished Neutrals. I am also a Diplomat Member of the California Academy of Distinguished Neutrals.

6. I have successfully mediated a number of royalty owner class actions involving the alleged failure to pay royalty on gas conditioning service costs, such as gathering fees, gathering fuel, lost and unaccounted for gas, compression, dehydration, treatment, processing fees, processing plant fuel, raw make NGL transportation and fractionation, and other charges, as well as the alleged failure to pay or pay completely for natural gas, NGLs, Helium, Drip Condensate, Nitrogen, and other products from oil and gas wells, such as what was involved in this case.

7. I am also quite familiar with Cimarex Energy Co. and its operations, having successfully mediated a prior dispute between Kansas royalty owners and Cimarex.

8. A true and correct copy of my curriculum vitae is attached hereto as Exhibit A.

**THE SETTLEMENT PROCESS WAS THOROUGH, FAIR, AND ARM'S LENGTH**

9. Before the mediation, the parties provided to me extensive legal briefing of the class certification and merits issues, supported by substantial factual, expert, and backup data. The parties exchanged those mediation briefs, and responded to one another's mediation brief to clarify and refine the arguments. Cimarex provided additional data to Plaintiffs and Plaintiffs' experts to analyze, which was done before the mediation. Finally, on substantive matters, I submitted lengthy and detailed questions to both sides to expose their strengths and weaknesses, as well as to clarify where substantial disputes on class certification, liability, damages, and statute of limitations still existed. Both parties responded to those questions at or before attending the mediation.

10. It was apparent to me from the submissions and presentations made by Class Counsel before and at the mediation that Class Counsel performed a thorough examination of the factual discovery and, with the aid of experts, analyzed it to determine appropriate case valuations. Legal research and analysis of Oklahoma law, federal law, and the law of other states was provided by Class Counsel, who was current and well informed on the law. It was also apparent to me that considerable work was done by Class Counsel to prepare the case for mediation. It appeared that the Defendants were cooperative in producing massive confidential information to enable Class Counsel to assess the case.

11. On December 11, 2012, the parties participated in a mediation before me in my office in Newport Beach, California. Plaintiffs attended in-person with its putative class representatives Chris Hitch, President and CEO of Hitch Enterprises, Inc. and Dan Little, President of Sagacity, Inc., along with outside counsel Rex A. Sharp and Jon K. Parsley, and attending by telephone was a well-respected oil and gas engineering and accounting expert with whom I have dealt with many times, Dan Reineke, and the other putative class representative, David Duncan. Defendants attended through their Executive Vice President, Stephen P. Bell, along with Cimarex's Chief Litigation Counsel, Adam Vela, and outside counsel, Nathan Davis.

12. After lengthy mediation discussions with the parties both together and separate, the parties reached an agreement in principle to settle this action, and reduced the salient terms to writing, signed by the parties before they left my office.

13. After presiding over the mediation process in this case, I am convinced that the parties' settlement is the product of vigorous and independent advocacy and arm's-length negotiation conducted in good faith. There was no collusion between the parties.

**THE SETTLEMENT AMOUNT OF \$16.4 MILLION WAS FAIR, REASONABLE AND ADEQUATE**

14. The parties exchanged massive amounts of data, much of it digital, for the experts to analyze. Doing so resolved many factual disputes between the parties. However, considerable differences continued to exist between the parties on liability, damages, and statute of limitations.

15. The liability, and class certification itself, was complicated by a split of opinion among my former colleagues on the United States District Court for the Western District of Oklahoma. The parties did not believe that the Honorable Lee R. West had decided the class certification issue within a royalty underpayment case, but recognized that some had denied class certification in similar cases resulting in no recovery for the putative class. The damage calculation was broken down by the parties as within the five year statute of limitations and outside that range. Plaintiffs estimated damages at approximately \$30 million within the statute of limitations; whereas, Defendants estimated only \$24.9 million. The parties estimated another \$6.9 - \$9 million in damages outside the statute of limitations. The parties disputed the strength of the statute of limitations tolling law and the strength of the tort claims that would have supported a discovery rule issue.

16. After the usual give and take of the parties during the mediation process, the parties agreed to settle the case for \$16.4 million.

17. I developed a complete understanding of the full range of the dispute, the respective positions of the parties, and the relative strengths and weaknesses of those positions, as well as the risks, rewards, and costs of continued litigation and inevitable appeal.



18. Based on my knowledge of the issues in dispute, my review of the substantial factual and legal materials presented before and at the mediation, the rigor of the negotiations, the relative strengths and weaknesses of the parties' positions, and the benefits achieved in the settlement, I believe that the terms of the \$16.4 million settlement are fair, adequate, reasonable and in the best interests of the Settlement Class.

19. It is apparent from the submissions and presentations made by Class Counsel before and during the mediation session, as well as from my numerous discussions with them, that Class Counsel performed a thorough examination of the documents and data produced in this litigation. It is also my opinion that substantial work and effort was performed by Class Counsel in preparing their case for mediation and in presenting their claims in such a way to produce a valuable settlement for the Class. Based upon my experience as a former federal judge in the Western District of Oklahoma and as a mediator, it is my opinion that a request by, and award to, Class Counsel for an attorneys' fee in the range of 33 $\frac{1}{3}$ -40% of the \$16.4 million settlement fund along with the value attributable to claims administration and for reimbursement of actual litigation expenses would be reasonable and appropriate given the complexity of this matter and the significant relief recovered by Class Counsel. It is also my opinion that a fee award in that range is in line with the amounts approved by courts in the Western District of Oklahoma and the Tenth Circuit as being fair and reasonable in contingent fee class action litigation such as this. Finally, I understand that Class Counsel intends to only request a 33 $\frac{1}{3}$ % fee, which is imminently reasonable under the circumstances.

On December 17, 2012, I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.



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LAYN R. PHILLIPS  
Former United States District Court Judge

**CURRICULUM VITAE: JUDGE LAYN R. PHILLIPS**

Layn R. Phillips is a partner with the Los Angeles law firm of Irell & Manella. He is a former United States District Judge and United States Attorney, and founder of the Irell and Manella Alternative Dispute Resolution Center.

Judge Phillips was born and raised in Oklahoma. He attended undergraduate school and law school at the University of Tulsa in Tulsa, Oklahoma and Georgetown University Law Center in Washington D.C. In 1977 he joined the Federal Trade Commission's Honors Program and was assigned to the Bureau of Competition in Washington, D.C., where for the next three years he investigated and litigated civil antitrust cases involving mergers and monopolization claims. In 1980, he joined the United States Attorney's office in Los Angeles as an Assistant United States Attorney, serving as a federal prosecutor in the Central District of California until 1984. During the Reagan Administration, he returned to Oklahoma where he was appointed by the President to serve as the United States Attorney in Tulsa, Oklahoma.

In 1986, he was nominated by the President to serve as a United States District Judge for the Western District of Oklahoma in Oklahoma City. During his tenure on the bench he presided over approximately 150 federal civil and criminal trials in various districts within the Tenth Circuit. In 1990, Judge Phillips was also designated by the Chief Justice of the United States Supreme Court to preside over cases in the Fifth Circuit in the Northern District of Texas, Dallas Division.

Judge Phillips also sat by designation on the United States Court of Appeals for the Tenth Circuit in Denver, Colorado, where he participated in numerous panel decisions and published several opinions in the field of civil rights, business litigation, environmental law, and summary judgment practice. In July 1991, he resigned from the federal bench and joined Irell & Manella as a litigation partner.

As an advocate, Judge Phillips has more than 50 trials to his credit. These trials span several substantive areas of the law, including allegations of unfair competition, environmental contamination, securities fraud, public corruption, money laundering, bank fraud, mail fraud, merger violations, professional malpractice, tax evasion, narcotics trafficking prosecutions, and transgressions of the RICO and Continuing Criminal Enterprise statutes. As a result of his trial work, he has been elected into, and now serves, as a Fellow in the American College of Trial Lawyers.

While serving as a federal judge, he also gained extensive experience in the realm of settlement negotiations and mediation, presiding over dozens of settlement conferences in complex business disputes and class actions. Judge Phillips has mediated hundreds of disputes referred by private parties and courts, and has been appointed a Special Master by numerous federal courts in complex civil proceedings. He has also been designated as special counsel to various boards and corporations, conducting internal investigations on sensitive issues. He has been nationally recognized as a mediator by the International Institute for Conflict Prevention and Resolution, serving on its National Panel of Distinguished Neutrals.

Judge Phillips has also been active in a variety of bar association activities, as well as continuing legal education presentations. During 2001, he served as the President of the Federal Bar Association in Orange County, California, and served on the Orange County Bar Association Board of Directors and Judiciary Committee. Judge Phillips has also served as the President of two American Inns of Court, and maintains the status of Master Emeritus in three separate Inns. He is a member of the California, Oklahoma, Texas, and District of Columbia bar associations.

Judge Phillips is a Fellow of the American Bar Foundation. In 2004-2005 he served as the Co-Chair of the Central District of California Lawyer Representatives to the Ninth Circuit Judicial Conference. In 2005 Judge Phillips was selected by the Central District of California federal judiciary to serve as the Chairman of the Magistrate Judge Merit Selection Panel, a position he still holds. He was also a 2006 Co-Chair for the ABA's Litigation Section's Annual Meeting in Los Angeles.

As an undergraduate student, Judge Phillips graduated with highest honors as an economics major, receiving his college's Wall Street Journal Award for the Outstanding Economics graduate. He attended the University of Tulsa on a NCAA tennis scholarship, serving as the team's captain and winning the Missouri Valley Conference Championship at #1 singles. He also received an NCAA post-graduate scholarship, and was inducted into the University of Tulsa Athletic Hall of Fame. Judge Phillips also graduated from law school with highest honors, finishing second in his class at the University of Tulsa. He then pursued an additional two years of graduate law studies at Georgetown University to complement his work in the field of economic regulation of industry.

For his years of commitment to public service, in 1989 he was named as one of the 10 Outstanding Young Americans by the U.S. Junior Chamber of Commerce. In 1991, he resigned from the federal bench and joined Irell & Manella, where he specializes in complex civil litigation, internal investigations, and alternative dispute resolution. He has the dual honor of being named by *LawDragon Magazine* in 2006 as one of the "Leading Judges in America" and as one of the "Leading Litigation Attorneys in America." *The Los Angeles Daily Journal* named Mr. Phillips as one of California's 100 most influential lawyers in 2008. In addition, Mr. Phillips was also again selected for inclusion in *The Best Lawyers in America* for 2009.

Judge Phillips lives in Orange County, California with his wife, Kathryn. He has three children, Amanda, Parker, and Graham.

# EXHIBIT A-38

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF JAMES B. EUBANK FILED ON BEHALF OF BEASLEY, ALLEN, CROW, METHVIN, PORTIS & MILES, P.C. IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, James B. Eubank, declare as follows:

1. I am Principal in the firm of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (“the Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. This Firm is counsel of record for certain Class Plaintiffs in this action.
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
4. The Firm seeks an award of \$4,300.40 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of August, 2021, at Montgomery, Alabama.



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JAMES B. EUBNAK

# **EXHIBIT A**

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.  
Inception through June 30, 2021

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees	\$479.00
Transportation, Hotels & Meals	\$3,523.83
Telephone, Facsimile	\$5.46
Postage	\$5.89
Photocopies (694 copies at \$0.02 per page)	6.94
Online Legal and Financial Research	\$216.80
Miscellaneous	\$62.48
<b><i>TOTAL</i></b>	<b><i>\$4,300.40</i></b>

# **EXHIBIT B**



**EXHIBIT B**

**FIRM RESUME**



**I. Background of Beasley Allen**

In 1978, Jere Locke Beasley founded the firm now known as Beasley, Allen, Crow, Methvin, Portis & Miles, P.C., which is located in Montgomery, Alabama and Atlanta, Georgia. From 1970 through 1978, Jere served as Lieutenant Governor of the State of Alabama, and for a short period as Governor. In 1978, he re-entered the private practice of law representing plaintiffs and claimants in civil litigation. This was the genesis of the present law firm, which is now made up of eighty-one attorneys and approximately two hundred sixteen support staff representing clients all over the country. Beasley Allen has forty-six principals, one managing attorney, four supervising attorneys, five Board of Directors, and seven non-attorney supervisors. Our support staff includes full time legal secretaries, paralegals, nurses, investigators, computer specialists, technologists, a public relations department, and a comprehensive trial graphics department. Beasley Allen is adequately qualified, prepared, and equipped to handle complex litigation on a national scale.

**II. Experience of Beasley Allen**

Beasley Allen's highly qualified attorneys and staff work tirelessly for clients throughout the country, representing plaintiffs and claimants in the following areas: Personal Injury, Products Liability, Consumer Fraud, Class Action Litigation, Toxic Torts, Environmental Litigation, Business Litigation, Mass Torts Drug Litigation, and Nursing Home Litigation. We have handled cases involving verdicts and settlements amounting to nearly \$30 billion. For instance, Beasley Allen has played an integral role in this nation's most important consumer litigation such as Vioxx MDL, BP MDL, Toyota SUA MDL, VW MDL, Chrysler Fiat MDL and many others. Beasley Allen has recovered multi-million dollar verdicts for our clients against many corporate

wrongdoers, many of which are in the healthcare industry, including AstraZeneca, \$216 million, GSK, \$83 million, Johnson & Johnson, Johnson & Johnson Consumer Companies, Inc., and Imerys Talc America, Inc., \$72 million in February of 2016, \$55 million in May of 2016, \$70 million in October of 2016, and \$110 million in May of 2017, as well as Exxon, \$11.9 billion, and G.M., \$155 million, just to name a few.

Beasley Allen has extensive experience handling complex litigation, attorney general litigation, multi-district litigation throughout the U.S., including district and federal courts, *qui tam* litigation, and class-action lawsuits all involving matters in the healthcare, pharmaceutical, and medical device industry. Our attorneys have also represented clients testifying before U.S. Congressional committees on Capitol Hill in Washington, D.C. Beasley Allen has also been appointed to the Plaintiff's Steering Committee in many complex litigations.

***i. Beasley Allen's Involvement as Lead or Co-Lead Counsel Representing States in Complex Litigation, as well as our Qui Tam and Class Action Litigation Experience.***

Beasley Allen is a proven leader in complex litigation on a national level. Beasley Allen has successfully represented the states of Alabama, Alaska, Georgia, Hawaii, Kansas, Kentucky, Louisiana, Mississippi, South Carolina, Utah, and West Virginia involving various issues within the healthcare arena, and has confidentially investigated matters for several other Attorneys General. Beasley Allen's experience representing states with complex legal theories involves investigating wrongdoing, advising the states as to whether litigation should be pursued, handling all aspects of filed litigation, negotiating the Attorney General's claims in settlement discussions, and trying the litigations before a judge and jury. Our firm's experience with Attorney General cases involves litigating violations of Medicaid fraud, antitrust violations, consumer protection

statutes, false claims act violations, fraud, false advertising, negligence, unjust enrichment, breach of contract, and unfair and deceptive trade practices with respect to the provision of healthcare goods and services. Beasley Allen's Attorney General litigation background includes the Average Wholesale Price litigations on behalf of eight states concerning the fraudulent pricing of prescription drugs, the representation of four states against McKesson Corporation for its fraudulent and unfair practices involving prescription drugs, the Fresenius litigation on behalf of two states involving the medical device GranuFlo, the Unapproved Drugs litigations on behalf of two states concerning the states' reimbursement of drugs with a fraudulently obtained Medicaid reimbursement approval status, the Usual and Customary litigations regarding the false reporting of pharmacy price lists by the nation's largest chain pharmacies, the Actos litigation, and many other litigations and investigations. Beasley Allen attorney Dee Miles served as lead counsel in the cases such as:

- a. *State of Louisiana, ex rel. v. Fresenius Medical Care Holdings, Inc., et al.*, Suit No. 631,586, Div. "D"; 19th JDC; Parish of East Baton Rouge, Judge Janice Clark;
- b. *In Re Alabama Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Circuit Court of Montgomery, Alabama, Master Docket No. CV-2005-219, Judge Charles Price;
- c. *In Re Kansas Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the District Court of Wyandotte County, Kansas, Master Docket No. MV-2008-0668, Division 7, Judge George A. Groneman;
- d. *In Re Mississippi Medicaid Pharmaceutical Average Wholesale Price Litigation* filed in the Chancery Court of Rankin County, Mississippi, Master Docket No. 09-444, Judge W. Hollis McGehee;
- e. *The State of Utah v. Apotex Corporation, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 08-0907678, Judge Tyrone E. Medley;
- f. *The State of Utah v. Abbott Laboratories, et al.*, filed in the Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0915690, Judge Robert

Hilder;

- g. *The State of Utah v. Actavis US, et al.*, filed in Third Judicial District Court of Salt Lake City, Utah, Case No. 07-0913717, Judge Kate A. Toomey;
- h. *The State of Louisiana, et al. v. Molina Healthcare, Inc., et al.*, filed in 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Suit No. 631612, Judge Janice Clark;
- i. *The State of Louisiana, et al. v. Takeda Pharmaceuticals America, Inc., et al.*, filed in 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Suit No. 637447, Judge R. Michael Caldwell;
- j. *The State of Mississippi v. CVS Health Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01392, Judge Mitchell M. Lundy, Jr.;
- k. *The State of Mississippi v. Fred's, Inc., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01389, Judge Mitchell M. Lundy, Jr.;
- l. *The State of Mississippi v. Rite Aid Corporation, et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01390, Judge Percy L. Lynchard, Jr.;
- m. *The State of Mississippi v. Walgreen Co., et al.*, DeSoto County, Third Chancery District, Trial Court No. 16-cv-01391, Judge Mitchell M. Lundy, Jr.;
- n. *In the Matter of the Attorney General's Investigation*, AGO Case No. AN2014103885, Alaska Pay-for-Delay Antitrust Investigation;
- o. *State of Louisiana v. Pfizer, Inc., et al.*, Docket No. 625543, Sec. 24, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Judge R. Michael Caldwell;
- p. *State of Louisiana v. Abbott Laboratories, Inc.*, et al., Docket No. 596164, Sec. 25, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- q. *State of Louisiana v. McKesson Corporation*, Docket No. 597634, Sec. 25, 19<sup>th</sup> Judicial District Court, Parish of East Baton Rouge, Judge Wilson Fields;
- r. *State of South Carolina v. Abbott Laboratories, Inc., et al., In re: South Carolina Pharmaceutical Pricing Litigation*, Master Caption Number: 2006-CP-40-4394, State of South Carolina, County of Richland, Fifth Judicial Circuit, Judge J. Cordell Maddox, Jr.;

- s. *State of Alaska v. Alpharma Branded Products Division, Inc., et al.*, Case No.: 3AN-06-12026, Superior Court for the State of Alaska, Third Judicial District at Anchorage, Judge William F. Morse;
- t. *State of Alaska v. McKesson Corporation and First DataBank, Inc.*, Case No. 3AN-10-11348-CI, Superior Court for the State of Alaska, Third Judicial Circuit of Anchorage, Judge Peter A. Michalski;
- u. *State of Kansas, ex rel. v. McKesson Corporation, et al.*, Case No. 10-CV-1491, Division 2, District Court of Wyandotte County, Kansas, Judge Constance Alvey;
- v. *State of Hawaii, ex rel. v. McKesson Corporation, et al.*, Civil Action No. 10-1-2411-11, State of Hawaii, First Circuit, Judge Gary W. B. Chang;
- w. *Commonwealth of Kentucky. v. Fresenius Medical Care Holdings, Inc., et al.*, Civil Action No. 16-CI-00946, Franklin Circuit Court, Div. 2, Judge Thomas D. Wingate;
- x. *State of West Virginia v. Merck-Medco*, Civil Action No. 02-C-2944, Circuit Court of Kanawha County, West Virginia, Judge Jennifer F. Bailey;
- y. *State of Alabama, ex rel. Troy King, Attorney General v. Transocean, Ltd.*, et al., Civil Action No 2:10-cv-691-MHT-CSC, Middle District of Alabama, Northern Division , Judge Myron H. Thompson;
- z. *State of Mississippi v. Actavis Pharma, Inc., et al.*, Civil Action No. 17-cv- 000306, Hinds County Chancery Court, District 1, Judge Patricia D. Wise;
- aa. *State of Mississippi v. Barr Laboratories, Inc., et al.*, Civil Action No. 17-cv-000304, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- bb. *State of Mississippi v. Camline, L.L.C. (f/k/a PamLab, L.L.C.)*, Civil Action No. 17-cv-000307, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;
- cc. *State of Mississippi v. E. Claiborne Robins Company, Inc., et al.*, Civil Action No. 17-cv-000305, Hinds County Chancery Court, District 1, Judge Denise Owens;
- dd. *State of Mississippi v. Endo Pharmaceuticals, Inc.*, Civil Action No. 17-cv- 000309, Hinds County Chancery Court, District 1, Judge J. Dewayne Thomas;

- ee. *State of Mississippi v. United Research Laboratories, Inc., et al.*, Civil Action No. 17-cv-000308, Hinds County Chancery Court, District 1, Judge Denise Owens;
- ff. *State of Alabama v. Purdue Pharma LP, et al.*, Civil Action No. 03-CV-2019-901174, Circuit Court for Montgomery County, Alabama, Judge J. R. Gaines; and
- gg. *State of Georgia v. Purdue Pharma, LP, et al.*, Civil Action No. 19-A-00060-2, Superior Court of Gwinnett County, Georgia, Judge Tracie H. Cason.

Through the various representations of the many states listed in the previous paragraph, our firm has recovered over \$1.5 billion for the states. Beasley Allen continues to represent states with complex litigation involving the manufacture and marketing of pharmaceuticals and pharmaceutical devices, including, but not limited to, allegations of Medicaid fraud, antitrust, consumer protection violations, false claims, fraud, unjust enrichment, false advertising, and unfair and deceptive trade practices with respect to the manufacture, marketing, pricing, and sale of pharmaceuticals, pharmaceutical devices, and the general provision of goods and services in the healthcare industry.

In addition to representing states, Beasley Allen is one of the nation's leading firms in *qui tam* litigation, especially in the healthcare industry. Our firm currently is handling seventeen filed *qui tam* cases, investigating approximately ten *qui tam* cases, tried two *qui tam* cases, settled fourteen *qui tam* cases, and has reviewed over three hundred thirty-five *qui tam* cases altogether. Beasley Allen, with the cooperation of the U.S. Department of Justice (DOJ), settled one of the most important *qui tam* cases in recent history against U.S. Investigations Services, Inc. (USIS), a private government contractor, for \$30 million. The case is *United States ex rel. Blake Percival v. U.S. Investigations Services, Inc.*, Civil Action No. 2:11-cv-527-WKW, (M.D. Ala.). Beasley Allen also represented one of six whistleblowers jointly responsible for a \$39 million settlement

in a False Claims Act case alleging illegal kickbacks and off-label marketing against Daiichi-Sankyo Company, Ltd. The case was *United States, et al., ex rel. Jada Bozeman v. Daiichi-Sankyo Company*, Civil Action No. 14-cv-11606-FDS. Beasley Allen's *qui tam* cases involve a variety of complex legal issues, including but not limited to violations of the Anti-Kickback Statute, Stark Law, Medicare/Medicaid fraud, military contractor fraud, abuse of Title IV funds, federal grant fraud and government contracting malfeasance.

Beasley Allen is also a leader in complex class action litigation. Beasley Allen has successfully brought a number of class actions, some of which were subsequently transferred to multidistrict litigation, which we originally filed in federal and state courts, including: *Ace Tree Surgery, Inc. v. Terex Corporation, et al.*, Case No. 1:16-cv-00775-SCJ D (N.D. Ga., filed July 22, 2015); *In re: Polaris Marketing, Sales Practices, and Products Liability Litigation*, Case No. 0:18-cv-00939-WMW-DTS (D. Minn., filed April 5, 2018); *Scott Peckerar et al. v. General Motors, LLC*, Case No. 5:18-cv-02153-DMG-SP (C.D. Cal., filed December 9, 2018); *Jason Compton et al v. General Motors, LLC*, Case No. 1:19-cv-00033-MW-GRJ (N.D. Fla., filed February 21, 2019); *Simerlein v. Toyota Motor Corporation et al.*, Case No. 3:17-cv-01091-VAB (D. Conn., filed June 30, 2017); *Kerkorian et al v. Nissan North America, Inc.*, Case No. 18-cv-07815-DMR (N.D. Cal., filed December 31, 2018); *Monteville Sloan, Jr. v. General Motors LLC*, Case No. 3:16-cv-07244-EMC (C.D. Cal., filed December 19, 2016); *William Don Cook v. Ford Motor Company*, Case No. 2:19-cv-00335-ECM-GMB (M.D. Ala., filed May 8, 2019); *Sigfredo Rubio et al., vs. ZF-TRW Automotive Holdings Corp., et al.*, Case No. 2:19-cv-11295-LVP-RSW (E.D. Mich., filed May 3, 2019); *Weidman, et al. v. Ford Motor Co.*, Case No. 2:18-cv-12719 (E.D. Mich., filed August 30, 2018); *Gerrell Johnson v. Subaru of America, Inc. et al.*, Case No. 2:19-cv-05681-JAK-MAA (C.D. Cal., filed June 28, 2019); *Thondukolam et al., vs. Corteva, Inc.*,



*et al.*, Case No. 4:19-cv-03857 (N.D. Cal., filed July 3, 2019); *Dickman, et al. v. Banner Life Insurance Company, et al.*, Case No. 1:16-cv-00192-WMN (D. Md., filed January 19, 2016); *Lesley S. Rich, et al. v. William Penn Life Insurance Company of New York*, Case No. 1:17-cv-02026-GLR (D. Md., filed July 20, 2017); *Vivian Farris, et al. v. U.S. Financial Life Insurance Company*, Case No. 1:17-cv-417 (S.D. Ohio, filed June 19, 2017); *Donald Brasher v. Allstate Indemnity Company*, Case No. 4:18-cv-00576-ACA (N.D. Ala., filed February 28, 2018); *Stephen Morgan vs. ACE American Insurance Company*, Case No. 3:16-cv-705-BJD MCR (N.D. Fla., filed June 8, 2016); *In Re: Apple Inc. Device Performance Litigation*, Case No. 5:18-md-02827-EJD (N.D. Cal., filed April 5, 2018); *Intel Corp. CPU Marketing, Sales Practices and Products Liability Litigation*, Case No. 3:18-md-02828 (D.Or., filed April 5, 2018); *In Re: The Home Depot, Inc., Customer Data Security Breach Litigation*, Case No. Case 1:14-md-02583-TWT (N.D. Ga., filed November 13, 2014); *In Re: German Automotive Manufacturers Antitrust Litigation*, Case No. 3:17-md-02796-CRB (N.D. Cal., filed October 5, 2017); *In re: Domestic Airline Travel Antitrust Litigation*, Case No. 1:15-mc-01404-CKK (D.D.C., filed October 13, 2015); *In Re: Facebook, Inc., Consumer Privacy User Profile Litigation*; Case No. 5:18-md-02827-EJD (N.D. Cal., filed June 6, 2018); *Estrada v. Johnson & Johnson, et al.*, Case No. 2:14-cv-01051-TLN-KJN (E.D. Cal., filed April 28, 2014); *Larry Clairday, et al. v. Tire Kingdom, Inc., et al.*, No. 2007-CV-020 (S.D. Ga.); *Wimbreth Chism, et al. v. The Pantry, Inc. d/b/a Kangaroo Express*, No. 7:09-CV-02194-LSC (N.D. Ala.); *Danny Thomas, et al. v. Southern Pioneer Life Insurance Company*, No. CIV-2009-257JF, in the Circuit Court of Greene County, State of Arkansas; *Dolores Dillon v. MS Life Insurance Company n/k/a American Bankers Life Assurance Company of Florida*, No. 03-CV-2008-900291, in the Circuit Court of Montgomery County, Alabama; *Coates v. MidFirst Bank*, 2:14-cv-01079 (N.D. Ala., certified July 29, 2015); *Walls v. JP Morgan Chase Bank, N.A.*,

3:11-cv-00673 (W.D. Ky., certified October 13, 2016); *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litig.*, 3:15-md-02672 (N.D. Cal., settlements approved October 25, 2016 and May 17, 2017); and *In re Takata Airbag Products Liability Litig.*, 1:15-md-02599 (S.D. Fla.). Beasley Allen's class action cases involve a variety of complex legal issues.

**ii. *Beasley Allen's Additional Experience as Lead or Co-Lead Counsel in Nationwide Complex Litigation***

Beasley Allen is one of the country's leading firms involved in complex civil litigation on behalf of claimants, having represented hundreds of thousands of people. Attorneys from Beasley Allen have been selected by Federal Courts as lead counsel or co-lead counsel in the following complex multidistrict litigations and class actions:

- a. *In Re Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657; (Andy Birchfield, Shareholder of Beasley Allen)
- b. *In Re Reciprocal of America (ROA) Sales Practices Litigation*, United States District Court for the Western District of Tennessee, Judge J. Daniel Breen, MDL No. 1551; (Dee Miles and Jere Beasley, both Shareholders in Beasley Allen);
- c. *In Re American General Life and Accident Insurance Company Industrial Life Insurance Litigation*, United States District Court for the District of South Carolina, Judge Cameron McGowan Currie, MDL No. 11429; (Dee Miles, Shareholder of Beasley Allen);
- d. *In Re Dollar General Corp. Fair Labor Standards Acts Litigation*, United States District Court for the Northern District of Alabama, Western Division, Judge U.W. Clemon, MDL No. 1635; (Dee Miles, Shareholder of Beasley Allen);
- e. *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;

- f. *Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the District of New Jersey, Judge Freda L. Wolfson, MDL No. 2738 (Leigh O’Dell, Shareholder of Beasley Allen);
- g. *In re: Polaris Marketing, Sales Practices, and Product Liability Litigation*, United States District Court for the District of Minnesota, Judge Wilhelmina M. Wright, Case 0:18-cv-00939-WMW-DTS, (Dee Miles, Shareholder of Beasley Allen)<sup>1</sup>; and
- h. *Weidman et al v. Ford Motor Company*, United States District Court of the Eastern District of Michigan, Judge Gershwin A. Drain, 2:18-cv-12719 (Dee Miles, Shareholder of Beasley Allen)<sup>2</sup>.

**iii. *Beasley Allen’s Leadership Appointments on Executive and/or Plaintiff Steering Committees in Complex Multidistrict Litigation***

Beasley Allen has been appointed to the Plaintiff’s Executive Committee and/or Steering Committee in many complex litigations. All of these multidistrict litigations involved multiple claims against multiple defendants, which required excellent organization and leadership from our attorneys. Beasley Allen has been appointed to the following MDL complex litigation cases:

- a. *In Re: Motor Fuel Temperature Sales Practices Litigation*, United States District Court for the Middle District of Kansas, Judge Kathryn Vratil, MDL No. 1840;
- b. *Bextra/Celebrex, Bextra and Celebrex Marketing Sales Practices and Product Liability Litigation*, United States District Court for the Northern District of California, Judge Charles R. Breyer, MDL No. 1699;
- c. *In Re: Vioxx Products Liability Litigation*, United States District Court for the Eastern District of Louisiana, Judge Eldon E. Fallon, MDL No. 1657;
- d. *In Re: Actos (Pioglitazone) Products Liability Litigation*, United States District Court for the Western District of Louisiana, Judge Rebecca F.

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<sup>1</sup> Beasley Allen was appointed as interim co-lead counsel.

<sup>2</sup> Beasley Allen was appointed as interim co-lead counsel.

Doherty, MDL No. 2299;

- e. *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation*, United States District Court for the Eastern District of Pennsylvania, Judge Cynthia M. Rufe, MDL No. 2342;
- f. *In Re: Fosamax (Alendronate Sodium) Products Liability Litigation (No. II)*, United States District Court District of New Jersey, Judge Garrett E. Brown, Jr., MDL No. 2243;
- g. *In Re: Fosamax Products Liability Litigation*, United States District Court, Southern District of New York, Judge John F. Keenan, MDL No. 1789;
- h. *In Re: DePuy Orthopaedics, Inc. ASR Hip Implant Products Liability Litigation*, United States District Court for the Northern District of Ohio, Judge David A. Katz, MDL No. 2197;
- i. *In Re: DePuy Orthopaedics, Inc. Pinnacle Hip Implant Products Liability Litigation*, US District Court for the Northern District of Texas, Judge Ed Kinkeade, MDL No. 2244;
- j. *In Re: Biomet M2a Magnum Hip Implant Products Liability Litigation*, US District Court for the Northern District of Indiana, Judge Robert L. Miller, Jr., MDL No. 2391;
- k. *In Re: Prempro Products Liability Litigation*, United States District Court, Eastern District of Arkansas, Western Division, Judge Billy Roy Wilson, MDL No. 1507;
- l. *In Re: Mirena IUD Products Liability Litigation*, United States District Court, Southern District of New York, Judge Cathy Seibel, MDL No. 2434;
- m. *In Re: Fresenius Granuflo/Naturalyte Dialysate Products Liability Litigation*, United States District Court, District of Massachusetts, Judge Douglas P. Woodlock, MDL No. 2428;
- n. *In Re: American Medical Systems, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of Ohio, Judge Joseph R. Goodwin, MDL No. 2325;
- o. *In Re: C.R. Bard, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2187;

- p. *In Re: Boston Scientific Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Southern District of West Virginia, Judge Joseph R. Goodwin, MDL No. 2326;
- q. *In Re: Ethicon, Inc. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2327;
- r. *In Re: Coloplast Corp. Pelvic Repair Systems Products Liability Litigation*, United States District Court, Charleston Division, Judge Joseph R. Goodwin, MDL No. 2387;
- s. *In Re: Google Inc. Gmail Litigation*; United States District Court for the Northern District of California, San Jose Division, Judge Lucy H. Koh, MDL No. 2430 (Dee Miles, Principal of Beasley Allen);
- t. *In Re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation*, United States District Court for the Central District of California, Judge James V. Selna, MDL No. 2151 (Dee Miles, Principal of Beasley Allen);
- u. *In Re: Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*; California Northern District (San Francisco), Hon. Charles R. Breyer, Case No. 3:15-md-02672-CRB (Dee Miles, Principal of Beasley Allen);
- v. *In Re: Xarelto (Rivaroxaban) Products Liability Litigation*, District of Louisiana, Judge Eldon E. Fallon, Eastern MDL No. 2592;
- w. *In Re: Target Corporation Customer Data Security Breach Litigation*, United States District Court for the District of Minnesota, Judge Paul A. Magnuson, MDL No. 2522 (Dee Miles, Principal of Beasley Allen);
- x. *In Re: Lipitor (Atorvastatin Calcium) Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the District of South Carolina, Judge Richard M. Gergel, MDL No. 2502;
- y. *In Re: Blue Cross Blue Shield Antitrust Litigation*, United States District Court for the Northern District of Alabama, Judge R. David Proctor, MDL No. 2406 (Dee Miles, Principal of Beasley Allen);
- z. *In Re: Androgel Products Liability Litigation*, United States District Court for the Northern District of Illinois, Judge Matthew F. Kennelly, MDL No. 2545;
- aa. *In Re: The Home Depot, Inc., Customer Data Security Breach Litigation*, United States District Court for the Northern District of Georgia, Judge, Thomas W. Thrash, Jr., MDL No. 2583 (Dee Miles,

Principal of Beasley Allen);

- bb. *In Re: Takata Airbag Products Liability Litigation*, United States District Court for the Southern District of Florida, Judge Federico A. Moreno, MDL No. 2599, serving on a discovery committee responsible for two Auto Manufacturer’s discovery (Dee Miles, Principal of Beasley Allen)<sup>3</sup>;
- cc. *In Re: Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices and Products Liability Litigation*, United States District Court for the Northern District of California, Judge Edward Chin, MDL No. 2777 (Dee Miles, Principal of Beasley Allen);
- dd. *In re: Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico*, United States District Court of the Eastern District of Louisiana, Judge Carl J. Barbier, MDL No. 2179;
- ee. *In re: Invokana (Canagliflozin) Products Liability Litigation*, United States District Court District of New Jersey, Judge Lois H. Goodman, MDL No. 2750;
- ff. *In re: Proton-Pump Inhibitor Products Liability Litigation*, United States District Court District of New Jersey, Judge Claire C. Cecchi, MDL No. 2789; and
- gg. *In Re: Apple Inc. Device Performance Litigation*, United States District Court for the Northern District of California, Judge Edward J. Davila, MDL 2827.

### **III. Qualifications of Beasley Allen Attorneys**

Beasley Allen is comprised of highly qualified attorneys and staff that are well-equipped to be the co-lead counsel in handling any investigation and litigation. Our attorneys are some of the most qualified and experienced attorneys in the country.

On a firm-wide basis, national publications have profiled several Beasley Allen lawyers, including Forbes, Time Magazine, BusinessWeek, The New York Times, The Wall Street Journal,

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<sup>3</sup> Discovery Committee appointment only.

Jet Magazine, The National Law Journal, The ABA Journal, and Lawyers Weekly USA. Beasley Allen has also appeared nationally on Good Morning America, 60 Minutes, The O'Reilly Factor, CNN Live at Daybreak, CNN Headline News, ABC Evening News, CBS Evening News, NBC Evening News, FOX, National Public Radio, and Court TV.

Additionally, Beasley Allen attorneys have some of this country's largest verdicts and settlements in the following categories:

- a. Largest verdict against an oil company in American history, \$11,903,000,000, in *State of Alabama v. Exxon*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-99-2368, Judge Tracy S. McCooley;
- b. Largest State Medicaid settlements for eight States Attorneys General involving the Average Wholesale Price Litigation against numerous pharmaceutical companies for falsely reporting drug prices to State Medicaid Agencies for use as reimbursement for drugs administered by those same agencies, returning over \$1.5 billion to the states' coffers (see AWP litigation description contained herein).
- c. Largest environmental settlement in American history, \$750,000,000, in *Tolbert v. Monsanto*, filed in the United States District Court for the Northern District of Alabama, Civil Action No. CV-01-1407PWG-S, Judge Paul W. Greene;
- d. Largest predatory lending verdict in American history \$581,000,000, in *Barbara Carlisle v. Whirlpool*, filed in the Circuit Court of Hale County, Alabama, Case No. CV-97-068, Judge Marvin Wiggins;
- e. Largest average wholesale price litigation verdict, \$215,000,000, in *State of Alabama v. AstraZeneca*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.10, Judge Charles Price (Dee Miles as Co- Lead Counsel);
- f. Second largest average wholesale price litigation verdict, \$114,000,000, in *State of Alabama v. GlaxoSmithKline - Novartis*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.52, Judge Charles Price (Dee Miles as Co-Lead Counsel);
- g. Third largest average wholesale price litigation verdict, \$78,000,000, in *State of Alabama v. Sandoz, Inc.*, filed in the Circuit Court of Montgomery County, Alabama, Case No. CV-05-219.65, Judge

Charles Price (Dee Miles as Co-Lead Counsel);

- h. Average wholesale price litigation verdict, \$30,200,000, in *State of Mississippi v. Sandoz, Inc.*, filed in the Chancery Court of Rankin County, Mississippi, Case No. 09-00480, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);
- i. Average wholesale price litigation verdict, \$30,262,052, in *State of Mississippi v. Watson Laboratories, Inc., et al.*, filed in the Chancery Court of Rankin County, Mississippi, Case Nos. 09-488, 09-487, and 09-455, Judge Thomas L. Zebert (Dee Miles as Co-Lead Counsel);
- j. Hormone Therapy Litigation Verdict, \$72,600,000, in *Elfont v. Wyeth Pharmaceuticals, Inc., et al.*, *Mulderig v. Wyeth Pharmaceuticals, Inc., et al.*, *Kalenkoski v. Wyeth Pharmaceuticals, Inc., et al.*, filed in the County of Philadelphia, Court of Common Pleas, Case Nos. July Term 2004, 00924, 00556, 00933, Judge Gary S. Glazer;
- k. Hormone Therapy Litigation Verdict, \$5,100,100, in *Okuda v. Wyeth Pharmaceuticals, Inc.*, filed in the United States District Court of Utah, Northern Division, Case No. 1:04-cv-00080-DN, Judge David Nuffer;
- l. Talcum Powder Litigation Verdict, \$72,000,000, in *Fox v. Johnson & Johnson, et al.*, filed in the Circuit Court of St. Louis City, Case No. 1422-CC03012-01, Judge Rex M. Burlison; and
- m. Talcum Powder Litigation Verdict, \$55,000,000, in *Ristesund v. Johnson & Johnson, et al.*, filed in the Circuit Court of St. Louis City, Case No. 1422-CC03012-01, Judge Rex M. Burlison.

Additionally, Beasley Allen maintains a full-time technology department comprised of six professionals who have successfully passed rigorous industry certification exams, in addition to an in-house graphics department that is responsible for designing, constructing, and presenting essential demonstratives and other presentations used in the courtroom and during mediations. These technological advancements not only allow Beasley Allen to successfully present the case for our clients at hearings and trial, but they allow our firm to stay in the forefront of multi-media and case management.



Beasley Allen is proud to have the opportunity to represent clients throughout the country carry out our moto of helping those who need it most.

# EXHIBIT A-39

UNITED STATES DISTRICT COURT

DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF MATTHEW S. TRIPOLITSIOTIS FILED ON BEHALF OF
This Document Relates To:	)	BOIES SCHILLER FLEXNER LLP IN
CONSUMER CLASS CASES.	)	SUPPORT OF APPLICATION FOR
_____	)	AWARD OF EXPENSES

I, Matthew S. Tripolitsiotis, declare as follows:

1. I am Partner in the firm of Boies Schiller Flexner LLP (“BSF” or the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.

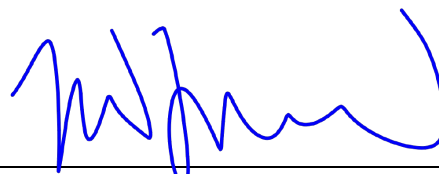
2. This Firm is a Member of the Plaintiffs’ Steering Committee for Class Plaintiffs in this action.

3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. The Firm seeks an award of \$945,290.80 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.

5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of August 2021, at Stamford, CT.



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Matthew S. Tripolitsiotis

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
 No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)

**BOIES SCHILLER FLEXNER LLP**

Inception through June 30, 2021

<b><i>CATEGORY</i></b>		<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees		\$ 676.00
Transportation, Hotels & Meals		\$ 132,894.04
Telephone, Facsimile		\$ 2,450.74
Messenger, Overnight Delivery		\$ 5,179.83
Court Hearing Transcripts and Deposition Reporting, Transcripts and Videography		\$ 1,837.95
Photocopies		\$ 16,178.97
Outside:	\$ 16,176.27	
In-House: ( 18 copies at \$0.15 per page)	\$ 2.70	
Online Legal and Financial Research		\$ 111,018.04
Litigation Fund Contribution		\$ 675,000.00
Miscellaneous		\$ 55.23
<b><i>TOTAL</i></b>		<b>\$ 945,290.80</b>

**EXHIBIT B**

FIRM RESUME



## BOIES SCHILLER FLEXNER

Boies Schiller Flexner LLP (“BSF”) is one of the nation’s preeminent litigation firms. BSF is selected by major corporations, institutions, and individuals who have a choice of any attorney in the world for their most important matters. Since its founding in 1997, BSF has handled a number of prominent and high-stakes litigation matters, of which the following is a representative sample.

### REPRESENTATIVE MATTERS

- Achieving a **\$4.1 billion recovery** for American Express in its antitrust case against VISA and Mastercard relating to exclusionary practices governing bank partnerships – the largest recovery ever for a private plaintiff in an antitrust case
- Secured preliminary approval (final approval pending) of a **\$2.7 billion settlement** with Blue Cross Blue Shield over antitrust allegations that BCBS health plans divided insurance markets throughout the country and agreed not to compete with one another across those markets
- Serving as co-lead counsel for the class of vitamins purchasers and achieving a **settlement of over \$1 billion** in *In re Vitamins Antitrust Litigation*, as well as a jury verdict of over \$50 million (pre-trebling) against the defendants that did not settle
- Winning a jury verdict against SAP that **awarded a \$1.3 billion judgment** to Oracle, which was the largest ever verdict in a copyright infringement case
- Representing Al Gore in his litigation before the **United States Supreme Court** and the courts of Florida in connection with the recount litigation associated with the 2000 U.S. Presidential election
- Representing the **US Government** as lead counsel in its successful antitrust trial against Microsoft
- Representing the **victims of Jeffrey Epstein and Ghislaine Maxwell** in bringing the underage sex trafficking to public light and in generating prosecutions in New York after years of prosecutors and the press largely ignoring the misconduct
- Representing Barclays in the longest bankruptcy trial in American history and appeals to the SDNY and Second Circuit; **defeated a \$13 billion claim** and recovered approximately \$8.3 billion of additional assets on its contractual claims against the Lehman Bankruptcy Estate and the SIPC Trustee

### WHAT OTHERS SAY

Boies Schiller Flexner has earned a world-class reputation for our highly successful practice. As early as 2001, BSF was described by The National Law Journal as a firm of “casual brilliance.” The American Lawyer has characterized BSF as “A Galaxy of Bright Lights,” and Lawdragon called the firm “the most powerful litigation turbine in America.” We strive every day, in every matter, to build upon that reputation, to achieve exceptional results for our clients, and to remain the firm that our clients will always want to entrust with their most significant matters.

THE NATIONAL  
**LAW JOURNAL**

“The firm from its inception has focused on preparing cases for trial from the first day of the case.”

**The Washington Post**

“...known as the go-to law firm for high-stakes, high-profile litigation—what executives and corporate lawyers call ‘bet the company’ cases”

THE  
**AMERICAN LAWYER**

“One of America’s most successful and sought-after law firms for cases that matter.”



## CLASS ACTION

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BSF has served as lead or co-lead plaintiff's counsel in numerous complex class actions. These class action cases have involved a variety of claims relating to such matters as antitrust and securities fraud. The Firm enjoys one of the most selective and successful class action practices in the country. Since its inception, BSF has negotiated record settlements and won substantial verdicts on behalf of class members in several prominent cases.

The firm handles a multitude of class action cases. Our unique experience of representing both defense and plaintiff classes allows for a particular advantage, resulting in favorable outcomes for our clients. The firm's work includes a broad range of representing plaintiff classes in consumer cases, antitrust, securities fraud, and employment cases. Our lawyers work efficiently and strategically at all stages of litigation to obtain meaningful recoveries. When trial threatens, our track record of success in the courtroom serves as an effective spur to negotiation.

## REPRESENTATIVE MATTERS

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- **Blue Cross Blue Shield:** Secured preliminary approval (final approval pending) of a \$2.7 billion settlement on behalf of the class over antitrust allegations that BCBS health plans divided insurance markets throughout the country to avoid competition
- **Takata Airbags:** Obtained \$1.5 billion in settlements with auto manufacturers in multidistrict litigation over defective airbags supplied by Takata
- **Volkswagen:** Represented a nationwide class of consumers suing Volkswagen for knowingly installing software designed to cheat emissions tests in order to deceive federal and state regulators, resulting in a nearly \$15 billion settlement
- **Fresh Del Monte Produce:** Won summary judgment for Fresh Del Monte Produce, affirmed by the Fourth Circuit, in a class action alleging that our client monopolized the market for extra sweet pineapples; class sought \$1 billion in damages for alleged patent misuse
- **In re: Vitamin C Antitrust Litigation:** Pioneers in plaintiffs' side international pricing cases, brought the first antitrust cases against certain Chinese manufacturers for conspiring to fix the prices of Vitamin C and Magnesite sold in the U.S.
- **O'Bannon v. NCAA:** Served as co-lead trial counsel for O'Bannon and a class of other former college athletes resulting in a federal judge issuing an injunction against the NCAA's rules that prevent athletes from earning money from the use of their names and images in television broadcasts and video games
- **NBA Players:** Represented the NBA players in their historic class action lawsuit against the NBA, accusing the league of conspiring to deny them their right to offer their services in the pro basketball market through an unlawful group boycott and price-fixing arrangement; resulted in a settlement that allowed the players to return to work and saved the 2011-2012 NBA season
- **In re Auction Houses Litigation:** Served as lead counsel on behalf of the plaintiff class of auction house sellers and buyers against Christie's and Sotheby's and negotiated a \$512 million settlement
- **In re: Polyurethane Foam Antitrust Litigation:** Acted as co-lead counsel for the class in the federal court in Ohio, the firm secured over \$440 million in settlements with manufacturers of flexible polyurethane foam who faced allegations of coordinating price increases to fix prices
- **Anwar v. Fairfield:** Acted as co-lead counsel in the most successful shareholder class action recovery for investors in the Bernard Madoff Ponzi scheme resulting in more than \$235 million in recovery for investors





## CLASS ACTION

- **Au Pair Class Action:** Represented plaintiffs in a nationwide class action alleging violations of state and federal employment laws, as well as antitrust and state unfair competition laws; obtained a \$65.5 million settlement on behalf of the class, the largest employment law settlement of the year
- **In re Municipal Derivatives Antitrust Litigation:** Served as co-lead counsel for class plaintiffs in an antitrust case concerning price-fixing of municipal derivatives; the firm recovered \$223 million in settlements for the class; our work on this case received the award for the Outstanding Antitrust Litigation Achievement in Private Law Practice from the American Antitrust Institute
- BSF has extensive experience in pharmaceutical class action matters. The firm has served as co-lead counsel in *In re Cardizem CD Antitrust Litigation*, MDL No. 1278, Civil Action No. 99-cv-732589 and 99-cv-73870 (E.D. Mich. 2002) (**\$110 million recovery**), in *In re Buspirone Antitrust Litigation*, MDL No. 1413, Civil Action No. 01-CV- 7951 (JAK) (S.D.N.Y. 2002) (**\$220 million recovery**), and *In re Terazosin Hydrochloride Antitrust Litigation*, MDL No. 1317, Civil Action No. 99- 7143-Civ-Seitz (S.D. Fla.) (**\$75 million recovery**)
- **Erica P. John Fund v. Halliburton:** Represented a securities class action which took 14 years, repeat visits to the Fifth Circuit Court of Appeals, and produced two major wins for plaintiffs in the United States Supreme Court, the firm obtained a \$100 million settlement for the class
- **Florida Children on Medicaid:** Led a 10-year pro bono case brought on behalf of the more than 2 million Florida children that, after a 93-day federal trial, resulted in a sweeping favorable decision, and led to improved medical and dental care for the children on Medicaid

## OPT-OUT MATTERS

- **LCD Price-Fixing Litigation:** Represented 12 corporate opt-out plaintiffs in antitrust litigation against the world's largest LCD manufacturers, and obtained favorable resolutions through settlement for all 12 clients, achieving total settlements of more than \$500 million, an amount in excess of 150% of the plaintiffs' damage claims and more than 5 times what they would have recovered from the class action
- **CRT Price-Fixing Litigation:** Represented 9 corporate opt-out plaintiffs in antitrust litigation against the world's largest cathode ray tube (CRT) manufacturers, and obtained favorable resolutions through settlement for all 9 clients with settlements over \$250 million, more than 6-10 times what they would have recovered from the class action
- **In re Generic Pharmaceuticals Pricing and Antitrust Litigation:** Representing a large health insurer as an opt-out plaintiff in a price-fixing case against generic drug makers described as potentially "the largest cartel case in the history of the U.S."
- **Broiler Chicken Antitrust Litigation:** Representing multiple major poultry purchasers in one of the largest antitrust cases in the country; the lawsuit alleges that 20 chicken producers inflated the price of broiler chickens through a long-running conspiracy to restrain production, manipulate price indices, fix prices, and rig bid
- **United HealthCare Services v. Cephalon:** Represented a large health insurer as an opt-out plaintiff in affirmative litigation against pharmaceutical manufacturers regarding the drug Provigil, which resulted in resolution of all claims via settlement approaching the brink of the jury trial
- **In re Capacitors Antitrust Litigation:** Representing Arrow Electronics as an opt-out plaintiff in a multidistrict litigation cartel case, involving a worldwide price-fixing conspiracy of capacitors with a total claim for recovery in excess of \$200 million



## ANTITRUST

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Boies Schiller Flexner has a highly successful and sophisticated antitrust practice, drawing from extensive experience in cutting-edge antitrust actions and on a corps of antitrust practitioners with broad experience in both government service and private practice.

The Firm excels in the defense and prosecution of complex, high-stakes antitrust cases, as well as the defense of antitrust and competition-related government investigations. Both national and international in scope, our practice spans a broad range of industries. BSF is highly ranked by Chambers and Partners and Legal 500 for its antitrust work.

In addition to our comprehensive antitrust litigation practice, the Firm provides a full range of antitrust counseling services, including guidance regarding proposed conduct or transactions, responses to federal and/or state AG investigations—related to both mergers and conduct—and compliance with pre-merger notification rules. We are also frequently engaged by third parties who have concerns about the conduct of their competitors, or about proposed mergers of others that are subject to government review.

### REPRESENTATIVE MATTERS

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- **United States v. Microsoft:** Chairman David Boies, working with and building on the case developed by key DOJ attorneys, led the trial team for the US in its successful, landmark antitrust suit against Microsoft in which Microsoft was accused of an unlawful monopolization on personal computers
- **Apple v. Qualcomm:** Represented a major technology company in one of the largest cases in U.S. history, both in dollar terms as well as legal and factual complexity, asserting antitrust and patent claims against Qualcomm, a leading supplier of cellular modem chipsets and a major holder of standard-essential cellular technology patents; the parties reached a settlement on the first day of trial
- **American Express v. Visa and MasterCard:** As antitrust counsel for plaintiff, American Express, BSF secured the largest private antitrust settlement in history to date, a \$4.1 billion settlement with Visa and MasterCard
- **Genius Media Group Inc.:** Represent online publishers in a landmark antitrust suit against Google alleging that the search engine has unlawfully stifled advertising competition and harmed publishers
- **Barclays and HSBC:** Represented Barclays and HSBC in In Re: ICE LIBOR Antitrust Litigation, a class action filed in 2019 in federal court in New York alleging an antitrust price-fixing conspiracy to artificially depress U.S. dollar Libor rates since ICE Benchmark Administration took over administration of Libor in 2014
- **Delta Air Lines:** Represent Delta in numerous matters, including in long-running multidistrict litigation in which class plaintiffs accused Delta and AirTran Airways of agreeing to impose first bag fees in violation of federal antitrust law, claiming billions of dollars in damages; the District Court granted summary judgment for the airlines in a widely-reported 95-page opinion and the Eleventh Circuit affirmed the “well-reasoned decision of the district court” in a one-sentence *per curiam* opinion; plaintiffs’ petition for rehearing was denied; we also defended Delta in a nationwide antitrust class action brought by travel agents alleging a conspiracy among Delta, American, United, and ATPCO, to fix the prices of multi-city tickets; the defendants successfully defeated plaintiffs’ preliminary injunction motion, and obtained dismissal of plaintiffs’ amended complaint; the Ninth Circuit affirmed the dismissal and denied plaintiffs’ petition for rehearing *en banc*



## ANTITRUST

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- **United Healthcare Services:** Represented a major healthcare company asserting antitrust claims against Merck and Glenmark, alleging they entered into an unlawful “pay for delay” agreement concerning the prescription drug Zetia that prevented lower-priced generic drugs from entering the market for several years
- **DuPont:** Represented E.I. DuPont de Nemours and Company and DuPont Pioneer in antitrust litigation against Monsanto, alleging that Monsanto unlawfully acquired and maintained a monopoly over agricultural biotech traits; after substantial discovery, the antitrust claims were resolved through a favorable settlement prior to trial
- **Sanford Health:** Defended Sanford against claims by the FTC and the North Dakota Attorney General that Sanford’s proposed acquisition of a multi-specialty physician group violated antitrust laws; served as lead counsel in a federal court hearing to enjoin the transaction, a parallel administrative proceeding at the FTC, and before the court of appeals; the case is one of a handful of government merger challenges to be tried and litigated in the federal appellate courts in recent years
- **Philip Morris:** Represented Philip Morris in an antitrust class action by tobacco growers alleging collusion and bid-rigging, which was successfully resolved in a settlement that included a future purchase commitment by the major cigarette manufacturers
- **In Re: Rail Freight Fuel Surcharge Antitrust Litigation:** BSF represents plaintiffs in this case in which direct purchasers of rail freight transportation services allege that the nation’s four largest railroads conspired in violation of Section 1 of the Sherman Act to use rail fuel surcharges, which were added to customers’ bills, as a means to fix prices and collect billions of dollars of additional profits for a period of more than five years
- **SolarCity:** BSF filed antitrust claims on behalf of SolarCity, alleging that the Salt River Project Agricultural District adopted a new, punitive rate structure uniquely for rooftop solar users to foreclose competition from rooftop solar providers
- **United Healthcare Services:** Representing a major healthcare company asserting antitrust claims against Celgene based on its efforts to exclude competitors from selling generic versions of the prescription drugs Thalomid and Revlimid, blocking generic access to the drugs and filing serial sham patent infringement suits to enforce invalid patents
- **Mississippi Attorney General:** Represented Mississippi AG as special counsel prosecuting state-law antitrust claims against Microsoft that achieved highest per capita recovery of all such suits nationwide
- **New York Yankees v. Cablevision:** Represented Yankees Entertainment and Sports Network in an antitrust litigation suit filed in New York federal court against Cablevision, Time Warner Cable, and other satellite and cable carriers regarding carriage rights and terms; following arbitration, the case settled favorably for the YES Network
- **Kentucky Speedway v. NASCAR:** Successfully defended NASCAR in a \$1.2 billion antitrust suit alleging NASCAR monopolized the market for premium stock-car racing, and engaged in an unlawful conspiracy
- **Group of Pharmacies:** Lead counsel representing independent pharmacies in antitrust and contract actions against Express Scripts and CVS for their actions as pharmacy benefits managers in an alleged collusive group boycott of those pharmacies
- **Commonwealth of Kentucky:** Prosecuted an antitrust case on behalf of the State of Kentucky in an action alleging antitrust violations against Marathon Petroleum Company



## ABOUT US

BSF is a firm of internationally recognized trial lawyers, crisis managers, and strategic advisors known for its creative, aggressive, and efficient pursuit of success for our clients.

Our attorneys have an established track record of taking on and winning complex, groundbreaking, and cross-border matters in diverse circumstances and industries. From the thorniest, most high-stakes matters to straightforward business disputes, we have a knack for identifying the strongest arguments, understanding the benefits of each, and determining when and how to deploy them in a case. We use the law as a tool to drive value and mitigate risk. We treat every case from its inception as though it is headed to trial, relentlessly and methodically developing the factual record in a way that positions us for success regardless in or out of the courtroom.

We build deep relationships with clients, allowing us to advise them in any matter and any forum, and we regularly represent them as both plaintiffs and defendants. Everything we do for our clients is intended to advance their interests while helping them evaluate the costs, benefits, and risks of litigation. Clients benefit from our experience on more than 450 trials before juries and judges in federal and state courts throughout the United States and more than 200 international arbitration proceedings around the world.

## DIVERSITY, EQUITY & INCLUSION

Our firm is dedicated to fostering a diverse and inclusive work environment that supports the recruitment, retention, and advancement of women and men of all backgrounds, at all levels of the firm. We believe that teams with diverse viewpoints and perspectives are critical to providing creative solutions to the unique challenges of our global client base.

We have a proven commitment at the firm, in the legal profession, and in society as a whole.

- Certified under Mansfield 5.0 for our commitment to diversity
- High-potential BSF attorneys participate in Pathfinder and Fellow Programs
- Recognized with DFA’s “Tipping the Scale” award for having a partner class of 50% or more women
- Scored 100 percent on Human Rights Campaign’s Corporate Equality Index for the sixth year
- The only law firm recognized in Seramount’s first Global Inclusion Index

## RECOGNIZED FOR EXCELLENCE



“They’re fantastic. They are absolutely trial lawyers, and they’re extremely responsive and intelligent.”

Client feedback from Chambers & Partners



## BSF CORE TEAM

### MATTHEW S. TRIPOLITSIOTIS



#### Partner

Armonk, NY

(O) 914.749.8364

(E) [mtripolitsiotis@bsfllp.com](mailto:mtripolitsiotis@bsfllp.com)

#### EDUCATION

**University of Pennsylvania Law School**, J.D.; Articles Editor, University of Pennsylvania Journal of Constitutional Law

**University of Pennsylvania**, M.G. A., Government Administration; Project Director, Fels Voting Index

**Villanova University**, B.A., Political Science; Commencement Speaker; Truman Scholar Nominee

#### AWARDS

**New York Metro Super Lawyers Rising Star (2013-2018)**

Matt takes a pragmatic approach to resolving high-stakes litigation that has earned him recognition from his peers and brings value to his clients.

Matt specializes in handling a client's most complex matters. He currently serves as a court-appointed member of the Steering Committee prosecuting multidistrict litigation on behalf of purchasers forced to overpay for life-saving EpiPens and he has been a core member of the legal team on some of the firm's highest-profile matters. Most notably, these matters included recouping \$4 billion for American Express from Visa and MasterCard—the largest ever settlement for a single antitrust plaintiff—and representing a nationwide consumer class against Volkswagen based on the installation of an emissions testing defeat device, which resulted in a partial settlement valued at approximately \$15 billion.

In addition to these litigations, Matt has counseled his clients in a wide variety of subject matters, including antitrust, contract, corporate governance, class action, entertainment, land use/real estate, intellectual property, securities, and estate litigation.

Matt's writing on the compact clause of the Constitution was published in the Yale Law & Policy Review and has been cited as authority by multiple courts. In addition to constitutional law, Matt's academic interests include political science, mediation, and land use. He also sits on a local Zoning Board of Appeals.

#### REPRESENTATIVE MATTERS

- Prosecuting and settling a nationwide class action against Volkswagen for its installation of an emissions testing defeat device, resulting in a settlement valued at more than \$15 billion
- Representing American Express in obtaining \$4 billion of relief for the settlement of antitrust claims against Visa and MasterCard
- Successfully defending American Express in antitrust actions brought by the U.S. Department of Justice, state attorneys general, and certain merchants regarding American Express's non-discrimination provisions
- Defeating a motion for temporary restraining order/preliminary injunction that sought to undue the proper dissolution of a company and funding for a \$200 million lawsuit
- Winning appeal regarding the right of Cayman shareholders to bring derivative actions in New York courts

## BSF CORE TEAM

### DUANE L. LOFT



#### Partner

New York, NY

(O) 212.909.7606

(E) [dloft@bsfllp.com](mailto:dloft@bsfllp.com)

#### EDUCATION

**Fordham Law School**, J.D.,  
*magna cum laude*; Notes & Articles  
Editor, Fordham Law Review;  
Order of the Coif; Fordham Prize

**Fordham University**, B. A.,  
*summa cum laude*, Comparative  
Literature

#### AWARDS

**Law360 Rising Star (2020)**

**New York Law Journal Rising  
Star (2020)**

**New York Metro Super  
Lawyers Rising Star (2014-  
2016, 2019, 2020)**

An experienced trial lawyer, Duane's practice focuses on complex commercial litigation, antitrust, corporate governance, and contested issues arising in bankruptcy. He was recently profiled in Global Restructuring Review for his significant experience "in high-stakes contentious restructuring and insolvency-related disputes." In 2020, he was named a Rising Star in both the New York Law Journal and Law360.

Since joining the firm, Duane has been involved in some of its most important matters. He represented the National Basketball Association players in their historic antitrust lawsuit against the NBA. He represented Starr International in multibillion dollar litigation against the government over the AIG bailout. He is currently prosecuting landmark antitrust cases against the pharmaceutical industry, including a class action for purchasers forced to overpay for the life-saving EpiPen device, and price-fixing claims against generic drug makers, a case described as potentially "the largest cartel case in the history of the United States."

#### REPRESENTATIVE MATTERS

- Representing Ad Hoc Group of Convertible Noteholders in Chapter 11 of Intelsat, S.A.
- Successfully prosecuting an international arbitration against Greece, resulting in a settlement worth over €1 billion for foreign investors
- Defending litigation arising from the Cayman Islands provisional liquidation of the Abraaj Group, a Dubai-based private equity firm
- Defending fraudulent transfer claims in Chapter 15 adversary proceedings brought by the trustee of Norske Skogindustrier, an insolvent Norwegian paper company
- Representing second-lien noteholders in Chapter 11 adversary proceeding against Spanish-language broadcaster LBI Media Inc.
- Advising creditors of Puerto Rico's Employee Retirement System, in connection with the Title III restructuring proceedings and related litigation against the U.S. and Puerto Rico under the Takings Clause
- Representing investment funds in dispute over rights to claim against Lehman Brothers International (Europe) (LBIE). Calanthe Capital, LLC v. Citadel Equity Fund Ltd., No. 651191/2017 (New York Supreme Court)
- Representing plaintiffs in claims for fraud and breach of contract against Hess Corporation. Aegean Marine Petroleum Network, Inc. v. Hess Corp., No. 653887/2015 (New York Supreme Court)

## BSF CORE TEAM

### ANASTASIA CEMBROVSKA



**Associate**

**New York, NY**

**(O) 212.754.4237**

**(E) [acembrovska@bsfllp.com](mailto:acembrovska@bsfllp.com)**

#### EDUCATION

**University of Miami School  
of Law, J.D.**

**Lehigh University, B.A.,  
Psychology**

Anastasia's practice focuses on complex commercial litigation, on behalf of plaintiffs and defendants, in state and federal courts. Anastasia has worked on high-profile matters including antitrust class actions, contract disputes, and an adversary bankruptcy proceeding. Anastasia is a native Russian speaker and has worked on several matters for the firm's Russian clients.

#### REPRESENTATIVE MATTERS

- Representing second-lien noteholders in adversary bankruptcy proceeding against LBI Media Inc.
- Representing plaintiffs in an antitrust class action over the rising prices of EpiPen injectable devices
- Representing market insurers at Lloyd's of London in litigation stemming from the bankruptcy of a Moroccan oil refinery

# EXHIBIT A-40



UNITED STATES DISTRICT COURT

DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF WARREN TAVARES BURNS FILED ON BEHALF OF BURNS CHAREST LLP IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Warren Tavares Burns, declare as follows:

1. I am Partner in the firm of Burns Charest LLP (“define firm name if necessary” or the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. This Firm is Co-Lead Class Counsel and counsel of record for certain Class Plaintiffs in this action.
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
4. The Firm seeks an award of \$1,396,935.45 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd day of September, 2021, at Dallas, Texas.



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Warren Tavares Burns

# EXHIBIT A

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)

Burns Charest LLP  
Inception through June 30, 2021

<b><i>CATEGORY</i></b>		<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees		\$920.00
Transportation, Hotels & Meals		\$287,865.59
Messenger, Overnight Delivery		\$2,510.02
Court Hearing Transcripts and Deposition Reporting, Transcripts and Videography		\$25,628.26
Experts/Consultants/Investigators		\$562,783.55
Name: NDA Partners LLC	\$36,866.27	
Name: Greylock McKinnon Associates, Inc	\$232,409.03	
Name: Fallon Group, LLC	\$25,081.25	
Name: Legal Media Inc	\$1,075.00	
Name: Legal Economics, LLC	\$10,000.00	
Name: IQVIA, Inc	\$257,352.00	
Photocopies - Outside		\$1,287.25
Online Legal and Financial Research		\$15,940.78
Litigation Fund Contribution		\$500,000.00
<b><i>TOTAL</i></b>		<b>\$1,396,935.45</b>

# EXHIBIT B



900 Jackson Street, Suite 500 | Dallas, TX 75202  
469-904-4550 | BurnsCharest.com

## About Burns Charest LLP

Burns Charest is a young firm with a dynamic and impressive pedigree. Our founders were partners and attorneys at some of the finest commercial litigation boutiques in the nation. In 2015, we came together to build a new, aggressive platform to pursue our clients' interests.

We know that experience matters to clients and judges. And we have it. Our lawyers have actually tried a complex class action to verdict, served as co-lead counsel in multi-district litigation, secured a \$106 million judgment in the first of the 2008 mortgage meltdown cases to go to trial, obtained significant settlements in royalty-owner disputes, and regularly represented individuals and businesses in complex, bet-the-company cases.

We currently serve as lead counsel in national antitrust and other complex class actions. We represent numerous royalty owners in disputes against oil and gas giants. We serve hundreds of individuals whose lives have been threatened by exposure to asbestos and other harmful products.

We have a strong team. Our lawyers are some of the most experienced and talented of their generation, and we are happy to match our credentials against others.

Our focus is on the future. We believe firmly that our nation's legal system was designed to protect individuals and businesses from the wrongdoing of others and to assure a level playing field. As lawyers, we have an incredibly important role to play in making that system work for our clients. And we will not shy away from a fight to protect their interests.

## Why We Win

What is the difference? From day one, we focus on how we are going to win your case at trial. We know from experience that success in the courtroom begins with a well-planned and efficient case strategy that focuses on what truly matters.

Our focus is not on the billable hour. We prefer to work under fee agreements that reward success and efficiency. By fully aligning our clients' interests with our own, we are able to focus on success.

We work smartly. In each case we conduct discovery and motion practice in a way that advances our client's goals. We identify key witnesses and documents, and then focus our efforts on how to tell our client's story through targeted depositions and discovery.

Many firms preach efficiency; we practice it. Our clients' interests are not best served by assigning multiple lawyers to perform the same task. That is not our style. We adhere to our Texas roots: One Riot, One Ranger.

The best lawyers are not those who scream loudest. We do not advance our clients' cases by engaging in meaningless disputes with our adversaries. That wastes time and money. But be assured, we know what's important and we will not shy away from zealously advancing our clients' interests.

We engage our clients each step of the way as members of the team. They help shape strategy. They participate in every significant decision.

We know how to communicate complex ideas to judges and juries. We use innovative techniques and technologies to advocate for our clients at trial, employing creative means to impart their story and serve their interests.

## Practice Areas

### Antitrust

Antitrust laws are essential to our nation's economy. Without them, businesses would be free to conspire to charge American consumers higher prices. And monopolists would be able to squeeze competitors out of the market.

Antitrust laws are so important that state and federal governments have empowered American consumers and businesses to bring legal claims to enforce these laws, and in some cases they may obtain three times their damages if successful. We gladly represent those who have been harmed and are seeking to enforce their rights.

We have deep experience in representing classes and individuals in antitrust suits against some of the world's largest corporations. We currently serve as co-lead counsel on behalf of a class of American car purchasers in the *Vehicle Carrier Services Antitrust Litigation* case that is pending in federal court in New Jersey. We are also co-lead counsel in the *Crude Oil Commodity Futures Litigation*, where we brought antitrust and Commodity Exchange Act claims against individual traders and companies on behalf of a nationwide class. Our lawyers have served as co-lead counsel in other national class action cases before forming Burns Charest. And we have obtained hundreds of millions of dollars for the classes we have represented.

### Business Disputes

When you want a lawyer, usually something has gone wrong and you need a solution; ideally a cost-effective result that achieves your business goals. Burns Charest can help.

Our trial lawyers have represented all types of businesses in all kinds of lawsuits. We've been on both sides—with good effect. Our lawyers have recovered millions for businesses and we've obtained complete defense wins for business clients. Whether your matter sits before a judge, a jury or an arbitration panel, our vast experience can often make a positive difference..

Big cases don't require big hours. They require skill. Burns Charest attorneys are stand-up trial lawyers. Not discovery litigators. We focus on winning at trial, not picking needless skirmishes along the way.

When appropriate, we welcome the opportunity to work on a contingency-fee basis, so our reward comes only when you win. We will work with you to establish the right fee structure for your case, whether that means blended rates, flat fees or hourly rates. Ultimately, we want to establish a relationship that works for the client, the lawyers and the case.



We also work with referring lawyers. If you want to joint venture a case, we are willing to split work, expenses and fees on equitable terms. If you need to refer a case due to a conflict, we can take the case forward and support your recommendation. And, if you need trial counsel as the case matures, Burns Charest attorneys can step into the later phases of cases for trial. Above all, we respect the client relationships of our referring counsel.

By way of example, our lawyers have handled litigation involving:

- Breach of contract
- Tortious interference with contracts
- Interference with prospective contracts or business advantages
- Uniform Commercial Code (UCC) disputes
- Unfair competition claims
- Non-competition agreement violations
- Defamation and business disparagement
- Fraud
- Fraudulent inducement
- Accounting malpractice

## **Class Action**

Federal and state governments have also enacted laws to safeguard Americans' privacy rights and to protect consumers and businesses from unfair practices. These laws often provide individuals and businesses a means to bring claims against defendants for unlawful actions.

We have brought claims on behalf of American consumers and businesses in cases throughout the United States. Our consumer cases have involved federal and state privacy and consumer protection laws, as well as state statutes regulating trade practices.

## **Energy**

Big Oil is big business, and the business of Big Oil often leads to high-stakes litigation. People and companies from across the nation and around the world put a lot at risk in these deals. When things go wrong in this sector, they tend to go very wrong. That's where we come in.

Our combination of trial savvy, industry experience and technical know-how puts us in an excellent position to help you. We bring effective and efficient representation to understand the issues and technology and explain them to judges and juries for your benefit. We are oil and gas trial lawyers.

It's complicated, but not too complex. The oil and gas industry brings its own technology, accounting procedures and lexicon. The lawyers at Burns Charest have deciphered and explained any number of these issues. Some examples include the costs and prices in revenue accounting for royalty calculations; the cause—at a molecular level—of production impairments in a deepwater,

foreign, offshore drilling program; every aspect of seismic data collection—from shot to processor; and the prospectivity of wells in an undeveloped field. Each case brings another aspect of oil and gas technology. And our lawyers have mastered each one.

Big or small, we can help. The Burns Charest team has represented an array of clients from industry leaders to individual landowners. From individual landowners against industry-leading operators to a publicly-traded, multi-billion dollar E&P company against a class of investors, to one mid-major against other mid-major. Whether you are a landowner, royalty owner, working interest owner, an operator, a non-operator, a service company, or any other of the many interests in the oil field, we have the ability to focus on your issues and apply our experience.

Litigation has followed oil and gas development across the United States and beyond. With locations in Texas, Louisiana and Colorado, our firm sits in the epicenter of the oil and gas litigation world. Our lawyers have handled oil and gas cases in their home states and beyond. The Burns Charest team has been involved in new shale plays — such as the Barnett, the Eagle Ford, the Bakken, the Haynesville, the Marcellus and the Utica as well as traditional plays that include the Anadarko Basin and Central Louisiana, and locations in Ghana, Mauritania and Western Sahara.

The scope of disputes our attorneys have handled include:

- Surface damage and other property damage
- JOAs
- COPAS accounting
- Investor fraud
- Environmental claims, such as water table contamination, drainage issues, pollution and hydraulic fracturing
- Lease claims
- Lease trespass claims
- Mineral rights and royalties
- IPO securities claims
- Service provider billing fraud
- Seismic data secrecy
- Development agreement breaches
- Unitization disputes

## **Mass Tort**

When companies fail to provide a safe working environment for their employees, or sell unsafe products to consumers, the injured need a voice to fight for them. Burns Charest is that voice.

Our attorneys are skilled and experienced in coordinating and prosecuting such claims on a mass scale. Burns Charest lawyers have successfully represented clients against pharmaceutical companies and asbestos manufacturers. Currently we are representing hundreds of clients exposed to asbestos in one of the largest oil refineries in the Western Hemisphere. Additionally, we are part of a consortium of plaintiffs firms representing over four hundred public and private hospitals in opioid lawsuits across the nation.

Big business may have big resources, but so do we. More importantly, we also have the know-how and experience to bring those resources to bear where and when it counts: in the courtroom.

Burns Charest also knows how to effectively manage and coordinate mass tort cases and, just as importantly, efficiently move these cases forward to a resolution. Because we work on a contingency fee basis, our interests are aligned with our clients to move cases along as quickly as possible. Instead of getting bogged down in needless and pointless delay-causing skirmishes, we focus on resolving these cases as expeditiously as possible for the benefit of our clients. We know that delays don't hurt the large companies, they hurt the injured waiting for their day in court.

We are here to give each person a voice in the courtroom and to level the playing field between the injured and Big Business.



### **Warren Burns | Founding Partner**

Selecting a lawyer for your case is a very important decision. You want a lawyer who understands your concerns and will fight to achieve your goals. You want a lawyer who believes in our system and knows how to succeed in it. And most importantly you want a lawyer who is going to give you candid and meaningful advice. I am that lawyer.

I focus my practice on high-stakes, multidistrict antitrust litigation, along with other complex class action and commercial cases. I have handled numerous cases involving price fixing, monopolization, breach of contract, intellectual property, business torts, consumer protection statutes, and accounting malpractice.

I achieve results. In 2012, I helped lead a trial team that took the first mortgage-backed-securities related case to trial. In a landmark and game-changing trial, we secured a \$106 million judgment on behalf of our client and obtained key pre-trial determinations that had a domino effect in related cases.

I want to know more about your case and to see if there is a way I can help you. I look forward to talking with you.

### **Education & Background**

Where a man comes from is important. I believe it can tell you a lot about his character and approach to litigation and trials.

I am from a small town in Mississippi called Kosciusko. My extended family on both sides has lived there for six generations. My upbringing had a profound impact on me. I learned the value of community, the importance of not only joining in the lives of those around you, but making a difference in them as well.

I spent my college years at Ole Miss. I played four years of rugby for the Ole Miss Rugby Football Club, starting each season as a second-row forward. I use the skills I learned on the rugby pitch everyday in litigation. In a fast moving match, you have to be prepared to play offense and defense intelligently. You have to capitalize quickly on your opponents' mistakes. And you have to bring maximum pressure at the right moment to win. The same is true in litigation.

After college, I moved to the District of Columbia to work in public relations and fundraising. I took a job as a junior fundraising staffer at the Basilica of the National Shrine of the Immaculate Conception, the largest Catholic church in the Americas. Within a year, I was promoted to serve as the Communications Director at the Basilica.

I next moved to the Lt. Joseph P. Kennedy, Jr. Institute, a non-profit organization dedicated to assisting people with developmental disabilities in their efforts to live full and complete lives. There, I served as the Director of Development and Public Relations.

Later, I moved to Asheville, North Carolina to assume the role of Development Director at Riverlink, a regional non-profit organization. At Riverlink, our focus was on restoration of the French Broad River and developing the economy along its banks.

I left Riverlink to attend Tulane Law School. There, I graduated summa cum laude and Order of the Coif, and received the John Minor Wisdom Award, Tulane's highest prize for graduating law students. I also served as Editor in Chief of the Tulane Law Review.

After law school, I clerked for the Hon. Paul J. Kelly, Jr. on the U.S. Court of Appeals for the Tenth Circuit.

My background continuously helps me relate to witnesses and juries in ways that benefit my clients.

#### Admissions & Honors

Since 2011, I have been named a Texas Rising Star in Business Litigation.

Every year since 2014, I have been named to the International Who's Who of Competition Lawyers.

In 2015 and 2016, I was included in the Top 100 National Trial Lawyers.

In 2016, I was elected to the American Law Institute. The American Law Institute is the leading independent organization in the United States producing scholarly work to clarify, modernize, and improve the law.

I am a Fellow of the American Bar Foundation. The Fellows is an honorary organization of attorneys, judges, law faculty, and legal scholars whose public and private careers have demonstrated outstanding dedication to the welfare of their communities and to the highest principles of the legal profession. Membership in The Fellows is limited to one percent of lawyers licensed to practice in each jurisdiction.

I am an active member of the Dallas Bar Association and the American Bar Association. In the ABA, I sit on the steering committee for the international litigation committee.

I am also a member of the American Association for Justice and the Texas Trial Lawyers Association. And I am a Fellow in the Southern Trial Lawyers Association.

I sit on the Board of Advisory Editors of the Tulane Law Review, a national board comprised of distinguished alumni.

#### Representative Cases & Decisions

**ANTITRUST CLASS ACTION / CONFIDENTIAL SETTLEMENTS:** I serve as co-lead counsel in *In re Vehicle Carrier Services Antitrust Litigation (2013-present)* now pending in the District of New Jersey. On the eve of arguing against defendants' consolidated motion to dismiss, I negotiated a confidential settlement with one of the principal defendants. I negotiated a second confidential settlement with another major defendant just weeks later.

**ANTITRUST CLASS ACTION / LEADERSHIP:** I serve on the executive committee in *In re Domestic Airlines Antitrust Litigation (2015-present)* now pending in the District of Columbia. Our clients have alleged that the nation's four major airlines conspired to restrict capacity in order to fuel record- high profits.

**ANTITRUST CLASS ACTION / CONFIDENTIAL SETTLEMENTS:** I previously served as co-lead counsel in *In re Automotive Parts Antitrust Litigation (2011-2015)* in the Eastern District of Michigan. I personally negotiated settlements exceeding \$100 million with foreign defendants while successfully organizing and managing this complex case.

**COMMERCIAL CASES / CONFIDENTIAL SETTLEMENTS:** Lead trial counsel in three cases against the gas giant Chesapeake for breach of contract and underpayment of royalties relating to the oil and gas lease on the Dallas/Fort Worth International Airport. I have represented minority and women-owned business enterprises in their efforts to enforce contractual provisions against Chesapeake. I have settled all three cases successfully over the past three years, including one case that settled two days before trial.

**COMMERCIAL CASE / CONFIDENTIAL SETTLEMENT:** Lead trial counsel in a confidential arbitration representing a telecommunications company in its suit against its former billing aggregator. My client hired me with less than three months to go before trial.

**SECURITIES CLASS ACTION / DEFENSE COUNSEL:** Counsel in *Brady v. Kosmos Energy, Ltd. (N.D. Tex.) (2012-present)* defending a start-up oil and gas company against allegations centering on its initial public offering. The court recently denied plaintiffs' motion for class certification.

**COMMERCIAL CASE / JUDGMENT EXCEEDING \$100 MILLION:** Counsel in *Assured Guaranty v. Flagstar Bank (S.D.N.Y.) (2011-2012)*, the first case to go to trial related to the residential mortgage backed securities market meltdown. I represented a bond insurer in a suit against the securities issuer, resulting in a judgment of over \$100 million. In this expert-driven case, I managed plaintiff's principal liability expert, on whose opinion

Judge Jed Rakoff relied in reaching his judgment. At trial, I cross-examined defendant's principal liability expert, whose opinion Judge Rakoff ultimately discredited.

CLASS ACTION / JUDGMENT EXCEEDING \$16 MILLION: Counsel in *In re Universal Service Fund Litigation (D. Kan.) (2005-2013)*. We prevailed at trial on a breach of contract claim for AT&T's California landline telecommunications customers.

ANTITRUST CLASS ACTION / SETTLEMENTS EXCEEDING \$50 MILLION: Counsel in *In re Ready-Mixed Concrete Antitrust Litigation (S.D. Ind. 2005-2010)*. We resolved the case before trial with class members receiving more than 100 percent of their actual damages after deduction of attorneys' fees.

PATENT CASE / CONFIDENTIAL SETTLEMENT: Counsel in *Individual Network v. Apple (E.D. Tex.) (2007-2009)* representing an inventor in its patent infringement case against Apple. This case involved Apple's Genius recommendation engine. I managed all aspects of discovery and motion practice, including taking the depositions of all defense experts and managing plaintiffs infringement and validity expert. The case was resolved before trial.

ANTITRUST CASE / CONFIDENTIAL SETTLEMENT: Counsel in *Morris & Dickson Co. v. Abbot Labs. (M.D. La.) (2006-2008)*, representing a regional pharmaceutical wholesaler in its suit against Abbott Laboratories for violation of the Robinson-Patman Act by unfairly favoring my client's competitors. I managed all aspects of the litigation, including settlement negotiations. The case was resolved before trial.

#### Speaking Engagements

- *Litigation Trends in the \$50 Era*, 2015 Energy and Environmental Law Summit (October 2, 2015)
- *King Cake or Po-Boy? Do Class Actions Offer Meaningful Compensation to Class Members, or do They Simply Rip Off Consumers Twice?*, 19<sup>th</sup> Annual National Institute on Class Actions, American Bar Association (October 22, 2015)



### **Daniel Charest | Founding Partner**

Daniel developed elite trial skills on the front lines of high-stakes litigation. After his federal appellate clerkship, Daniel joined a nationally-recognized litigation boutique firm, where he became a partner as a result of successfully running and trying complex cases. He co-founded Burns Charest to build a unique set of skilled trial-oriented lawyers.

Daniel's experience in complex actions has honed his approach into effective, efficient lawyering. There is no playbook. He combines work ethic, smarts, and strategic thinking to achieve the client's goals. Daniel is equally comfortable in a courtroom talking to a judge or jury, in a boardroom talking to executives, or on a gravel road talking to witnesses. In each case, Daniel brings his real-world experience developed from working in leadership roles in industry at a young age that involved travel all over the globe and required cooperation with all forms of culture and character.

Daniel's body of work reaches beyond any particular practice area. He has handled matters involving antitrust, breach of contract, oil and gas, business torts, like trade secret misappropriation and unfair competition, consumer protection issues, class actions, fraud, insurance bad faith, and wrongful death. His work has taken place across the United States, federal and state courts from coast to coast with plenty of places in between, and beyond to international arbitrations reaching across the globe. Daniel's docket has involved procedural and jurisdictional challenges such as removal and remand, class certification, transfers, temporary restraining orders, temporary injunctions, arbitrations, and appeals.

#### **Education & Background**

Tulane University Law School, J.D., summa cum laude (2004)

U.S. Merchant Marine Academy, B.S. Marine Transportation, cum laude (1994)

Cheverus High School, Portland, Maine (1990)

The Honorable Edith Brown Clement, U.S. Court of Appeals for the Fifth Circuit (clerkship 2005-2006)

The Honorable Martin L.C. Feldman, U.S. District Court for the Eastern District of Louisiana (externship 2003-2004)



## Admissions & Honors

Admitted to practice in Texas, Virginia (inactive), the District of Columbia, the U.S. Virgin Islands, and several federal district courts and courts of appeal, including all Texas federal courts

Best Lawyers in America, 2017-2019

Named “Rising Star” in Texas by Law & Politics Magazine (Thomson Reuters) (2012, 2013, and 2014)

Named “Future Star” in Texas by Benchmark Litigation: The Definitive Guide to America’s Leading Litigation Firms & Attorneys (2012, 2013, 2014, 2017)

Managing Editor of the Tulane Law Review (2003-2004)

Order of the Coif (2004)

Chief Mate, unlimited tonnage, U.S. Coast Guard

Lieutenant Commander, U.S. Navy (Reserve), with an honorable discharge

Authored the published comment, A Fresh Look at the Treatment of Vessel Managers Under COGSA, 78 Tul. L. Rev. 885 (2003)

## Representative Cases & Decisions

Daniel works on “the largest Fifth Amendment takings cases in history,” *In Re Upstream Addicks and Barker (Texas) Flood-Control Reservoirs*, Sub-Master Docket No. 17-cv-9001L (Fed. Cl.), in which Daniel serves as the Court-appointed co-lead counsel for discovery and trial of Hurricane Harvey upstream flood victims.

Daniel quarterbacks both an international arbitration and a Texas State Court action in a fight over rights to a deep-water offshore drilling block off the coast of Africa (though we can’t tell you where—yet!), in which Daniel’s efforts resulted in obtaining both a temporary injunction in Texas State Court and similar emergency relief from the ICC arbitrator in London to preserve the asset for the client.

Daniel handles *Antero Resources Corp. v. C&R Downhole Drilling Inc.*, No. 3:15-cv-03885-L (N.D. Tex.), on behalf of a major oil and gas operator in the Marcellus Shale and Utica Shale asserting multi-million-dollar claims of fraudulent billing against an oilfield service provider.

Daniel successfully handled a multi-million-dollar claim in the Cobalt International Energy bankruptcy proceeding, *Whitton Petroleum Services Ltd. v. Tavakoli, Plan Administrator (In re: Cobalt Int’l Energy, Inc.)*, Case No. 17-36709(MI), Adv. No. 18-03172, while overseeing not only an international arbitration to validate the claim amount but also an adversary

proceeding to challenge the characterization of six billion dollars as intercompany payables and over two billion dollars as intercompany receivables.

Daniel applies his extensive oil and gas royalty experience while acting as co-liaison counsel for *In re: Chesapeake Barnett Royalty Litigation #2*, MDL No. 48-000000-15 (48th District Court, Tarrant County, Texas), in which he represents royalty plaintiffs, including the largest royalty buyers in the Barnett Shale and mineral owners, including the largest mineral owner in the United States.

Daniel's oil and gas practice extends from the Eagle Ford Shale, to the Permian Basin, to the Anadarko Basin, and beyond. His practice focuses on the business-facing issues of the oil and gas industry. Examples include *Dodge Resource Partners, LLC v. Zahav Land Group, LLC*, No. DC-CV54372 (142nd District Court, Midland County, Texas), which seeks to enforce a purchase and sale agreement relating to minerals located in Howard County, Texas, *RRIG EP Holdings, LLC vs Rover Operating LLC*, No. 52775 (118th District Court, Howard County, Texas), which seeks to invalidate oil and gas leases for failure to produce in paying quantities and cessation of production, *Expedition Royalty Co, LLC v. Nomad Land and Energy Resources, LLC*, No. DC-18-17113 (191st District Court, Dallas County, Texas), which seeks to confirm the proper termination of a purchase and sale agreement), and *Turtle Creek Exploration, LLC v. Stack Energy Partners, LLC*, No. CJ-2019-9 (District Court of Grady County, Oklahoma), which seeks to resolve a title issue following a mineral acquisition.

#### Speaking Engagements

- “Disputes over Production in Paying Quantities,” Oil and Gas Disputes 2019; State Bar of Texas, Oil, Gas & Energy Resources Section (January 11, 2019)
- “Royalty Disputes & Litigation,” 35th Annual Course, Advanced Oil, Gas & Energy Resources; State Bar of Texas, Oil, Gas & Energy Resources Section (September 29, 2017)
- *Litigation Trends in the \$50 Era*, 2015 Energy and Environmental Law Summit (October 2, 2015)



**Darren Nicholson | Partner**

For almost 20 years, Darren has represented plaintiffs and defendants in complex commercial litigation, intellectual property disputes and white-collar criminal cases in courts across the country.

With every client, Darren invests the time and effort to identify objectives and tailor a strategy to achieve those goals – whether trying a case, negotiating a settlement, avoiding litigation, or pursuing another option entirely.

Among his most notable cases are the successful representation of plaintiffs in a multi-million dollar lawsuit involving business fraud, breach of fiduciary duty and commercial bribery; a jury verdict awarding 100 percent of requested damages, interest, and attorneys’ fees in a breach of a patent licensing agreement against Forgent Networks; a favorable summary judgment for plaintiff in a breach of contract case stemming from the Texas Ranger Baseball Partners bankruptcy; and a take-nothing judgment and order sealing the case for a client wrongfully accused of fraud and tortious interference with a contract.

Darren began his legal career at the international Washington D.C. based Arnold & Porter LLP in 2001, joined the boutique litigation firm of Sayles Werbner PC in Dallas in 2008, and moved to Burns Charest in 2019.

**Education & Background**

Georgetown University Law Center, J.D. with honors (2001)

The University of Texas, B.S., mathematics (1997)

The University of Texas, B.A., psychology (1997)

**Admissions & Honors**

Best Lawyers in America, 2018-2019

Best Lawyers in Dallas, D Magazine, 2017-2018

Texas Super Lawyers, 2017-2018

Texas Super Lawyers Rising Stars, 2010-2015

Fellow, Texas Bar Foundation

Barrister, Patrick E. Higginbotham Inn of Court, 2009-2012

Admitted to practice in Texas, the District of Columbia, the U.S. Supreme Court, and numerous U.S. Court of Appeals and U.S. District Courts, including all Texas federal courts.

## Representative Cases & Decisions

### Complex Business Cases:

*Andrew Silver v. Tabletop Media, LLC d/b/a Ziosk* – favorable settlement on the eve of trial for defendant and counter-plaintiff in a breach of contract case involving a patent purchase agreement

*AerReach, et al., v. Stanford, et al.* – Successfully represented plaintiffs in a multi-million dollar business fraud, breach of fiduciary duty, and commercial bribery case against multiple defendants

*Paradigm Air v. Texas Rangers Baseball Partners*– successful summary judgment recovery for client in a hotly contested breach-of-contract case stemming from the Texas Rangers Baseball Partners’ bankruptcy

Obtained a take-nothing judgment and an order sealing the case for client who was wrongfully accused of fraud and tortious interference of a contract

### False Claims Act Cases:

*Fisher, et al. v. Ocwen Loan Servicing*– achieved a favorable settlement of a major False Claims Act qui tam case against non-bank mortgage servicer where plaintiffs sought over \$100 million in damages

### Intellectual Property Cases:

*Commil USA, LLC v. Cisco Systems, Inc.*, 135 S.Ct. 1920 (2015) – favorable U.S. Supreme Court eliminating the defense of good-faith belief in invalidity to induced infringement claims

*Jenkins & Gilchrist P.C. v. Forgent Networks, et al.*– obtained substantial jury verdict for plaintiff who was awarded 100 percent of requested damages, interest, and attorneys’ fees, in a case involving the breach of a patent licensing agreement

*e-Lynxx Corporation v. Ariba*- obtained significant patent licensing agreements in patent infringement lawsuit and development of licensing program

### Wrongful Death, Products Liability, Mass Tort:

*Powell, et al. v. Thornton Drilling, et al.* - substantial confidential settlement on the eve of trial for two minor children in a wrongful death case involving a West Texas oil rig

*Artinger, et al. v. i3 Plastic Cards, et al.*- substantial confidential settlement for a widow and minor child in a wrongful death case involving a workplace electrocution

*In re Diet Drugs*(Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig., No. MDL 1203 - representation of Fortune 500 pharmaceutical company in hundreds of product liability cases in courts across the country

#### Criminal Cases:

*S. v. Mahoney*– obtained acquittal on a seven-count indictment for a court-appointed client in Washington, D.C. Superior Court

*S. v. Barry, et al.* - favorable plea bargain and no jail time for a real estate agent indicted in a federal case involving mortgage fraud

#### Speaking Engagements

“Closing Arguments,” Dallas Bar Association Trial Academy, Oct. 2012

“Exclude the Opposing Expert Witness on Qualifications and Reliability,” Dallas Bar Association, July 2010

“The Ethics of Lawyer-Judge Interactions,” presented to the Higginbotham Inn of Court, March 2010



**LeElle Slifer | Partner**

Ms. Slifer has litigated in federal and state courts across the country, before both judges and juries, and participated in numerous arbitrations, including before the International Chamber of Commerce in London. One of her trials – *DDR Holdings v. Hotels.com*, where her team won a jury verdict of patent infringement in the Eastern District of Texas – was the first case to survive a § 101 challenge at the Federal Circuit after the Supreme Court issued *Alice Corp. v. CLS Bank Int’l*, and was the only case to do so for almost two years.

She has experience in a wide range of matters, including contract disputes, oil and gas royalty underpayments, breach of fiduciary duty, antitrust claims, patent and copyright infringement, theft of trade secrets, and even the seizure of multi-million dollar cargo barges. She has also handled appeals to several federal and state courts of appeal, including the United States Supreme Court in *Comcast Corp. v. Behrend*.

Ms. Slifer is a native Texan who graduated from Duke University and Harvard Law School, then clerked in Houston on the Fifth Circuit. She started her practice at Susman Godfrey, first in Dallas and then in New York City, where she lived for several years. Although she moved back to Dallas after joining Burns Charest, she retains an active bar membership in both states and still practices in New York frequently. She is married to David Slifer, an advertising brand manager at The Richards Group.

**Education & Background**

Harvard Law School, J.D., *cum laude* (2010)

Duke University, B.A., *magna cum laude* (2007): Developmental Neuropsychology; Political Science

Law Clerk to the Honorable Jerry E. Smith, U.S. Court of Appeals for the Fifth Circuit

**Honors**

Editor-in-Chief, Harvard Journal of Law & Public Policy (Vol. 33)

Graduation with Distinction (Duke University)



### **Will Thompson | Partner**

Will was born and raised in the mountains of Western Montana. After graduating from a high school class of 55, Will was drafted by the Philadelphia Phillies, but he accepted a college baseball scholarship. While at Santa Clara University, the San Francisco Giants drafted Will in the seventh round of the 2004 MLB draft. In his professional baseball career, Will won a batting title after hitting .384 for the Salem-Keizer Volcanoes, was named to multiple All-Star teams, was a member of multiple league championships, and reached the AAA level before his career was cut short due to an injury.

Will then graduated from Stanford Law School and subsequently clerked for Judge Mary M. Schroeder of the Ninth Circuit Court of Appeals and Judge Lee H. Rosenthal of the U.S. District Court for the Southern District of Texas. He then entered private practice—first at Susman Godfrey in Dallas, and later as the first associate at Burns Charest. In July 2018, Will became the first homegrown partner at Burns Charest, joining founding partners Warren Burns, Daniel Charest, and Korey Nelson.

In his private practice, Will has successfully managed a wide variety of complex matters for clients across the country. His work has taken him from investigations in the “hollers” of West Virginia to arguing dispositive motions in federal court on behalf of a nationwide class. Some of Will’s recent cases include the following:

*Bhatia v. 3M* (D. Minn): Will and Burns Charest currently serve as lead counsel on behalf of dentists across the country who purchased 3M’s allegedly defective “Lava Ultimate” dental crowns. Will authored the brief the dentists filed in opposition to 3M’s motion to dismiss and argued the motion before the district court. Following briefing and oral argument, the court denied 3M’s motion to dismiss.

*In re German Autos* (N.D. Cal.): Will and Burns Charest serve as lead counsel in multidistrict litigation accusing Audi, BMW, Volkswagen and other German automakers of a decades long antitrust conspiracy covering car technology, costs, suppliers and emissions equipment.

*Skipper v. ACE Property and Casualty Insurance Company* (S.C.): Will was the principal author on a brief to the South Carolina Supreme Court on an issue of first impression before the court—whether legal malpractice claims are assignable. The Supreme Court adopted the reasoning in Will’s brief and unanimously ruled in his client’s favor on all points.

Will also maintains an active docket of cases in the oil and gas industry, with a particular emphasis on oilfield fraud.

## Education & Clerkships

University of Montana, 2008 (B.A.)

Stanford Law School, 2012 (Juris Doctor)

Law Clerk to the Honorable Mary M. Schroeder, United States Court of Appeals for the Ninth Circuit, 2012-13

Law Clerk to the Honorable Lee. H. Rosenthal, United States District Court for the Southern District of Texas, 2013-2014.





**Korey Nelson | Partner**

Korey represents plaintiffs in complex litigation throughout the United States. He has successfully litigated environmental pollution cases, Jones Act cases, pharmaceutical injury cases, mass tort cases, consumer class cases, and other matters in state and federal courts. Many of his cases come from other lawyers and the first day he takes your case, he focuses on making it trial-ready. Korey understands that although most cases end in settlement, making your case trial-ready is a key component of any successful settlement.

Just two examples of his past representation include his role as lead counsel representing plaintiff landowners in *Bunch v. Brighton Energy*, a state court lawsuit involving environmental pollution resulting from eighty years of oil and gas operations on 170 acres of property. Defendants were well-heeled oil companies that settled several weeks before trial for a favorable cash settlement and regulatory cleanup of the property. He was also court-appointed Class Counsel in *Chehalem Physical Therapy v. Coventry*, a federal court case involving the underpayment of insurance benefits to healthcare providers throughout the United States. After the Court certified a nationwide injunctive class, the parties reached an agreement settling not only the injunctive portion of the case, but also settling class-wide claims for retrospective damages. Previously the Court denied certification of a retrospective damages class.

After graduation from law school, Korey clerked for the Honorable Billie Colombaro Woodard, (ret.) at the Louisiana Third Circuit Court of Appeal and then went on to clerk for the Honorable Karen Wells Roby in the Eastern District of Louisiana. After clerking, he worked at a boutique litigation firm in New Orleans before co-founding the New Orleans office of Burns Charest LLP.

**Education & Background**

Tulane University Law School, J.D., 2004

College of Charleston, B.A., *magna cum laude*, 2000

Judicial Law Clerk, 2005-2007, Hon. Karen Wells Roby, Eastern District of Louisiana

Judicial Law Clerk, 2004, Hon. Billie Woodard (ret.), Third Circuit Court of Appeal

**Honors & Publications**

Senior Managing Editor, Tulane Environmental Law Journal (2003-2004)

Comment: Judicial Review of Agency Decisionmaking, 17 Tul. Env'tl L. J. 177 (2003)



**Christopher Cormier | Partner**

The founding partner of the firm’s Denver office, Chris is an accomplished plaintiffs’ lawyer who has substantial experience litigating high-stakes antitrust and commercial cases. He has obtained more than \$1.5 billion in verdicts and settlements in federal courts from Kansas City to New York City. He has been recognized by Benchmark Plaintiff as an Antitrust Litigation Star (2013 –2015), and he was one of only two lawyers in Colorado to be named a “Rising Star” in the field of Antitrust Litigation by Super Lawyers (2016 and 2017).

Chris is actively litigating numerous contingency cases on the plaintiffs’ side in federal and state courts throughout the country, from large-scale breach of contract cases in the oil and gas industry to nationwide antitrust cases affecting various products and services.

From deposing the president or CEO of a Fortune 500 Company and drafting case-dispositive briefs to rolling up his sleeves and learning the documents of a case inside and out, Chris takes pride in effectively and efficiently representing his clients’ interests in all phases of litigation, from complaint filing to trial and appeal, and all points in between.

Chris honed his legal skills at a large prominent plaintiffs-side litigation firm for more than 15 years before moving his practice to Burns Charest in 2018. He is eager to put that experience and drive to work for you, whether you are a big company or an individual who has been wronged by misconduct.

**Education & Background**

American University Washington College of Law, J.D., *magna cum laude* (Top 10%), 2002

University of Virginia, B.A., 1999

Intern, Hon. Deborah K. Chasanow, U.S. District Court for the District of Maryland, 2000

Intern, National Criminal Enforcement Section, Antitrust Division, U.S. Department of Justice, 2001

**Honors**

Named an “Antitrust Litigation Star” by *Benchmark Plaintiff: The Definitive Guide to America’s Leading Plaintiff Litigation Firms and Attorneys* (2013-2015)

Named a “Rising Star” in Antitrust Litigation by *Super Lawyers* (Thompson Reuters) (2016-2017)

Admitted to practice in the U.S. Supreme Court, Colorado state and federal courts, Washington, DC state and federal courts, and other federal courts throughout the country

#### Representative Cases & Decisions

##### *Urethane Antitrust Litigation* (D. Kan.)

Chris was part of the co-lead counsel team for direct purchaser plaintiffs in an antitrust class action alleging a nationwide conspiracy to fix the prices of chemicals used to make polyurethane foam, a basic component of ubiquitous everyday products such as bed mattresses, car seat cushioning and furniture cushioning. Four defendants — Bayer, BASF, Huntsman, and Lyondell — settled for a total of \$139.5 million, while the case against the fifth manufacturer, Dow Chemical, went to trial. After a four-week jury trial, in which Chris was a member of the trial team, the jury returned a \$400 million verdict for the plaintiffs, which the district court trebled under federal antitrust law to more than \$1 billion. This was the largest verdict in the country in 2013, as reported by the *National Law Journal*. The U.S. Court of Appeals for the Tenth Circuit affirmed the judgment. In early 2016, Dow ultimately settled for \$835 million while the case was on appeal to the Supreme Court, bringing the total recovery to \$974 million – nearly 250% of the damages found by the jury.

##### *Anadarko Basin Oil and Gas Lease Antitrust Litigation* (W.D. Okla.)

Chris was personally appointed co-lead counsel for plaintiffs in a class action alleging that Chesapeake Energy, SandRidge Energy and a former executive of both companies conspired to rig bids for leases of land held by private landowners in parts of Oklahoma and Kansas. This litigation follows the U.S. Department of Justice’s early 2016 indictment of a co-founder and former CEO of Chesapeake Energy for allegedly participating in this bid-rigging conspiracy. Plaintiffs allege that Defendants illegally conspired to stabilize and depress the price of royalty and bonus payments paid to landowners in the Anadarko Basin oil and gas province — a massive geological formation holding natural gas and oil deposits that includes large parts of Oklahoma and Kansas. Pursuant to this conspiracy, Plaintiffs allege that Defendants communicated about and agreed on prices, allocated particular geographic areas between themselves, and rigged bids for leases of land, lowering acquisition prices across the region and thereby harming the proposed class of landowners. In September 2018, the parties signed a settlement agreement resolving the case for \$7 million; the settlement is currently awaiting court approval.

##### *Dental Supplies Antitrust Litigation* (E.D.N.Y.)

Chris was part of the leadership team representing a proposed class of dental practices and dental laboratories. The case alleges that Defendants Henry Schein, Inc., Patterson Companies, Inc., and Benco Dental Supply Company — the three largest dental supply

and dental equipment distributors in the United States — fixed price margins on dental equipment, jointly pressured manufacturers to squeeze out competitors, and agreed not to “poach” each other’s employees, in violation of federal antitrust law. As a result of the alleged conspiracy, dental practices and dental laboratories may have paid artificially inflated prices for many kinds of dental supplies and dental equipment, from consumables like gauze and cement to big-ticket equipment like chairs and x-rays. In September 2018, the parties signed a settlement agreement resolving the case for \$80 million; the settlement is currently awaiting court approval.

*Plasma-Derivative Protein Therapies Antitrust Litigation (N.D. Ill.)*

Chris was part of the co-lead counsel group for direct purchaser plaintiffs alleging a conspiracy to reduce the supply and increase prices of IVIG and Albumin — life-saving therapies derived from blood plasma. He and his colleagues represented named plaintiff The University of Utah Health System as well as the remaining class members in this matter. The defendants were CSL Ltd., CSL Behring, Baxter Healthcare and the Plasma Protein Therapeutics Association (the trade association the manufacturer defendants controlled). Chris played an integral role in the investigation and filing of the first complaint in the country in this matter. Following numerous depositions across the globe and the filing of plaintiffs’ opening class certification motion and expert report, Chris and his team obtained settlements with all defendants totaling \$128 million.

*Cast Iron Soil Pipe & Fittings Antitrust Litigation (E.D. Tenn.)*

As a key member of the co-lead counsel team, Chris represented a plumbing distributor and a putative class of direct purchaser plaintiffs against the two largest soil pipe and fittings manufacturers in the country (McWane Inc. and Charlotte Pipe & Foundry) and the trade association they controlled (Cast Iron Soil Pipe Institute) in a lawsuit alleging that the defendants engaged in a nationwide price-fixing conspiracy. Following the completion of extensive fact discovery, he helped obtain a \$30 million settlement from all defendants for the direct purchaser class, which the court approved in 2017.

Publications

*Private Enforcement in the U.S.: An Overview of Leading Cases*, Concurrences Journal, Institute of Competition Law (April 2014)

Private Recovery Actions in the United States (Antitrust Review of the Americas, 2010)

Perspectives on the Future Direction of Antitrust (Antitrust, ABA 2008)



### Larry Vincent | Of Counsel

For almost thirty years now, I have litigated cases at trial and on appeal, on behalf of both plaintiffs and defendants, in both state and federal courts. My experience ranges from complex commercial litigation to securities and antitrust class actions to mass tort to eminent domain matters.

In November 2017, the Chief Judge of the Federal Court of Claims appointed me Co-Lead Counsel for jurisdictional, pretrial, and motions practice in the consolidated federal eminent domain cases filed after the flooding from Hurricane Harvey in Houston, Texas. Along with the other Co-Leads, we will represent the 10,000 to 16,000

anticipated claimants whose property was inundated upstream of the Addicks and Barker reservoir dams. Needless to say, I am honored by the appointment and will do my best to see that those property owners who were injured by the actions of the U.S. Army Corps of Engineers receive their just compensation.

In 2017, I also became a committee member working to retain and develop expert witnesses and testimony in the *In re: Johnson & Johnson Talcum Powder Products Marketing, Sales Practices and Products Liability Litigation*, MDL No. 2738, in the United States District Court for the District of New Jersey. The litigation seeks to hold several defendants responsible for their failure to warn women of the risk associated with certain uses of talcum powder products, including the potential for developing ovarian cancer, even though those risks were known to the defendant companies.

In addition to those recent endeavors, my experience since becoming a lawyer in 1987 has included a wide range of trial and appellate work, such as:

- The trial of multiple actions, both solo as well as part of a larger team, including breach of contract claims between domestic and international entities involving everything from the failure to deliver drilling rigs for use in the Gulf of Mexico to the funding of business ventures;
- Several patent infringement actions resulting in permanent injunctions, awards of trebled damages, and attorneys' fees to the inventor;
- Multiple business "divorce" actions between partners, often involving fraud and breach of fiduciary duty claims over asset allocation and theft of corporate opportunities;
- Various fast-track injunction and restraining order based on employment agreements, theft of trade secrets, and covenants not to complete;
- The representation and settlement of cases on behalf of both plaintiffs and defendants in nationwide class actions for antitrust violations and federal securities fraud claims;

- Numerous eminent domain matters on behalf of property owners against state, county, city, and corporate condemnors both at trial and on appeal.

I was born and raised in Port Neches, Texas and received a B.B.A. in Economics from Baylor University in 1984. After Baylor, I attended the University of Texas School of Law in Austin, where I served as the Managing Editor of the Texas Law Review, was elected to the Order of the Coif, and was a member of the Legal Eagles.

After receiving my law degree with honors in 1987, I had the privilege of clerking for the Honorable Anthony M. Kennedy, both on the United States Court of Appeals for the Ninth Circuit and the United States Supreme Court.

#### Education & Background

University of Texas School of Law (J.D. with honors, 1987)

Baylor University (B.B.A. in Economics, 1984)

Port Neches-Groves High School, Port Neches, Texas (1980)

Clerkship: The Hon. Anthony M. Kennedy

United States Court of Appeals for the Ninth Circuit

United States Supreme Court

Adjunct Professor, South Texas College of Law, 1993

#### Admissions & Honors

University of Texas School of Law (J.D. with honors, 1987)

President, Alpha Kappa Psi, 1984

Beta Gamma Sigma, 1984

Baylor's Outstanding Senior Men for 1984

Managing Editor, Volume 65, Texas Law Review

Author, Outstanding Federal Practice and Procedure Note, *Defining "Doing Business" to Determine Corporate Venue*, 65 Texas L. Rev. 153 (1986)

Order of the Coif

Keeton Fellow, University of Texas School of Law

Life Fellow, Dallas Bar Foundation

### Representative Cases & Decisions

The ongoing representation of class of investors to recover damages in a private securities fraud action based on alleged misrepresentations by company. Case is currently on appeal for the third time to the Fifth Circuit Court of Appeals after two prior written opinions by the United States Supreme Court regarding burdens and proof applicable to securities class actions at the certification stage. Reported opinions include:

- *Archdiocese of Milwaukee Supporting Fund, Inc. v. Halliburton Co.*, 2008 WL 4791492 (N.D. Tex. Nov. 4, 2008) (original denial of class certification for failure to prove loss causation), *aff'd*, 597 F.3d 330 (5<sup>th</sup> Cir. 2010), *vacated and remanded sub nom, Erica P. John Fund, Inc. v. Halliburton Co.*, 131 S. Ct. 2011 (reversing prior requirement that plaintiffs in federal securities class actions must demonstrate loss causation at class certification stage);
- *Erica P. John Fund, Inc. v. Halliburton Co.*, 3:02-cv-01152-M (Jan. 27, 2012) (granting certification and denying motion to supplement the record to provide evidence challenging fraud on the market presumption based on alleged lack of “price impact” to stock); *aff'd*, 718 F.3d 423 (5<sup>th</sup> Cir. 2013); *vacated and remanded*, 134 S. Ct. 2398 (2014) (permitting challenge to proof of “price impact” to rebut fraud on the market presumption at class certification stage);
- *Erica P. John Fund, Inc. v. Halliburton Co.*, 309 F.R.D. 251 (N.D. Tex. 2015) (granting class certification again); 2015 U.S. App. LEXIS 19519 (5<sup>th</sup> Cir.) (granting Fe. R. Civ. P. 23(f) leave to appeal).

Representation at trial and on appeal of landowner in eminent domain action involving challenges to expert testimony regarding city’s partial taking of residential property to widen street. *Babaria v. City of Southlake*, 2016 Tex. App. LEXIS 454 (Fort Worth, pet. for writ pending).

Representation of landowner against San Antonio Board of Adjustment concerning right to demolish building under city code. *City of San Antonio Bd. of Adjustment v. Reilly*, 429 S.W.3d 707 (Tex. App. – San Antonio 2014, no pet.).

Representation of landowner in eminent domain action involving challenges to expert testimony and standard for damages awarded for county’s partial taking of commercial property to widen street. *Dallas County v. Crestview Corners Car Wash*, 370 S.W.3d 25 (Tex. App. – Dallas 2012, pet denied).

Representation of landowner in eminent domain action against public transit authority regarding vested right to rail service accorded by federal statutory and state property law. *Wilbert Family Ltd. P'ship v. DART*, 371 S.W.3d 506 (Tex. App. – Dallas 2012, pet. dism'd).

Representation of defendant corporation against derivative action alleging securities violations, breach of fiduciary duties, and other causes of action arising from alleged improperly backdated stock option grants. *In re Fossil, Inc.*, 713 F. Supp. 2d 644 (N.D. Tex. 2010).

Representation of landowner in seminal eminent domain action involving valuation standards applicable to signboard leaseholds. *State v. Cent. Expressway Sign Assocs.*, 302 S.W.3d 866 (Tex. 2009).

Representation of executor regarding special appearance filed by investor defendant in action seeking damages from investor. *Barker v. Lescroart*, 2007 Tex. App. LEXIS 1062 (Houston [14<sup>th</sup> Dist]).

Representation of insurer against claims by hotel chain seeking damages for business income loss alleged to be the result of the September 11, 2001, airline hijackings and terrorist attacks. *Wyndham Int'l, Inc. v. Ace Am. Ins. Co.*, 186 S.W.3d 682 (Tex. App. – Dallas 2006, no pet.)

Representation of patent holder in multiple actions, including one in which motion for summary judgment finding patent was valid was granted, summary judgment defense of laches was denied, and after bench trial patent holder was granted a permanent injunction, compensatory damages, treble damages, and attorneys' fees. *Fresnel Techs., Inc. v. Rokonet Indus. USA, Inc.*, 2003 U.S. Dist. LEXIS 17872 (N.D. Tex.).

Representation of fast food chain in action by partnership to collect remodeling costs to franchise. *U.S. Rest. Props. Operating L.P. v. Burger King Corp.*, 2003 U.S. Dist. LEXIS 10179 (N.D. Tex.).

Representation of Continental Airlines in multi-case, multi-venue litigation over validity of the “Shelby Amendment” passed by Congress to open Dallas Love Field airport to flights other than to neighboring states. Cases involved both state and federal suits seeking a variety of administrative and injunctive relief. Ultimately, Amendment was vindicated and Love Field opened to through and direct flights from all states. Reported opinions include *American Airlines, Inc. v. DOT*, 202 F.3d 788 (5<sup>th</sup> Cir. 2000) (upholding challenge based on federal agency powers); *Legend Airlines, Inc. v. City of Fort Worth*, 23 S.W.3d 83 (Tex. App. – Fort Worth 2000, pet. Denied) (reversing district court opinion in favor of keeping Love Field closed); *In re City of Dallas*, 977 S.W.2d 798 (Tex. App. – Fort Worth 1998, orig. proceeding) (mandamus venue challenge).

Representation of city access cable channel in First Amendment challenge to content-neutral fee requirement. *Horton v. City of Houston*, 179 F.3d 188 (5<sup>th</sup> Cir. 1999), *aff'd after remand* 89 Fed. Appx. 903.

Representation of plaintiff in common law fraud action on successful motion to remand from removal by defendant. *Duncan v. Equitable Life Assur. Soc'y*, 1996 U.S. Dist. LEXIS 19145 (E.D. La.).



Representation of plaintiff in antitrust class action based on illegal boosting of prices under cost plus contracts to supply specialty steel. *Transamerican Refining Corp., et al. v. Dravo Corp., et al.* 1992-1 Trade Cases (CCH) P 69,718.

Representation at trial and on appeal of attorney convicted of contempt of court; conviction reversed because district court's order was vague and overbroad. *United States v. O'Quinn*, 913 F.2d 221 (5<sup>th</sup> Cir. 1990).



### **Martin Barrie | Of Counsel**

Martin began his career as an industrial hygienist. Working for oil, gas, and support companies, he made recommendations that helped limit the exposure of employees to hazardous, disease-causing materials. Over the years, he saw that there was limited accountability for companies that failed to do this, thereby putting the health of their employees at risk. As an attorney, Martin knew he would be in a position to help. For over 30 years, he's used his background in industrial hygiene, epidemiology, toxicology, and the environmental sciences to do just that.

Throughout his practice, Martin has handled a number of cases involving chemicals and other dangerous substances, including asbestos, silica, benzene, pesticides, metals, rare earths, catalysts, and drug compounds. These cases include multi-party litigation in both State and Federal Courts.

#### **Education & Background**

University of Texas Health Science Center, School of Public Health, Ph.D. (2003)

South Texas College of Law, J.D. (1987)

University of Texas, Health Science Center, School of Public Health, M.S. (1982)

University of Rhode Island, B.S. (1978)

#### **Admissions & Honors**

State Bar of Texas, 1987

State Bar of Tennessee, 2011

United States Court of Appeals for the Fifth Circuit, 1993

Attorney-Mediator Institute, 1995

Adjunct Assistant Professor, University of Texas Health Science Center, School of Public Health, Houston, Texas, 2003 - present

Adjunct Professor, Department of Public Health, College of Education, Health, and Human Sciences, the University of Tennessee, 2012-present

Adjunct Clinical Assistant Professor, University of Tennessee, College of Nursing, 2015-present

#### Representative Cases & Decisions

Royal T. Siploe v. Union Carbide, et al. , No. 1:87-CV-907 (E.D. Tex.) (served as lead counsel in occupational toxic exposures of movie projectionist to rare earth cerium compounds from carbon rods resulting in pneumoconiosis against domestic and international manufactures of carbon rods; worked case from inception)

Erinn West, Individually And As Personal Representative Of The Estate of William G. West v. Texaco, Inc. et al., No. B-0149921 (60th District Court, Jefferson County, Texas) (served as lead counsel in occupational toxic exposure to refinery catalyst dust resulting in nasopharyngeal cancer and wrongful death against domestic and international manufacturers of catalyst and premises owner; worked case from inception; confidential settlement)

Nanette Marie Baugh et al., v. Phillips Petroleum Company and Phillips 66 Company, No. 1027\*JG97 (239th Judicial District, Brazoria County, Texas) (served as lead counsel in action to recover for community exposures of minor children to refinery emissions that resulted in respiratory damages/exacerbation; worked case from inception and modeled air refinery emissions to quantify exposure)

Floyd L. Chambers et ux. v. Monsanto Chemical Company, et al., No. G-89-306 (S.D. Tex., Galveston Division) (served as lead counsel in action to recover for occupational benzene exposure and alleged leukemia; worked case from inception)

Carol Culp, Individually and as Independent Executrix of the Estate of Floyd Allen Culp, Deceased, et al., v. Curtin Matheson Scientific, Inc, et al., No. B-127,338 (60th District Court, Jefferson County, Texas) (served as lead counsel in action to recover for occupational benzene exposure of refinery laboratory worker and alleged leukemia against manufactures of benzene; worked case from inception)

#### Speaking Engagements & Presentations

Tsai, C, Dunn, K, Barrie, MD, Collier, W. Nanotechnology: Updates and Challenges for the future: Part 2: Exposure assessment and control strategy advances; and future challenges and opportunities. The American Industrial Hygiene Conference & Exposition (AIHce), May 21, 2018, Philadelphia, Pennsylvania

Barrie, MD. The Use of Surveillance and Biomonitoring for Nanomaterial Workers. East Tennessee State University, Environmental Health Seminar Series, July 30, 2016, Johnson City, Tennessee

Roberts, J., Barrie, MD, Goldman, R., and Hoover, M. Roundtable “Progress and Current Issues in Nanotechnology – Occupational Risk Assessment and Management” - Medical Surveillance and Biomonitoring in Nanomaterial Worker Risk Assessment and Management,

The American Industrial Hygiene Conference & Exposition (AIHce), May 21-26, 2016, Baltimore, Maryland

Rogers, W., Sano, J, Barrie, MD, Lippy, B. Roundtable “Big Legal and Business Issues in the Small World of Nanotechnology”, The American Industrial Hygiene Conference & Exposition (AIHce), May 21-26, 2016, Baltimore, Maryland

Schneider, K, Barrie, MD, Plunkett, L., Hoyte, C. and Kennedy, R.T. Cannabis in the Courtroom: Epidemiological Evidence Considerations with THC in Court. The Society of Toxicology 55th Annual Meeting and ToxExpo, March 13–17, 2016, New Orleans, Louisiana

Barrie, MD and Hutson S. Cancer Cluster Investigation in Eastern Kentucky: An Interim Glance. University of Tennessee Medical Center Research Seminars, Knoxville, Tennessee, April, 28, 2015

Barrie, MD and Miller, J. Health Effects of Select Metals – Mercury, Arsenic, and Nickel. Beryllium Support Group Oak Ridge (BSGOR), Oak Ridge, TN, November 13, 2014

Dahlstrom, D., Barrie, MD, Heidel, D. Nanomaterial Workplace Risk Management, Third Sustainable Nanotechnology Organization Conference. Boston, MA, November 2-4, 2014

Barrie, MD. What Do You Really Need To Know and What Do We Do With It? The Real World: Industrial Hygiene. AIHce2014, San Antonio, Texas, May 31-June 5, 2014

Barrie, MD. Select Research-Oak Ridge Associated Universities (ORAU) Occupational and Worker Health Group. University of Tennessee, Department of Public Health, Research Day, February 7, 2014

Barrie, MD and Nichols G. Pilot Fatigue: Current Control Limitations and Research Needs. Aerospace Medical Association Annual Conference. San Diego, CA, May 11-14, 2014

Barrie, MD and Nichols G. Catastrophic Radiological Events and Compensation: Constructs and Conflicts of Science and Policy. Twenty-Sixth Conference of the International Society for Environmental Epidemiology, From Local to Global: Advancing Science for Policy in Environmental Health, Seattle, Washington, USA - August 24-28, 2014

Barrie, MD and Nichols G. Cytogenetic Testing of Nanomaterial Workers: Concepts, Methodology, and Limitations. AIHA Asia Pacific OH Conference and Exhibition, Singapore. October, 2013

Barrie, MD. Particulate Matter (PM2.5): Health and Legal Issues. New Industrial Toxins Litigation Conference. HarrisMartin, Marina del Rey, California, December 3-4, 2012

Barrie, MD. The Use of Exposure and Health Surveillance Registries for Risk Identification, Characterization, and Management. The National Forum for Environmental and Toxic Tort Issues, Annual Conference, Chicago, Illinois, 2012

Strader C, Cragle D, Ellis E, Barrie, MD, Tankersley W, Wallace P and Nichols G. Analysis of a US Department of Energy Emergent Technologies Cohort. American Public Health Association, 140th Annual Meeting & Exposition, San Francisco, CA October 27-31, 2012

Barrie, MD. Community Health and Litigation-Disciplines, Integration, and Policy, The University of Tennessee at Knoxville, Department of Public Health, February, 24, 2010

Barrie, MD. Experts in Toxic and Environmental Claims: Why do we need all those experts? Knowing the Fundamentals. The National Forum for Environmental and Toxic Tort Issues, Annual Conference, Chicago, Illinois, 2010

Barrie, MD. Chronic Myelogenous Leukemia: Law and Science. Harris Martin's Benzene Causation Conference: A Look at Recent Admissibility Challenges On a Disease-by-Disease Basis, Las Vegas, Nevada, May 24-25, 2010

Barrie, MD. Pesticides and Health. Ministry of Agriculture, Dammam, Saudi Arabia, 2009

Sheehan P, Goswami E, Hicks J, Barrie, MD. An Assessment of Historical Benzene Exposures of Printing Press Operators. American Industrial Hygiene Conference and Expo, Minneapolis, MN, May 31–June 5, 2008.

Barrie, MD. Low-Level Benzene Exposure and Leukemia Risk: Recent Epidemiological Assessments, the Future & Science of Benzene Litigation, Roundtable on the Future & Science of Benzene Litigation, 2006

## Publications

Barrie, MD and Nichols G. Use of Epidemiology in Risk Assessment. Toxicological Risk Assessment for Beginners, Chapter 7. José A. Torres and Sol Bobst (eds.), Springer, 2014

Barrie, MD, Dahlstrom DL, Goswami E, Kaetzel R. The Halogens, Chapter 26. Patty's Toxicology, Sixth Edition, Bingham E, Cohns B (eds.), John Wiley & Sons Publishers, 2012

Barrie, MD, Baker, J, Hoover, M.D., Geraci, C.L. Nanobiomonitoring and Surveillance: Opportunities to Confirm the Protection of Nanomaterial Workers. Synergist, February, 2017

Baker J, Barrie, MD, Geraci CL, Hoover MD. Soft Law and Nanotechnology, Sources of Guidance for Risk Management. Synergist, April, 2016

Connor TH, Barrie, MD, Theiss JC, Matney TS, Ward JB Jr. Mutagenicity of Formalin in the Ames Assay. Mut. Res. 1983 Feb; 119(2):145-149



**Mallory Biblo | Associate**

Mallory Biblo joined Burns Charest after practicing at another litigation boutique, where she represented businesses and individuals in all types of commercial matters. Prior to that, Mallory clerked for the Honorable Diana Saldaña of the United States District Court for the Southern District of Texas and worked on complex civil and criminal matters.

Mallory attended The George Washington University Law School, where she graduated with honors and was recognized as a Thurgood Marshall Scholar. Mallory served as a Notes Editor for The George Washington Law

Review and a Research and Writing Dean’s Fellow. George Washington University honored her with the Lawrence E. Seibel Memorial Award in Labor and Employment Law. During law school, Mallory interned with the Honorable James E. Boasberg of the United States District Court for the District of Columbia.

Mallory earned her Bachelor of Science degree in Industrial and Labor Relations from Cornell University. At Cornell, she competed for the Women’s Track and Field Team.

**Education & Background**

The George Washington University Law School, J.D., *with honors*, 2012

Cornell University, B.S., 2009

Law Clerk to the Honorable Diana Saldaña of the United States District Court for the Southern District of Texas

Intern for the Honorable James E. Boasberg of the United States District Court for the District of Columbia

**Admissions & Honors**

State of Texas

State of New York

United States District Court for the Northern, Southern, Eastern and Western Districts of Texas

United States Court of Appeals for the Fifth Circuit



**Kyle Oxford | Associate**

Since graduating law school in 2015, Kyle has helped to protect landowners' interests in northern Texas and Jefferson Davis Parish, Louisiana, by preventing the underpayment of royalties and securing cleanup of environmental pollution. During law school, Kyle was a law clerk at a boutique plaintiff-oriented law firm in New Orleans, Louisiana, and a summer associate at a commercial and intellectual property litigation firm in Dallas, Texas.

Kyle received his J.D. with honors from Tulane Law School. Kyle was a Managing Editor of the *Tulane Law Review*, a student attorney in the Tulane Civil Litigation Clinic, and a volunteer with the Entertainment Law Legal Assistance Project. He graduated from Trinity University in San Antonio, Texas, with a B.A. in Political Science.

**Education & Background**

Tulane Law School, J.D., cum laude, 2015

Trinity University, B.A., Political Science, 2010

**Admissions & Honors**

State of Louisiana, 2015

State of Texas, 2017

Eastern, Middle, and Western Districts of Louisiana, 2015

Court of Appeals for the Fifth Circuit, 2015

Managing Editor, *Tulane Law Review*



### Spencer Cox | Associate

Spencer Cox represents individuals and businesses in complex litigation in both state and federal courts. Mr. Cox graduated *magna cum laude* from Harvard Law School before clerking for the Honorable F. Dennis Saylor, IV, of the U.S. District Court for the District of Massachusetts.

Mr. Cox provides world-class representation to his clients through smarts, hard work, and a commitment to excellence. Before becoming a lawyer, he served in the U.S. Navy as a Naval Aviator and flight instructor in the F/A-18 Super Hornet, and recorded more than 400 arrested carrier landings. As a fighter pilot, Mr. Cox learned the importance of attention to detail and demonstrated a knack for performing best when the stakes are highest. As an attorney, he understands the importance of focusing the strengths of your case against an opposing party's weaknesses in order to win.

#### Education & Background

University of Virginia, B.A., Physics

Harvard Law School, J.D., *magna cum laude*

Law Clerk to the Honorable F. Dennis Saylor, IV, of the United States District Court for the District of Massachusetts

#### Admissions & Honors

State of Texas





**Amanda Klevorn | Associate**

Amanda represents plaintiffs in consumer-oriented complex litigation in both federal and state courts. Her clients have included homeowners, landowners, patients harmed by defective products and drugs, and victims of federal civil rights violations. Amanda began her career at a boutique plaintiff-side litigation firm in New Orleans where she gained invaluable experience in a variety of practice areas, with a particular emphasis on environmental and mass tort litigation. More recently, she practiced at a civil rights law firm and represented plaintiffs in federal courts throughout the United States.

Born and raised in St. Louis, Missouri, Amanda moved to New Orleans in 2010 to attend Tulane University Law School. At Tulane, she developed her litigation skills and her passion for client advocacy as a student attorney with Tulane’s Civil Litigation Clinic. While involved with the competitive Tulane moot court program, Amanda’s team won the 2012 Louisiana State Bar Association trial competition, and she was elected to the Order of the Barristers by her peers. She also served as a managing editor for the Tulane Journal of International and Comparative Law.

**Education & Background**

Tulane University Law School, J.D., 2013

St. Louis University, B.A., *summa cum laude*, 2008

**Honors**

Order of the Barristers, 2013

Trial Advocacy Honors, 2012

Louisiana State Bar Association Trial Competition State Champion, 2012

Managing Editor, Tulane Journal of International & Comparative Law, 2012-2013

CALI Excellence for the Future Award, 2011



### **Jacob Gower | Associate**

Jacob represents individuals and companies in complex litigation in state and federal courts throughout the country. He has extensive experience representing individuals exposed to asbestos-containing products and other toxic materials and substances. Jacob also represents clients in antitrust and other commercial disputes.

Prior to joining Burns Charest, Jacob spent several years with a noted boutique oil and gas law firm based in New Orleans.

### **Education & Background**

Associate, Slattery, Marino & Roberts, 2013–2016

Judicial Clerk, 2012-2013, Hon. Kathleen Kay, Western District of Louisiana, Lake Charles, LA

Louisiana State University, D./G.D.C.L., 2012, Order of the Coif & *Magna Cum Laude*

Louisiana State University, B.A., Political Science, 2009

### **Admissions & Honors**

*Louisiana Super Lawyers*, Rising Stars, Thompson Reuters, 2018 (Class Action/Mass Torts)

State Bar of Texas, 2014

State Bar of Louisiana, 2012

Member, Louisiana Law Review, 2010–2012

Member, Judge John R. Brown Admiralty Moot Court Team, 2010–2012

### **Speaking Engagements**

- Co-Author, *Oil and Gas Mineral Leasing and Development on the Outer Continental Shelf of the United States*, 4 LSU J. of Energy L. & Resources 1 (Fall 2015)
- Presentation, *Determining the Ownership of Water Bottoms in Louisiana*, American Association of Petroleum Landmen, Gulf Coast Land Institute (Oct. 2015)



**Lydia Wright | Associate**

Lydia joined Burns Charest in 2017 after representing indigent clients as a Law Fellow at Southern Poverty Law Center in Jackson, Mississippi. Her practice focuses on multidistrict litigation and prosecuting class actions in state and federal courts nationwide.

During law school at the UC Berkeley Law School, Lydia was a member of the *California Law Review* and received a top orator award from the Jessup International Law Moot Court competition. She then clerked for the Honorable Nannette Jolivette Brown of the U.S. District Court for the Eastern District of Louisiana.

Prior to law school, Lydia worked with refugee communities in Amman, Jordan on a Fulbright fellowship. She also taught sixth graders on the Navajo reservation in New Mexico with Teach for America. Lydia graduated Phi Beta Kappa from the University of Washington, where she studied international relations and several dialects of Arabic.

Lydia serves on the board of the Music and Culture Coalition of New Orleans (MaCCNO), a coalition working to empower, assist, and organize New Orleans' cultural community.

**Education & Background**

University of California, Berkeley School of Law, J.D.

University of Washington, B.A., *magna cum laude*

Law Clerk to the Honorable Nannette Jolivette Brown, U.S. District Court for the Eastern District of Louisiana

Law Fellow, Southern Poverty Law Center, Jackson, Mississippi

Judicial Extern to the Honorable Bruce McGiverin, U.S. District Court for Puerto Rico

**Memberships**

National Police Accountability Project



**Rick Yelton | Associate**

Rick regularly represents clients in an array of complex matters in courts throughout the country. Prior to joining Burns Charest, Rick served as a judicial law clerk for the Honorable Carl J. Barbier of the United States District Court for the Eastern District of Louisiana. Rick subsequently worked at a regional law firm in the area of insurance and reinsurance, where he advised clients on third-party liability coverage issues.

Rick received his law degree magna cum laude from Loyola University New Orleans College of Law in 2016. During law school, Rick served as the Editor in Chief of the Loyola Law Review, and was honored with the Editorial Board Award for Outstanding Achievement by a Law Review Candidate. Rick also graduated as a William L. Crowe Scholar.

Rick is on the Board of Directors of unCommon Construction, a New Orleans non-profit that uses the build process to prepare high school students for professional and collegiate success.

**Education & Background**

Law Clerk to the Honorable Carl J. Barbier of the United States District Court for the Eastern District of Louisiana

Loyola University New Orleans College of Law, J.D., *magna cum laude*, 2016

University of New Orleans, M.S., urban studies, 2008

Loyola University New Orleans, B.A., music therapy, 2005

**Honors**

Loyola Law Review, Editor in Chief

William L. Crowe, Sr. Scholar

**Memberships**

New Orleans Bar Association

Loyola Inn of Court

# EXHIBIT A-41

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF BRIAN D. PENNY
This Document Relates To:	)	FILED ON BEHALF OF GOLDMAN
CONSUMER CLASS CASES.	)	SCARLATO & PENNY IN SUPPORT OF
_____	)	APPLICATION FOR AWARD OF
	)	EXPENSES
	)	

I, Brian D. Penny, declare as follows:

1. I am Partner in the firm of Goldman Scarlato & Penny, P.C. (“the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. This Firm is counsel of record for certain Class Plaintiffs in this action.
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
4. The Firm seeks an award of \$84,728.79 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30<sup>th</sup> day of August, 2021, at Conshohocken, Pennsylvania.

*/s/ Brian D. Penny*

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Brian D. Penny

# **EXHIBIT A**



**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
 No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)

**Goldman Scarlato & Penny, P.C.**

Inception through June 30, 2021

<b><i>CATEGORY</i></b>		<b><i>AMOUNT</i></b>
Transportation, Hotels & Meals		\$8,557.94
Photocopies		\$437.86
Outside:	\$437.86	
In-House:	N/A	
Online Legal and Financial Research		\$732.99
Litigation Fund Contributions		\$75,000.00
<b>TOTAL</b>		<b>\$84,728.79</b>

# **EXHIBIT B**

**EXHIBIT B**

**FIRM RESUME**  
**GOLDMAN SCARLATO & PENNY, P.C.**

161 Washington Street, Suite 1025  
Conshohocken, PA 19428  
(484) 342-0700

GOLDMAN SCARLATO & PENNY, P.C. is a nationwide class action law firm. Our lawyers have dedicated their careers to vindicating the rights of ordinary people and businesses victimized by anticompetitive conduct, securities fraud, identity theft, deceptive consumer practices, unscrupulous financial advisors, or who have suffered harm as a result of defective medical devices and dangerous drugs. Goldman Scarlato & Penny, P.C. prosecutes securities fraud, antitrust, and consumer fraud class actions, investor arbitrations, sexual assault cases, as well as mass actions on behalf of those injured by defective medical devices and dangerous drugs throughout the United States. The Firm's lawyers have recovered hundreds of millions of dollars on behalf of their clients and helped to institute meaningful changes in business practices that seek to ensure robust competition in commercial markets, honest and fair disclosures in financial markets, and truthful advertising in retail markets.

The Firm has played prominent roles in several noteworthy and ground-breaking cases. Recently, the Firm has fought to protect those whose most sensitive and private data was compromised in *In re Anthem, Inc. Data Breach Litigation* (\$115 million settlement on behalf of healthcare patients), *In re Intuit Data Litigation*. (member of steering committee; settled) and has served as sole lead counsel in *Athens Orthopedic Clinic, P.A.* (case pending), and *United Shore Financial Services, LLC* (settled). The Firm has fought to enforce the nation's antitrust laws and ensure a level competitive playing field in cases such as *In re Air Cargo Antitrust Litigation* (settlements of over \$1 billion), *In re Vitamins Antitrust Litigation* (settlements of over \$1.7

billion), *In re Brand Name Prescription Drugs Antitrust Litigation* (settlements of approximately \$700 million), and *Logue v. West Penn Multi-Listing Service* (\$2.75 million settlement on behalf of consumers), and it successfully challenged businesses that misrepresented their products to consumers in *Mirakay v. Dakota Growers Pasta Co.* (settlement valued at over \$23 million). In addition, the Firm has fought to protect investors and enforce the nation's securities laws in cases such as *In re Broadcom Securities Litigation* (settlement of \$150 million), and *AOL Time Warner Securities Litigation*, (settlement of over \$2.5 billion for investors).

**Principle Partners:**

**MARK S. GOLDMAN.** Since 1986, Mark Goldman has concentrated his practice in many different types of complex litigation, including cases involving violations of the federal securities and antitrust laws and state consumer protection statutes. Mr. Goldman served as co-lead counsel in a number of class actions brought against life insurance companies, challenging the manner in which premiums are charged during the first year of coverage. In the antitrust field, Mr. Goldman litigated several cases that led to recoveries exceeding \$1 billion each, for the benefit of the consumers and small businesses he represented, including *In re Air Cargo Antitrust Litigation*, Case No. 06-MD-1775 (E.D.N.Y. 2016), *In re Vitamins Antitrust Litigation*, MDL No. 1285 (D.D.C. 1999), *In re NASDAQ Antitrust Litigation*, Case No. 94-cv-3996 (S.D.N.Y. 1994), and *In re Brand Name Prescription Drugs Antitrust Litigation*, Case No. 94-c-897 (N.D. Ill. 1994). Mr. Goldman represents and has represented numerous victims of identity theft seeking to hold accountable companies that failed to protect the safety of private data maintained on their networks, including *In re Community Health Systems, Inc. Customer Data Security Breach Litigation*, 15-cv-222 (N.D. Ala. 2015), *In re Anthem, Inc. Data Breach Litigation*, Case No. 15-MD-02617-LHK (N.D. Cal. 2015), *In re Intuit Data Litigation*, 15-cv-1778 (N.D. Cal. 2015), and

*Collins et al v. Athens Orthopedic Clinic, P.A.*, (Athens-Clark Cty, Ga 2017). In the area of securities litigation, Mr. Goldman played a prominent role in class actions brought under the antifraud provisions of the Securities Exchange Act of 1934, including *In re Nuskin Enterprises, Inc. Securities Litigation*, Master File No. 2:14-cv-00033 (D. Utah 2014), *In Re: Spectrum Pharmaceuticals, Inc. Securities Litigation*, Case No. 2:13-cv-00433 (D. Nev. 2013), and *In re Omnivision Technologies, Inc. Litigation*, Case No.: 5:11-cv-05235 (N.D. Cal. 2011). Mr. Goldman also prosecuted a number of insider trading cases brought against company insiders who, in violation of Section 16(b) of the Securities Exchange Act of 1934, engaged in short swing trading, and currently represents victims of Ponzi schemes seeking to hold financial institutions accountable for aiding and abetting the perpetrators of the schemes. *Gregory v. Zions Bancorporation, N.A.*, Case No. 2:19-cv-00015 (D. Utah); *Chang v. Wells Fargo Bank, N.A.*, No. 4:19-cv- 01973 (N.D. Cal.).

Mr. Goldman earned his undergraduate degree from the Pennsylvania State University in 1981 and his law degree from the University of Kansas School of Law in 1986. He is a member of the Pennsylvania bar.

**PAUL J. SCARLATO.** Paul Scarlato has concentrated his practice on the litigation of complex class actions since 1989. He has litigated numerous cases under the securities, consumer, antitrust and common law involving companies in a broad range of industries, and has litigated many cases involving financial and accounting fraud.

In securities fraud cases, Mr. Scarlato was one of three lead attorneys for the class in *Kaufman v. Motorola, Inc.*, a securities fraud class action that settled just weeks before trial, and along with Mr. Weinstein of his predecessor firm, was lead counsel in *Seidman v. American Mobile Systems, Inc.*, (E.D. Pa.), a securities class action that resulted in a settlement for the plaintiff class

again on the eve of trial. Mr. Scarlato served as co-lead counsel in *In re: Corel Corporation Securities Litigation* (E.D. Pa.). Mr. Scarlato was one of the lead lawyers in *Leibovic v. United Shore Financial Services*; *Afzal v. BMW of North America, LLC*, and *Yao Yi Liu v. Wilmington Trust Company*. He serves on the plaintiffs' Executive Committee in *Vikram Bhatia, D.D.S. v. 3M Company*, Case No. 16-cv-01304 (D. Minn.), and is counsel in *In re Platinum and Palladium Antitrust Litigation*, Case No. 14-cv-09391 (S.D.N.Y.), *In re Treasury Securities Auction Antitrust Litigation*, Case No. 15-md-02673 (S.D.N.Y.), and *In re Liquid Aluminum Sulfate Antitrust Litigation*, Case No. 15-7827 (D.N.J.).

Mr. Scarlato graduated from Moravian College in 1983 with a degree in accounting, and received his Juris Doctor degree from the Widener University School of Law in 1986. Mr. Scarlato served as law clerk to the Honorable Nelson Diaz, of the Court of Common Pleas of Philadelphia County, and thereafter as law clerk to the Honorable James T. McDermott, Justice of the Pennsylvania Supreme Court. After his clerkships, and prior to becoming a litigator, Mr. Scarlato was a member of the tax department of a major accounting firm where he provided a broad range of accounting services to large business clients in a variety of industries.

Mr. Scarlato is a member of the bars of the Commonwealth of Pennsylvania and the State of New Jersey, and those of various federal district and circuit courts.

**BRIAN D. PENNY.** Since joining the Firm in 2002, Mr. Penny has focused his practice on class action litigation principally in the areas of antitrust, consumer protection and securities fraud litigation. He was lead counsel in *Mirakay v. Dakota Growers Pasta Co.* (D.N.J. 2013) (alleging false and misleading advertising of pasta products and resulting in a settlement valued at over \$23 million); *Logue v. West Penn Multi-Listing Service* (W.D. Pa. 2010) (alleging price-fixing among brokers and multi-listing service and resulting in \$2.75 million settlement); *Allan*

*v. Realcomp II* (E.D. Mich. 2010) (alleging price-fixing among brokers and multi-listing service and resulting in a \$3.25 million settlement); *Boland v. Columbia Multi-Listing Service* (D.S.C. 2009) (alleging price-fixing among brokers and multi-listing service and resulting in a \$1 million settlement); and *Robertson v. Hilton-Head Multi-Listing Service* (D.S.C. 2009) (alleging price-fixing among brokers and multi-listing service).

Mr. Penny served on the executive committees in *In Re NHL Concussion Litigation* (D. Minn. 2014) (alleging league failed to protect players from known risks of concussions), and *In re: Community Health Systems, Inc., Customer Security Data Breach Litigation* (N.D. Ala. 2015) (alleging damages caused by data breach of health care records). He is on the Third Party Discovery Committee in *In re Disposable Contact Lenses Antitrust Litigation*, 15-md-2626 (M.D. Fla.), and is actively engaged as class counsel in *In re: Clobetasol Cases*, 16-CB-27240 (E.D. Pa. 2017) and *In re Lidocaine-Prilocaine*, 16-LD-27242 (E.D. Pa. 2017) where he leads the EPP discovery team in those cases, *In re Broiler Chicken Antitrust Litigation*, 1:16-cv-08637 (N.D. Ill. 2016); and *Bhatia v. 3M Company*, 16-cv-1304 (D. Minn. 2016); *In re EpiPen Marketing, Sales Practices and Antitrust Litigation*, 2:17-md-2785 (D. Kan. 2016).

Mr. Penny has also prosecuted numerous securities fraud class actions over the course of his career. He was a key member of the plaintiffs' teams that prosecuted *In re Broadcom Securities Litigation*, which resulted in a settlement of \$150 million for the class, and *AOL Time Warner Securities Litigation*, which resulted in a settlement of over \$2.5 billion for investors. Mr. Penny was also one of the lead attorneys representing the classes in a number of securities fraud actions arising out of stock option backdating, including, *In re Monster Worldwide, Inc. Securities Litigation* (\$47.5 million settlement), *In re Mercury Interactive Securities Litigation* (\$117.5 million settlement), *In re SafeNet, Inc. Securities Litigation* (\$25 million settlement),

*Ramsey v. MRV Communications et al.* (\$10 million settlement), and *In re Semtech Securities Litigation* (\$20 million settlement).

Mr. Penny received his Bachelor of Arts degree from Davidson College, Davidson, North Carolina, in 1997 and earned his Juris Doctor degree from Pennsylvania State University in 2000. After graduating from law school, Mr. Penny served as law clerk to the Honorable John T.J. Kelly, Jr., Senior Judge of the Superior Court of Pennsylvania. He has been named a Super Lawyer or Rising Star each year since 2010. In 2015, Mr. Penny was one of four finalists for the American Antitrust Institute's Enforcement Award for Outstanding Antitrust Litigation Achievement by a Young Lawyer for his work on *Allen, et al. v. Realcomp Ltd., et al.*



# EXHIBIT A-42

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF LYNN LINCOLN SARKO FILED ON BEHALF OF KELLER ROHRBACK L.L.P. IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Lynn Lincoln Sarko, declare as follows:

1. I am Managing Partner for the firm of Keller Rohrback L.L.P. (the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.

2. I am Co-Lead Class Counsel and counsel of record for certain Class Plaintiffs in this action.

3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. The Firm seeks an award of \$1,592,366.97 in expenses and charges in connection with the prosecution of the action through June 30, 2021.<sup>1</sup> Those expenses and charges are summarized by category in the attached **Exhibit A**.

5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 3<sup>rd</sup> day of September, 2021, at Seattle, Washington.

s/ Lynn L. Sarko  
\_\_\_\_\_  
Lynn Lincoln Sarko

<sup>1</sup> Keller Rohrback’s most recent litigation fund contribution was July 22, 2021.

# **EXHIBIT A**

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
 No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
 KELLER ROHRBACK L.L.P.  
 Inception through June 30, 2021

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees	\$6,815.35
Transportation, Hotels & Meals	\$165,851.85
Telephone, Facsimile	\$1,300.27
Postage	\$334.88
Messenger, Overnight Delivery	\$7,766.23
Court Hearing Transcripts and Deposition Reporting Transcripts and Videography	\$297.60
Photocopies	
Outside:	\$332.27
In-House:	\$43,967.30
Online Legal and Financial Research	\$63,670.85
Litigation Fund Contribution	\$1,300,000.00
Medical Records	\$661.99
Miscellaneous	\$1,368.38
<b><i>TOTAL</i></b>	<b><i>\$1,592,366.97</i></b>

# **EXHIBIT B**



# COMPLEX LITIGATION

# ABOUT KELLER ROHRBACK



## Devoted to Justice

*"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity...[Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions..."*  
*In re WorldCom, Inc. ERISA Litigation (Judge Cote)*

**Keller Rohrback's lawyers excel by being prepared and persuasive.** It's a simple formula that combines our strengths: outstanding writing and courtroom skill, together with unparalleled passion and integrity. We have recovered billions of dollars for our clients and have served as lead counsel in many prominent cases, including numerous financial crisis cases against Wall Street banks and mortgage originators. Our lawyers are recognized as leaders in their fields who have dedicated their careers to combating corporate fraud and misconduct. We have the talent as well as the financial resources to litigate against Fortune 500 companies—and do so every day.



## Who We Are

Keller Rohrback's Complex Litigation Group has a national reputation as the go-to plaintiffs' firm for large-scale, complex individual and class action cases. We represent public and private investors, businesses, governments and individuals in a wide range of actions, including securities fraud, fiduciary breach, antitrust, insurance coverage, whistleblower, environmental and product liability cases. Our approach is straightforward—we represent clients who have been harmed by conduct that is wrong, and we litigate with passion and integrity to obtain the best results possible. Every case is different, but we win for the same reason: we are persuasive. When you hire us, you hire smart, creative lawyers who are skilled in court and in negotiations.



Founded in 1919, Keller Rohrback's over 70 attorneys and about 100 staff members are based in six offices across the country in Seattle, Oakland, Santa Barbara, Phoenix, New York, and Missoula. Over the past century, our firm has built a distinguished reputation by providing top-notch representation. We offer exceptional service and a comprehensive understanding of federal and state law nationwide. We also are well known for our abilities to collaborate with co-counsel and to work together to achieve outstanding results—essential skills in large-scale cases in which several firms represent the plaintiffs. We pride ourselves on our reputation for working smartly with opposing counsel, and we are comfortable and experienced in coordinating high-stakes cases with simultaneous state and federal government investigations. Keller Rohrback attorneys earn the respect of our colleagues and our opponents through our deft handling of the array of complex issues and obstacles our clients face.



# ABOUT KELLER ROHRBACK



## What We Do

Keller Rohrback's Complex Litigation Group represents plaintiffs in large-scale cases involving corporate wrongdoing. We litigate against companies that pollute, commit fraud, fix prices and take advantage of consumers, employees, and investors. We are passionate advocates for justice. In addition, the Complex Litigation Group regularly calls on attorneys in the firm's other practice areas for expertise in areas such as bankruptcy, constitutional law, corporate transactions, financial institutions, insurance coverage and intellectual property. Our group's access to these in-house resources distinguishes Keller Rohrback from other plaintiffs' class action firms and contributes to the firm's success. We also have a history of working with legal counsel from other countries to vigorously pursue legal remedies on behalf of clients around the globe.

We have won verdicts in state and federal courts throughout the nation and have obtained judgments and settlements on behalf of clients in excess of \$23.25 billion. Courts around the country have praised our work, and we are regularly appointed lead counsel in nationally prominent class action cases. Our work has had far-reaching impacts for our clients in a variety of settings and industries, creating a better, more accountable society.

## Whom We Serve

We represent individuals, institutions, and government agencies. The common denominators of our clients is a desire to see justice done—and to be represented by attorneys who practice law with integrity, honesty, and devotion to serving our clients' interests.



*"Despite substantial obstacles to recovery, Keller Rohrback was willing to undertake the significant risks presented by this case...Class Counsel achieved real and substantial benefits for members of the Class. [Their] extensive prior experience in complex class action securities litigation... enabled the Class to analyze and achieve this excellent result." Getty v. Harmon (SunAmerica Securities Litigation) (Judge Dwyer).*

# ANTITRUST AND TRADE REGULATION



## ATTORNEYS

Lynn Lincoln Sarko  
 Gretchen Freeman Cappio  
 Alison Chase  
 Felicia Craick  
 Matt Gerend  
 Max Goins  
 Cari Campen Laufenberg  
 Derek Loeser  
 Tana Lin  
 Ryan McDevitt  
 Daniel Mensher

**Keller Rohrback's antitrust and trade regulation practice represents Plaintiffs in state and federal courts to ensure that consumers get the benefits of free and fair competition in the marketplace.** Keller Rohrback has successfully litigated cases on behalf of both consumers and businesses who have been harmed by illegal anti-competitive conduct, such as price fixing, price discrimination, misleading and deceptive marketing practices, and the monopolization and attempted monopolization of markets.

Keller Rohrback has served as lead counsel, on MDL executive committees, and in other prominent roles in large price-fixing and price discrimination cases.

## REPRESENTATIVE CASES

*Nurse Wage Litigation: Fleischman v. Albany Medical Center (N.D.N.Y.); Cason-Merenda v. Detroit Medical Center (E.D. Mich.)*

Keller Rohrback was Co-Lead Counsel in these long-running antitrust actions which recovered \$105 million in underpaid wages resulting from an alleged conspiracy

among hospitals to set the compensation of their nurse employees in Albany, New York, and Detroit, Michigan.

### *Ferko v. National Ass'n For Stock Car Auto Racing, Inc., No. 02-50 (E.D. Tex.)*

Keller Rohrback was Counsel for Plaintiff, a shareholder in Texas Motor Speedway (TMS), in a lawsuit that charged NASCAR with breach of contract, unlawful monopolization, and conspiring with International Speedway Corporation (ISC) to restrain trade in violation of the antitrust laws. The settlement agreement allowed TMS to purchase North Carolina Speedway from ISC and required NASCAR to sanction a Nextel Cup Series race at TMS in the future, relief that was valued at \$100.4 million.

### *In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.)*

Keller Rohrback played a significant role in litigating this MDL case, one of the largest and most successful antitrust cases in history. Chief Judge Thomas Hogan certified two classes of businesses who directly purchased bulk vitamins and were overcharged as a result of a ten-year global price-fixing and market-allocation conspiracy. Recoveries for the class through settlement and verdict totaled over \$1 billion.

### *In re Online DVD Rental Antitrust Litigation, MDL No. 2029 (N.D. Cal.)*

Keller Rohrback represented purchasers of online DVD rental services accusing Walmart and Netflix of engaging in a market allocation scheme. The class achieved settlements of over \$30 million.

### *Johnson v. Arizona Hospital and Healthcare Association, No. 07-1292 (D. Ariz.)*

Keller Rohrback represented agency nurses who worked at various Arizona hospitals seeking to recover the underpayment of wages resulting from a conspiracy to suppress the cost of agency nurses. The class achieved settlements of more than \$26 million.

"The Court has repeatedly stated that the lawyering in the case at every stage was superb, and does again." *In re Linerboard Antitrust Litigation* (E.D. Pa. June, 2 2004) (Judge DuBois).

# ANTITRUST AND TRADE REGULATION



## REPRESENTATIVE CASES continued

### *Daisy Mountain Fire District v. Microsoft Corp.*, MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in of over \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

### *Molecular Diagnostics v. Hoffman-La Roche, Inc.*, No. 04-1649 (D.D.C.)

Keller Rohrback served on the Executive Committee of this class action lawsuit on behalf of direct purchasers of thermus aquaticus DNA polymerase (Taq), an essential input to technologies used to study DNA. The lawsuit alleged that various Hoffman-La Roche entities, in concert with the Perkins Elmer Corp., fraudulently procured a patent for Taq with the intent of illegally monopolizing the Taq market. The court approved a \$33 million settlement in 2008.

### *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, MDL No. 2785 (D. Kan.)

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs allege that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain their dominant market positions and increase the prices of EpiPen products by over 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. On February 27, 2020, the Court certified two classes of consumers and payors against Defendants Mylan and Pfizer. Trial is set to begin in January 2022.

### *Johnson v. Arizona Hospital and Healthcare Association*, No. 07-1292 (D. Ariz.)

Keller Rohrback represented agency nurses who worked at various Arizona hospitals seeking to recover the underpayment of wages resulting from a conspiracy to suppress the cost of agency nurses. The class achieved settlements of more than \$26 million.

### *Transamerican Refining Corporation v. Dravo Corp.*, No. 88-789 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action filed on behalf of all cost-plus purchasers of specialty steel pipe. Fabricators and suppliers of that pipe were sued on allegations of a nationwide price fixing conspiracy. The class of electric generating plant and oil refinery owners, achieved a settlement of over \$49 million.

### *In re: Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687 (D.N.J.)

In 2016, Keller Rohrback filed numerous class action complaints in federal courts on behalf of several municipalities in Washington, California, and Arizona that purchase and use liquid aluminum sulfate ("Alum") to treat and clean their waste water. The complaints contained claims against the major manufacturers of Alum who allegedly engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. As a result of these antitrust violations, municipalities – and their taxpayers – had overpaid millions of dollars to the co-conspirators for the Alum they purchased during the long life of this conspiracy. In March 2020, the Court authorized the transfer of settlement funds to pay claims of the Settlement Class Members.

# APPELLATE PRACTICE



## ATTORNEYS

Lynn Lincoln Sarko  
Ben Gould  
Ron Kilgard  
Cari Campen Laufenberg  
Jeffrey Lewis  
Derek Loeser  
Gretchen Obrist  
Erin Riley  
Matthew Preusch

**Appeals require specialized skills and experience, and Keller Rohrback has a seasoned appellate team that includes award-winning brief writers and outstanding oral advocates.** Our appellate experience is particularly important in large cases, including complex class actions. Keller Rohrback has the experience and talent to handle any issue that arises involving interlocutory appeals and will work to ensure that any judgment or settlement is affirmed on appeal.

## REPRESENTATIVE CASES

*Clarke v. Baptist Memorial Healthcare Corp., --F. App'x-- (6th Cir. 2016)*

Keller Rohrback overturned the district court's denial of intervention, thus allowing our clients to challenge an earlier denial of class certification.

*Campidoglio, LLC v. Wells Fargo & Company, 870 F. 3D 963 (9th Cir. 2017)*

This is a proposed class action arising out of the Bank's alleged miscalculation of the interest rates charged to Borrowers. The Ninth Circuit reverse the dismissal finding that the Home Owners' Loan Act does not preempt the Borrowers' interest rate calculation breach of contract claim, which arises under Washington law.

*Alcantara v. Bakery & Confectionary Union, 751 F.3d 71 (2d Cir. 2014)*

Keller Rohrback successfully defended the trial court's decision and judgment that the Defendants had unlawfully reduced pension benefits.

*Gates v. UnitedHealth Group Inc., 561 F. App'x 73 (2d Cir. 2014)*

Keller Rohrback persuaded the Second Circuit to reverse the district court's dismissal of our client's claims for medical coverage.

*Wurtz v. Rawlings Co., 761 F.3d 232 (2d Cir. 2014)*

Keller Rohrback submitted an amicus brief on behalf of the New York State Trial Lawyers Association in support of the appellants. The Second Circuit cited the amicus brief and adopted much of its reasoning in reversing the trial court.

*Heckman v. Williamson County, 369 S.W.3d 137 (Tex. 2012)*

Keller Rohrback represented a proposed class of indigent criminal Defendants who challenged the constitutionality of a number of pretrial procedures. Keller Rohrback persuaded the Texas Supreme Court to reverse the Texas Court of Appeals and allow the Plaintiffs to proceed with their claims.

*Braden v. Walmart Stores, Inc., 588 F.3d 585 (8th Cir. 2009)*

Keller Rohrback represented a class of Walmart employees who alleged that Walmart's 401(k) plan charged them excessive fees. Keller Rohrback convinced the Eighth Circuit to reverse the trial court and reinstate the employees' claims.

*In re Syncor ERISA Litigation, 516 F.3d 1095 (9th Cir. 2008)*

Keller Rohrback represented a group of workers who alleged that their employer had violated the law by investing their retirement savings in the employer's stock. Keller Rohrback convinced the Ninth Circuit to reverse the dismissal of the trial court and reinstate the workers' claims.

# AUTOMOTIVE LITIGATION



## ATTORNEYS

Lynn Lincoln Sarko  
 Gretchen Freeman Cappio  
 Derek Loeser  
 Alison Chase  
 Felicia Craick  
 Adele Daniel  
 Max Goins  
 Ryan McDevitt  
 Rachel Morowitz  
 Sydney Read  
 Emma Wright

**Keller Rohrback is renowned for its success in representing consumers in high-stakes, complex litigation involving automotive defects and misrepresentations.** Courts regularly appoint our nationally recognized attorneys to plaintiffs' leadership teams for automotive class actions, including numerous actions consolidated in multidistrict litigation. These cases reflect our firm's ongoing commitment to ensuring the safety of drivers, passengers, their vehicles, and the environment.

## REPRESENTATIVE CASES

### *ZF-TRW Airbag Control Units Products Liability Litigation, No. 19-ml-02905-JAK-FFM (C.D. Cal.)*

Gretchen Freeman Cappio is a member of the Plaintiffs' Steering Committee. In her work on the PSC, Gretchen has directed briefing efforts on cutting edge legal issues and steers plaintiffs' global strategy. Plaintiffs' allegations against auto

parts supplier ZF-TRW and automakers FCA/Stellantis, Kia, Hyundai, Toyota, Honda, and Mitsubishi relate to defective airbag control units in 12.3 million vehicles that may cause airbags to fail to inflate in the event of a crash.

### *Won et al. v. General Motors, LLC, et al., No. 19-cv-11044-DML-DRG (E.D. Mich.)*

Gretchen Freeman Cappio was recently appointed to the Plaintiffs' Steering Committee in the GM transmission litigation and expects to play a major role in the case. In this putative class action, Plaintiffs allege that transmission defects in GM, Chevrolet, and Cadillac vehicles sold as early as 2014 can cause unsafe conditions that GM failed to disclose or repair despite longstanding knowledge and numerous attempts.

### *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2777 (N.D. Cal.)*

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

# AUTOMOTIVE LITIGATION

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## REPRESENTATIVE CASES continued

### *In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation*, No. 3:15-md-02672 (N.D. Cal.)

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen’s fraudulent use of an emissions “defeat device” in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs’ Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

### *Short et al. v. Hyundai Motor America, Inc., et al.*, No. 19-cv-00318-JLR (W.D. Wash.)

Keller Rohrback leads litigation against Hyundai Motor Company, Kia Motors Corporation, and their American subsidiaries. The litigation, filed in the United States District Court for the Western District of Washington, arises out of Hyundai’s and Kia’s failure to disclose or timely remedy several serious defects of design and manufacturing that can cause the engines of certain vehicles to suddenly stall while at speed or to burst into flames. The litigation is ongoing and the parties are in discovery.

### *Altobelli et al. v. General Motors LLC*, No. 2:20-cv-13256 (E.D. Mich.)

Judge Berg recently appointed Keller Rohrback Co-Lead Counsel in the consolidated Chevrolet Bolt defective battery litigation. Plaintiffs allege that General Motors failed to disclose dangerous battery defects that led to an increased risk of catastrophic fires and diminished battery function. The litigation is on-going.

### *Stringer et al. v. Nissan of North America et al.*, No. 3:21-cv-00099 (M.D. Tenn.); *Lane et al. v. Nissan of North America et al.*, No. 3:21-cv-00150 (M.D. Tenn.)

Ryan McDevitt has been appointed to the Executive Committee in two Consolidated Cases in the Middle District of Tennessee. The cases allege that faulty continuously variable transmissions (CVT) in certain Rogue and Pathfinder vehicles fail prematurely, causing dangerous driving conditions for everyone on the road.

# BANKRUPTCY-RELATED LITIGATION



## ATTORNEYS

Laurie Ashton  
Gary A. Gotto  
Christopher Graver

**Keller Rohrback attorneys have deep and broad experience litigating in the bankruptcy courts on behalf of Plaintiffs whose claims were interrupted by bankruptcy petitions, as well as creditors, debtors, and creditor committees.**

Our experience includes representing claimants and class claimants in numerous large-scale bankruptcies - such as the pending Purdue Pharma bankruptcy in New York, which forms a part of our larger representations in the nationwide opioid litigation. Keller Rohrback's representations have involved virtually all areas of sophisticated bankruptcy practice, including: (i) negotiating acceptable terms of a

plan of reorganization with the debtor, creditors' committee, and other bankruptcy constituencies; (ii) pursuing relief from the automatic stay to litigate claims in district court; (iii) seeking and opposing orders to withdraw the reference to the bankruptcy court; (iv) certifying a claimant class in bankruptcy; (v) asserting rights to officer, director, or fiduciary insurance policies between conflicting bankruptcy claimants; (vi) evaluating and negotiating proposals for debtor financing, cash collateral orders, estate sale orders and other bankruptcy administrative matters; and (vii) defending against subordination claims.

Keller Rohrback's bankruptcy attorneys also have extensive experience in a wide variety of matters involving corporate restructuring and commercial bankruptcies. Our bankruptcy clients have ranged from tort claimants to operating entities to institutional lenders. Examples include representation of the official committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, the debtors in a reorganization of fifty commercial real properties across the nation; and a national services company in the acquisition of a competitor's assets in a bankruptcy court-approved sale in the Northern District of California.

In addition to the representative cases listed below, Keller Rohrback has achieved similar results in numerous other bankruptcy proceedings involving corporations such as Global Crossing Ltd., Mirant Corp., Delphi Corp., and Fremont General Corp.

## REPRESENTATIVE CASES

### *In re Enron Corp., No. 01-16034 (Bankr. S.D.N.Y.)*

Keller Rohrback obtained stay relief to pursue litigation in the Southern District of Texas and defended against a motion to subordinate claims. Keller Rohrback achieved a settlement for the class that included the allowance of a \$265 million claim in the Enron bankruptcy.

### *In re WorldCom, Inc., Nos. 02 Civ. 3288(DLC), 02 Civ. 8981(DLC) (Bankr. S.D.N.Y.)*

Keller Rohrback defended against a motion to subordinate claims and successfully negotiated a simultaneous resolution of claims in the bankruptcy and district courts against third parties in the total amount of \$48 million.

### *In re Nortel Networks, Inc., No. 09-10138(KG) (Bankr. D. Del.)*

Keller Rohrback represented class claimants in simultaneous insolvency proceedings in Canada under the Companies' Creditors Arrangement Act and bankruptcy court in the District of Delaware. Keller Rohrback obtained stay relief to pursue litigation in the Middle District of Tennessee and ultimately settled class claims in Tennessee for over \$21 million.

### *In re Washington Mutual, Inc., No. 08-12229(MFW) (Bankr. D. Del.)*

Keller Rohrback sought stay relief to pursue litigation in the Western District of Washington and pursued claims in bankruptcy court in Delaware, resulting in a simultaneous resolution of claims in the bankruptcy and district courts for \$20 million.

# CONSUMER PROTECTION CLASS ACTIONS **KR**

## ATTORNEYS

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 Nathan Nanfelt  
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 Amy Williams-Derry  
 Michael Woerner

For decades, consumers have trusted Keller Rohrback attorneys to protect them from harmful and unfair practices. Our firm is a leader in representing consumers in class action and complex litigation in diverse areas, including vehicles, children's products, food contamination, drugs, mortgage modifications, identity theft, and data breaches. Keller Rohrback currently represents a wide range of consumers, such as vehicle owners and lessees, parents, environmentalists, fishermen, employees, professors, doctors, and nurses.



Through decades of hard work, ingenuity, and creativity, Keller Rohrback has achieved meaningful results. These results impact not only our clients, but future consumers too. For example, homeowners now benefit from improved loan-modification practices at one of the country's biggest banks as a result of our advocacy.

Keller Rohrback attorneys are frequently featured speakers and presenters at prestigious legal education seminars on class actions, consumer protection, and data privacy.

## REPRESENTATIVE CASES

### *Jabbari v. Wells Fargo & Company*, No. 15-2159 (N.D. Cal.)

Keller Rohrback filed a class action lawsuit against Wells Fargo alleging the bank victimized its customers by opening checking, savings and credit card accounts, and lines of credit without customers' authorization. Keller Rohrback negotiated a \$142 million settlement on behalf of consumers, which requires Wells Fargo to refund fees charged to unauthorized accounts, compensate consumers for increased borrowing

costs due to credit damage, and provide other substantial compensation. Final Approval of the settlement was granted on June 14, 2018.

### *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, MDL No. 2785 (D. Kan.)

Keller Rohrback serves as Plaintiffs' Co-Lead Counsel in this litigation regarding the marketing, pricing, and sale of EpiPen auto-injector devices in the United States. Plaintiffs allege that defendants Mylan and Pfizer engaged in unfair and illegal activities that stifled competitors, allowing defendants to maintain their dominant market positions and increase the prices of EpiPen products by over 500%. These practices forced consumers to pay inflated and unnecessary costs for EpiPens—a device on which many lives depend. On February 27, 2020, the Court certified two classes of consumers and payors against Defendants Mylan and Pfizer. Trial is set to begin in January 2022.



# CONSUMER PROTECTION CLASS ACTIONS

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## REPRESENTATIVE CASES continued

### *In re JPMorgan Chase Mortgage Modification Litigation*, MDL No. 2290 (D. Mass.)

Keller Rohrback served as Co-Lead Counsel in this MDL, representing homeowners who attempted to obtain mortgage loan modifications from JPMorgan Chase and related entities. Plaintiffs alleged breach of contract and violations of consumer protection laws when Defendants failed to timely evaluate or approve mortgage modification applications of homeowners who had completed identified prerequisites. Keller Rohrback achieved a settlement for the class valued at over \$500 million.

### *In re Mattel, Inc., Toy Lead Paint Products Liability Litigation*, MDL No. 1897 (C.D. Cal.)

Keller Rohrback served as Chair of the Executive Committee in this nationwide MDL against Mattel and Fisher-Price on behalf of purchasers of toys recalled because they were manufactured using lead paint and/or dangerous magnets. On behalf of Plaintiffs, Keller Rohrback achieved a settlement valued at approximately \$50 million.

### *Fox v. Iowa Health System*, No. 18-00327 (W.D. Wis.)

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties have since reached a settlement, and the Court granted preliminary approval on September 16, 2020. Notice of the settlement has been sent to approximately 1.4 million class members and the Court will hold a Hearing on Final Approval of the settlement on February 19, 2021.

### *Ormond v. Anthem, Inc.*, No. 05-1908 (S.D. Ind.)

Anthem Insurance converted from a mutual company to a stock company on November 2, 2001. More than 700,000 former members of the mutual company sued Anthem, alleging that the cash compensation they received as a result of the demutualization was inadequate. After class certification and shortly before the start of trial, Keller Rohrback and co-counsel settled the action for \$90 million.

### *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.)

Keller Rohrback served as interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company's highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members' personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.

### *In re: Arizona Theranos, Inc. Litigation*, No. 16-2138 (D. Ariz.)

Keller Rohrback filed class action complaints in California and Arizona federal courts against Walgreens Boots Alliance, Inc., Walgreen Arizona Drug Company, and the leaders of Theranos, Inc.: Elizabeth Holmes and Ramesh (Sunny) Balwani. Theranos claimed to have developed a "tiny blood test," and it ventured with Walgreens to market its product and offer it in select Walgreens retail stores. The vaunted technology did not work. Thousands of Theranos test results were either invalidated or called into question. Holmes and Balwani also face related criminal charges. On March 6, 2020, the U.S. District Court in Phoenix, Arizona granted class certification in favor of an estimated 175,000 consumers in Arizona and California against Defendants. Defendants are appealing that decision, and the litigation is ongoing.

# CONSUMER PROTECTION CLASS ACTIONS

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## REPRESENTATIVE CASES continued

### *Iacovelli v. SBTickets.com, LLC*, No. 15-1459 (Maricopa Cnty. Super. Ct., Ariz.)

Keller Rohrback filed a class action in Arizona state court on behalf of individuals who paid for, but did not receive, tickets to the 2014 Super Bowl (Super Bowl XLIX) from the ticket broker SBTickets. Despite purchasing tickets and receiving numerous representations that their tickets were guaranteed, SBTickets customers were told just days before the game, and in some instances, only hours before kickoff, that their ticket orders would not be fulfilled. The case was settled on favorable terms for the class notwithstanding the Defendant's insolvency and bankruptcy proceedings.

### *Telephone Consumer Protection Act Cases*, (King Cnty. Super. Ct., Wash.)

Keller Rohrback prosecuted numerous class actions concerning the sending of unsolicited facsimiles in violation of the Telephone Consumer Protection Act and the Washington Consumer Protection Act, resulting in the issuance of eleven permanent injunctions and the recovery of over \$56 million on behalf of injured Plaintiffs.

### *In re Bisphenol-A (BPA) Polycarbonate Plastic Products Liability Litigation*, MDL No. 08-1967 (W.D. Mo.)

Keller Rohrback served on the Plaintiffs' Steering Committee in this MDL on behalf of purchasers of plastic baby bottles and "sippy" cups which contained the chemical bisphenol-A (BPA). The action was favorably settled.

### *Brotherson v. Professional Basketball Club, L.L.C.*, No. 07-1787 (W.D. Wash.)

Keller Rohrback represented Seattle SuperSonics season ticket holders who renewed their 2007-2008 season ticket packages before the team was relocated to Oklahoma City. After Plaintiffs prevailed on class certification and defeated summary judgment, the parties negotiated a significant settlement that returned substantial sums to the class.

### *In Re 21st Century Oncology Customer Data Breach Litigation*, MDL No. 2737 (M.D. Fla.)

In 2016, Keller Rohrback L.L.P. filed three proposed Class Action Complaints against the Florida-based healthcare provider 21st Century Oncology concerning an October 2015 data breach. All cases concerning the breach were consolidated in October 2016 for coordinated pretrial proceedings. On November 18, 2016, Keller Rohrback and Robinson Calcagnie were appointed Interim Co-Lead Counsel. On March 11, 2019, the Court entered its Order denying the Defendants' Motion to Dismiss the Amended Consolidated Complaint. In June 2020, the parties reached a settlement in principle, which the Court preliminarily approved on November 2, 2020. Notice to class members will be sent in early January, and a Hearing to determine whether the Settlement is fair, adequate and reasonable will be held June 15, 2021.

### *In re Apple Inc. Device Performance Litigation*, MDL No. 2827 (N.D. Cal.)

Keller Rohrback served as Co-Chair of the Executive Committee for Offensive Discovery and also as the ESI Coordinator in this consolidated action concerning IOS software installed on certain Apple iPhone devices. The Plaintiffs asserted claims that this software diminished the performance of those devices. Numerous cases were consolidated before Judge Edward J. Davila in the Northern District of California. A settlement of up to \$500 million has been granted preliminary approval for the benefit of the Settlement Class Members. The Final Fairness Hearing was held December 4, 2020.

# DATA PRIVACY LITIGATION



## ATTORNEYS

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**Keller Rohrback is a pioneer in representing consumers and employees who have had their personal information breached.** Our Data Privacy Litigation team has an established reputation of successful data breach litigation in federal and appellate courts.

Our success in this area includes the groundbreaking case, *Krottner v. Starbucks*, where the Ninth Circuit recognized that Plaintiffs-Appellants' injury caused by a stolen laptop containing their personal information sufficiently satisfied the Article III standing requirement. This decision established an important legal precedent that formed a building block for privacy litigation under federal law.

Keller Rohrback's Data Privacy Litigation team has made headlines in various publications, including *Variety*, the *Los Angeles Times*, *Law.com*, and *The Guardian*. We have also been featured on broadcasts such as NPR's Morning Edition and KIRO 7 Seattle.

## REPRESENTATIVE CASES

### *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, MDL No. 2843 (N.D. Cal.)

Keller Rohrback partner Derek Loeser serves as Interim Co-Lead Counsel in this multidistrict litigation arising out of the Cambridge Analytica scandal, wherein Facebook acknowledged that a third-party app had collected the personal information of 87 million Facebook users. Plaintiffs' consolidated complaint, filed on behalf of Facebook users in the United States, alleges that Facebook shared users' personal information with its business partners and certain third-party applications without users' authorization or consent. On September 9, 2019, the Court issued an order on Facebook's motion to dismiss, allowing most of Plaintiffs' claims to proceed. The litigation is proceeding in discovery.

### *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.)

Keller Rohrback served as Interim Co-Lead Counsel and Liaison Counsel in this case against Sony Pictures Entertainment, Inc. on behalf of former and current Sony employees affected by the company's highly publicized data breach. Plaintiffs alleged that Sony failed to secure and protect its computer systems, servers, and databases, resulting in the release of the named Plaintiffs and other class members' personal information. Keller Rohrback obtained a significant settlement for the class in October 2015, which was approved in April 2016.

### *Fox v. Iowa Health System*, No. 18-00327 (W.D. Wis.)

Plaintiffs filed this complaint against Iowa Health System (UnityPoint Health) on behalf of individuals in Wisconsin, Iowa, and Illinois whose protected health information was compromised as a result of data breaches that occurred on at least two separate occasions between November 2017 and March 2018. On July 25, 2019, the Court granted in part and denied in part Defendant's motion to dismiss. The parties have since reached a settlement, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breaches. The Court granted preliminary approval of the settlement on September 16, 2020. Notice of the settlement has been sent to approximately 1.4 million class members and the Court will hold a hearing on final approval of the settlement on February 19, 2021.

# DATA PRIVACY LITIGATION

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## REPRESENTATIVE CASES continued

### *In Re Experian Data Breach Litigation, No. 15-1592 (C.D. Cal.)*

In October 2015, Experian announced a nationwide data breach affecting an estimated 15 million consumers. Keller Rohrback was appointed to serve on the Plaintiffs' Steering Committee. After three years of litigation, a settlement was reached valued at more than \$150 million, providing credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breach. The Court granted final approval of the settlement in May 2019.

### *In Re 21st Century Oncology Customer Data Breach Litigation, MDL No. 2737 (M.D. Fla.)*

In 2016, Keller Rohrback filed three proposed class action complaints against the Florida-based healthcare provider 21st Century Oncology concerning an October 2015 data breach impacting 2.2 million class members. All cases concerning the breach were consolidated in October 2016 for coordinated pretrial proceedings. On November 18, 2016, Keller Rohrback and Robinson Calcagnie were appointed Interim Co-Lead Counsel. On March 11, 2019, the Court entered its order denying the Defendants' motion to dismiss the amended consolidated complaint. In June 2020, the parties reached a settlement in principle, valued at more than \$16 million, providing for credit monitoring and insurance services, reimbursement for out-of-pocket costs, and payment for time incurred as a result of the data breach. The Court preliminarily approved the settlement on November 2, 2020. Notice to class members was sent in early January, and a hearing to determine whether the settlement is fair, adequate and reasonable will be held June 15, 2021.

### *Krottner v. Starbucks Corp., 628 F.3d 1139 (9th Cir. 2010)*

In 2008, Keller Rohrback filed a class action on behalf of approximately 97,000 Starbucks employees whose unencrypted private information was contained on a stolen Starbucks laptop. Plaintiffs' claims included negligence and breach of contract for failing to protect employees' personally identifiable information. The district court granted Starbucks's motion to dismiss, but Keller Rohrback successfully appealed the decision as to standing, resulting in the Ninth Circuit establishing a new legal precedent that the theft of PII constituted injury under Article III.

# EMPLOYEE BENEFITS



## ATTORNEYS

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 Havila C. Unrein  
 Amy Williams-Derry  
 Michael Woerner

**Keller Rohrback is the preeminent firm for Employee Retirement Income Security Act of 1974 (ERISA) and other employee benefit class action and complex litigation.** Our firm is a pioneer of ERISA class action litigation, with over a billion dollars of pension and health benefits recovered for our clients. Keller Rohrback has played a major role in developing the law and establishing that ERISA's protections apply to all investments in company-sponsored retirement plans, as well as to benefits in health and welfare plans. Keller Rohrback's attorneys are also well versed in ERISA preemption matters and have a long history of supporting city and state efforts to fill gaps in providing health and retirement benefits to their constituents.

Keller Rohrback is routinely appointed lead or co-lead counsel in major employee benefit class actions. Our work in this complex and rapidly developing area has been praised by our clients, our co-counsel, and federal courts. Managing a complex, large-scale employee benefit case requires knowledge of employee benefit, securities, accounting, corporate, bankruptcy, and class action law. Keller Rohrback has excelled in these cases by developing a deep understanding of ERISA and by drawing on our expertise in numerous related practice areas.

Keller Rohrback has a very deep bench in ERISA matters. Lawyers at Keller Rohrback have testified before Congress, served as editors of numerous employee benefit books and manuals, and written scholarly ERISA articles, amicus briefs, and comments to regulatory agencies overseeing ERISA plans. We are frequently featured speakers and presenters at prestigious legal education seminars on employee benefit class actions and ERISA. We have also served as fiduciaries and mediators.

We are involved in all aspects of ERISA litigation, from administrative reviews to district court trials to circuit court appeals to handling cases and filing amicus briefs in the U.S. Supreme Court. We are proud of our history, but we don't rest on

our laurels, we listen carefully to employees' and retirees' stories and craft cases that enforce ERISA's longstanding duties—which are the highest known to the law.

## REPRESENTATIVE CASES

### *Whetman v. IKON Office Solutions, Inc.*, MDL No. 1318 (E.D. Pa.)

The wave of 401(k) company stock cases began with *Whetman v. IKON Office Solutions, Inc.* In a first-of-its-kind complaint, we alleged that company stock was an imprudent investment for IKON's 401(k) plan, that the fiduciaries of the plan failed to provide complete and accurate information about company stock to the participants, and that they failed to address their conflicts of interest. This case resulted in ground-breaking opinions in the ERISA 401(k) area of law on motions to dismiss, class certification, approval of securities settlements with a carve-out for ERISA claims, and approval of ERISA settlements providing a total recovery to the Plans of \$111 million. Judge Katz granted final approval of the settlement in 2002.



# EMPLOYEE BENEFITS

## REPRESENTATIVE CASES continued

### *In re Enron Corp. ERISA Litigation*, MDL No. 1446 (S.D. Tex.)

Keller Rohrback served as Co-Lead Counsel in this class action. After groundbreaking motions to dismiss decisions and several years of discovery, Keller Rohrback negotiated four separate settlements with different groups of Defendants, resulting in recoveries of over \$264 million. Judge Melinda Harmon approved the fifth and final settlement on February 23, 2007.

### *In re Lucent Technologies, ERISA Litigation*, No. 01-3491 (D.N.J.)

Keller Rohrback served as Co-Lead Counsel in this class action brought on behalf of participants and beneficiaries of the Lucent defined contribution plans who invested in Lucent stock. A settlement providing injunctive relief and the payment of \$69 million to the plan was approved by Judge Joel Pisano on December 12, 2003.

"[Keller Rohrback] has performed an important public service in this action and has done so efficiently and with integrity...[Keller Rohrback] has also worked creatively and diligently to obtain a settlement from WorldCom in the context of complex and difficult legal questions... [Keller Rohrback] should be appropriately rewarded as an incentive for the further protection of employees and their pension plans not only in this litigation but in all ERISA actions." *In re WorldCom, Inc. ERISA Litigation*, No. 02-4816, 2004 WL 2338151, \*10 (S.D.N.Y. Oct. 18, 2004) (Judge Cote).

### *In re WorldCom, Inc. ERISA Litigation*, No. 02-4816 (S.D.N.Y.)

Keller Rohrback served as Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the WorldCom 401(k) Salary Savings Plan who invested in WorldCom stock. Settlements providing for injunctive relief and payments of over \$48 million to the plan were approved by Judge Denise Cote on October 26, 2004 and November 21, 2005.

### *In re AIG ERISA Litigation*, No. 04-9387 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the AIG 401(k) retirement plans who invested in AIG stock. A settlement providing for injunctive relief and the payment of \$25 million to the plans was approved by Judge Kevin T. Duffy on October 8, 2008.

### *Alvidres v. Countrywide Financial Corp.*, No. 07-5810 (C.D. Cal.)

Keller Rohrback served as Lead Counsel in this class action filed on behalf of participants and beneficiaries of the Countrywide 401(k) plan who invested in Countrywide stock. A settlement providing for injunctive relief and the payment of \$55 million to the plan was approved by Judge John F. Walter on November 16, 2009.

### *In re Global Crossing, Ltd. ERISA Litigation*, No. 02-7453 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of the GX defined contribution plans who invested in GX stock. A settlement providing injunctive relief and a payment of \$79 million to the plan was approved by Judge Gerard Lynch on November 10, 2004.



# EMPLOYEE BENEFITS

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## REPRESENTATIVE CASES continued

### *In re Merrill Lynch & Co., Inc. Securities, Derivative & ERISA Litigation*, No. 07-10268 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this class action filed in the Southern District of New York on behalf of participants and beneficiaries of Merrill Lynch's defined contribution plans who invested in Merrill Lynch stock. A settlement providing injunctive relief and a payment of \$75 million to the plans was approved by Judge Jed S. Rakoff on August 21, 2009.

### *In re Washington Mutual, Inc. ERISA Litigation*, No. 07-1874 (W.D. Wash.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed on behalf of participants and beneficiaries in the company's retirement plans who invested in Washington Mutual stock. On January 7, 2011, Judge Marsha J. Pechman granted final approval of the \$49 million settlement in the ERISA action.

### *Judy Hunter v. Berkshire Hathaway, Inc.*, No. 14-663 (N.D. Tex.)

Keller Rohrback was class counsel in a case under the Employee Retirement Income Security Act ("ERISA") against Berkshire Hathaway Inc. ("Berkshire Hathaway"). Plaintiffs alleged that, when Berkshire Hathaway acquired a subsidiary ("Acme") in 2000, Berkshire Hathaway made promises in a merger agreement that amended Acme's pension and 401(k) plans, and that Berkshire Hathaway violated ERISA and those promises when it allegedly caused Acme to freeze accrual of pension benefits and decrease the employer's matching contribution to the 401(k) plan. On May 26, 2020, the Court granted final approval of the parties' Class Action Settlement Agreement, providing the classes an estimated \$10 million in value and resolving Plaintiffs' ERISA claims with no admission of liability by Berkshire Hathaway.

### *In re Bakery & Confectionery Union & Industry Int'l Pension Fund Pension Plan*, No. 11-1471 (S.D.N.Y.)

Keller Rohrback and co-counsel filed this action alleging that an amendment to the Bakery & Confectionery Union & Industrial Pension Fund Pension Plan violated ERISA's anti-cutback provisions. Plaintiffs prevailed at both the district court and appellate levels, and Defendants implemented adjustments to reinstate the benefits due to eligible employees.

### *Palmason v. Weyerhaeuser*, No. 11-695 (W.D. Wash.)

Keller Rohrback and co-counsel filed this action alleging that Weyerhaeuser and other fiduciaries caused its pension plan to engage in a risky investment strategy involving alternative investments and derivatives, causing the Plans' master trust to become underfunded. A settlement was reached for injunctive relief on behalf of the Plans' participants and beneficiaries.

### *In re State Street Bank and Trust Co. ERISA Litigation*, No. 07-8488 (S.D.N.Y.)

Keller Rohrback served as Co-Lead Counsel in this ERISA breach of fiduciary duty class action filed in the Southern District of New York brought on behalf of participants and beneficiaries in the company's retirement plans. A settlement providing a payment of \$89.75 million was approved by Judge Richard J. Holwell on February 19, 2010.



# EMPLOYEE BENEFITS

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## REPRESENTATIVE CASES continued

### *Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Management LLC, No. 09-8278 (S.D.N.Y.)*

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

### *Griffith v. Providence Health & Services, No. 14-01720 (W.D. Wash.)*

Keller Rohrback served as Class Counsel in this lawsuit alleging that the Providence Health & Services Cash Balance Retirement Plan was improperly claiming an exemption from ERISA as a “church plan.” In 2017, the Court granted final approval of a class settlement of \$350 million to the Plan and a guarantee that the Plan’s trust will have sufficient assets to pay benefits as they come due; and additional administrative protections and other equitable relief for Plan participants.

### *Hodges v. Bon Secours Health System, Inc., No. 16-01079 (D. Md.)*

Keller Rohrback served as co-counsel in this lawsuit alleging that Bon Secours Health System’s seven defined benefit pension plans were improperly claiming an exemption from ERISA as “church plan(s).” In 2017, the Court granted final approval of a settlement providing for equitable relief, plus payment of over \$98 million to the Plans.

### *Lann v. Trinity Health Corporation, No. 14-02237 (D. Md.)*

Keller Rohrback served as Class Counsel in this lawsuit alleging that Trinity Health Corporation and Catholic Health East were improperly claiming an exemption from ERISA as “church plan.” In 2017, the Court granted final approval of a settlement providing for equitable relief, plus payment of over \$76 million to the Plan.

### *Spires v. Schools, No. 16-616 (D.S.C.)*

Keller Rohrback and co-counsel represented participants and beneficiaries in the Piggly Wiggly ESOP. The complaint alleged that Defendants breached their fiduciary duties by doing nothing as the value of the Piggly Wiggly stock plummeted by nearly 90%. A settlement providing a payment of between \$7.675 million and \$8.65 million was approved by Judge Richard Gergel.

### *Braden v. Wal-Mart Stores, Inc., No. 08-3109 (W.D. Mo.)*

Keller Rohrback served as Lead Counsel in this class action on behalf of participants and beneficiaries of Wal-Mart’s 401(k) plan who invested in retail class mutual funds that charged excessive fees to participants and paid hidden fees to the plan’s trustee and recordkeeper, Merrill Lynch. The complaint alleged that the revenue sharing and other fees were excessive in light of the size of the plan, and that these fees were not properly disclosed. Our attorneys secured the *first appellate victory* in a fee case of this kind when they obtained an order from the Eighth Circuit reversing dismissal and articulating the pleading standard for process-based breaches of ERISA, see *Braden v. Wal-Mart*, 588 F.3d 585 (2009). A settlement that included \$13.5 million along with injunctive relief was approved by Judge Gary A. Fenner.





# EMPLOYEE BENEFITS

## REPRESENTATIVE CASES continued

### *Beach v. JPMorgan Chase Bank*, No. 17-563 (S.D.N.Y.)

Plaintiffs allege that JPMorgan Chase Bank (Chase) breached its fiduciary duties to the participants and beneficiaries of the JPMorgan Chase 401(k) Savings Plan (Plan) in violation of ERISA by, among other things, failing to prudently and loyally manage the Plan's assets by selecting and retaining unduly expensive Core Funds and Target Date Funds as investment options in the Plan and by engaging in prohibited transactions as a result of conflicts of interest. Defendants' motion to dismiss was largely denied. The case is now in the discovery phase.

### *In re Express Scripts / Anthem ERISA Litigation*, No. 16-3399 (S.D.N.Y.)

Keller Rohrback serves as interim Co-Lead Counsel in this class action filed on behalf of both plan fiduciaries and all participants and beneficiaries of Anthem-insured ERISA plans and self-insured ERISA plans against both Anthem and Express Scripts, Inc. (ESI) for breaches of fiduciary duty and prohibited transactions under ERISA. ESI serves as the exclusive Pharmacy Benefit Manager (PBM) to Anthem-insured and -administered plans under a ten-year agreement, and the claims arise out of Defendants' practice of overcharging the class for pharmaceutical drugs. The case is pending before the Second Circuit Court of Appeals.

### *Gates v. United Health*, No. 11-3487 (S.D.N.Y.)

Keller Rohrback served as counsel in this lawsuit that alleged Defendants violated ERISA through use of an "estimating policy" which caused Medicare eligible participants and beneficiaries to be paid lower benefits than required by the plan in which they participate for services provided by out-of-network providers. Following an initial dismissal, Keller Rohrback successfully appealed to the Second Circuit Court of Appeals, and the district court then agreed with Plaintiff.

### *ERISA Industry Committee v. City of Seattle*, No. 18-1188 (W.D. Wa.)

Keller Rohrback is co-counsel (along with the City Attorney) in defending a Seattle ordinance that mandates that large hotels pay specified amounts of money for employee health care. A nationwide employer association brought suit claiming that the ordinance is preempted by ERISA. The U.S. District Court granted the City's motion to dismiss and the district court's decision was recently upheld on appeal.

"The Court finds that [Keller Rohrback] is experienced and qualified counsel who is generally able to conduct the litigation as lead counsel on behalf of the putative class. Keller Rohrback has significant experience in ERISA litigation, serving as co-lead counsel in the Enron ERISA litigation, the Lucent ERISA litigation, and the Providian ERISA litigation, and experience in complex class action litigation in other areas of law" *In re Williams Cos. ERISA Litigation*, No. 02-153, 2002 U.S. Dist. LEXIS 27691, \*8 (N.D. Okla. Oct. 28, 2002) (Judge Holmes).

# ENVIRONMENTAL LITIGATION



## ATTORNEYS

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**Attorneys in Keller Rohrback's Complex Litigation Group have successfully represented individuals, class members, municipalities, and nonprofit organizations in complex and critical environmental litigation.** In cases involving oil spills, mishandled hazardous waste, contaminated consumer products, and industrial pollution, Keller Rohrback works to protect human health and the environment. The firm combines its unparalleled experience in consumer protection and its deep knowledge of environmental law, making Keller Rohrback a worldwide leader in litigation to safeguard our environment and the people and animals that rely on it.

## REPRESENTATIVE CASES

### *State of Oregon v. Monsanto Company et al., No. 18CV00540 (Multnomah Cnty. Cir. Ct., Oregon)*

The State of Oregon hired Keller Rohrback to lead its suit against Monsanto, seeking to hold the chemical giant responsible for the toxic contamination it created across the state. Monsanto, the sole manufacturer of Polychlorinated Biphenyls (commonly

known as PCBs), hid the dangers of this widely used suite of chemicals. Despite having been banned since the late 1970s, PCBs continue to poison river sediments and contaminate fish and wildlife throughout the state. Oregon's Attorney General, Ellen Rosenblum, appointed Keller Rohrback attorneys Amy Williams-Derry, Derek Loeser, Daniel Mensher, Mike Woerner, and Rachel Morowitz, along with attorneys from law firm Stoll Berne, as Special Assistant Attorneys General to represent the state. Oregon has prevailed on two motions to dismiss, and the action is proceeding in discovery. Trial is set for summer of 2021.

### *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation, MDL No. 2777 (N.D. Cal.)*

From the outset, Keller Rohrback played a major role in this multidistrict litigation, representing consumers nationwide who alleged that Fiat Chrysler used an emissions defeat device in over 100,000 Ram 1500 and Jeep Grand Cherokee diesel trucks and SUVs. Keller Rohrback Managing Partner Lynn Sarko was appointed by the Court to the Plaintiffs' Steering Committee leading this case, and Keller Rohrback attorneys took an active role in discovery and served on the negotiating team that achieved and implemented a settlement worth over \$307 million. The settlement, involving both Fiat Chrysler and supplier Bosch, provided owners and lessees of the affected vehicles with substantial cash payments in addition to government-approved emissions repairs and valuable extended warranty protection.

### *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation, No. 3:15-md-02672 (N.D. Cal.)*

Keller Rohrback filed the first multi-Plaintiff complaint against Volkswagen on September 20, 2015, two days after the defeat device scheme came to light. Keller Rohrback represented consumers nationwide who alleged they were damaged by Volkswagen's fraudulent use of an emissions "defeat device" in over 500,000 vehicles in the United States. Keller Rohrback Managing Partner Lynn Sarko served on the Plaintiffs' Steering Committee for this national litigation. Lynn Sarko and partner Gretchen Freeman Cappio served on the negotiating team for the \$15 billion class action settlement for 2.0-liter vehicles, the largest auto-related consumer class action in U.S. history. Keller Rohrback played a similar role in reaching and implementing similar settlements with Volkswagen and Bosch regarding approximately 100,000 3-liter vehicles.

# ENVIRONMENTAL LITIGATION

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## REPRESENTATIVE CASES continued

### *In re Exxon Valdez*, No. 89-95 (D. Alaska)

Keller Rohrback was trial counsel representing fishermen, landowners, and businesses located in Prince William Sound in their action against Exxon to recover damages caused by the Exxon Valdez oil spill. A federal jury awarded a \$5 billion judgment in favor of Keller Rohrback clients. At the time, it was the largest punitive damages verdict in U.S. history. Additional claims against the Alyeska Pipeline Service Company were settled for \$98 million. More than 25 years after the tragic spill, the Exxon Valdez spill is still considered one of the most devastating human-caused environmental disasters. In addition, Keller Rohrback Managing Partner Lynn Sarko was appointed to serve as the Administrator of the Exxon and Alyeska Qualified Settlement Funds.

### *Andrews v. Plains All American Pipeline*, No. 2:15-04113 (C.D. Cal.)

Keller Rohrback serves as Co-Lead Counsel representing fisherman, fish processors, and others affected by the May 2015 spill from Plains All American's Line 901 pipeline in Santa Barbara County. The oil spill contaminated pristine beaches, closed critical fishing grounds, and damaged natural resources throughout the region. Keller Rohrback seeks compensation for victims of the spill for their present and future damages and to hold Plains accountable for the harm it caused to the local economy and environment.

### *Meeker v. Bullseye Glass Co.*, No. 16CV07002 (Multnomah Cnty. Cir. Ct., Oregon)

Keller Rohrback successfully negotiated a classwide settlement with Bullseye Glass Company for contaminating a residential neighborhood in Portland, Oregon, by emitting hazardous levels of arsenic, cadmium, chromium, and other toxic materials from its glass-making facility for years. Despite using thousands of pounds a year of dangerous heavy metals, Bullseye Glass had used no pollution control technology for more than four decades. Using innovative air and soil monitoring, Keller Rohrback helped this neighborhood to protect itself and hold Bullseye accountable for the harm it caused. The final settlement approved by the Court includes a two-year air monitoring program, ongoing use of pollution control devices by the defendant, and significant monetary payments to class members, including reimbursement for air emissions-related expenses.

### *Wishtoyo Foundation v. Magic Mountain*, No. 2:12-05600 (C.D. Cal.)

Keller Rohrback worked with a team of environmental lawyers on behalf of Los Angeles-based clients who successfully negotiated a groundbreaking settlement with Six Flags Magic Mountain to address its stormwater pollution discharged to the Santa Clara River. The settlement significantly reduced the amount of heavy metals and other pollutants entering the Santa Clara from the amusement park by requiring the facility to install state-of-the-art technology, develop and implement a comprehensive site management plan, and fully comply with the Clean Water Act. Additional monetary payments made by Six Flags as a result of the case are being used to perform critical habitat restoration and mitigation projects along the Santa Clara River.

# ENVIRONMENTAL LITIGATION

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## REPRESENTATIVE CASES continued

### *Clean Water Act Enforcement - General Magnaplate*

In partnership with the non-profit Environmental Defense Center, one of the oldest environmental organizations in the United States, Keller Rohrback L.L.P. helped reach a final settlement with General Magnaplate California to control the significant pollutants the company discharged via stormwater into the fragile Santa Clara River. Under the settlement, General Magnaplate agreed to implement enhanced storm water management measures at its electroplating facility to ensure that storm water runoff does not contain high levels of pollutants that pose a threat to human health and the environment. These measures include installing effective treatment technology and repairing paved surfaces. In addition, General Magnaplate will contribute \$15,000 to the Rose Foundation for Communities and the Environment to be used to improve the water quality in the Santa Clara River watershed.

### *Resendez, et al. v. Precision Castparts Corp., et al., No. 16CV16164 (Multnomah Cnty. Cir. Ct., Oregon)*

Keller Rohrback represents a proposed class of homeowners and residents in Multnomah and Clackamas County who seek relief from Precision Castparts Corp. for the company's heavy metal particulate air pollution that has clouded their neighborhood and unreasonably interfered with their real property rights. Plaintiffs have prevailed on the defendants motions to dismiss and for summary judgment. Class certification has been briefed and argued, and the parties are awaiting the court's ruling.

### *Southern California Gas Leak Cases, No. JCCP4861 (Los Angeles Cnty. Sup. Ct., Calif.)*

This action concerns one of the worst human-caused environmental disasters in this nation's history. These consolidated cases stem from the massive blowout at a natural gas storage well at the Aliso Canyon Natural Gas Storage Facility beginning in 2015. The blowout raged out of control for over 100 days, spewing huge volumes of natural gas, its constituents, and other toxic chemicals into the surrounding community. When the blowout was finally contained, it had released a volume of methane gas that caused a 25% increase in all of California's greenhouse gas emissions in 2015. Residents were forced from their homes, and their homes and schools were contaminated with a soup of toxic chemicals and known carcinogens. Keller Rohrback attorneys Derek Loeser and Amy Williams-Derry represent injured homeowners in the action and serve on the Plaintiffs' Steering Committee for the Class Action Track for these consolidated cases.

# GOVERNMENTS AND MUNICIPALITIES



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**Keller Rohrback has successfully represented government entities in a wide range of complex litigation.** Whether fighting environmental contamination, combating antitrust activities, or recovering hundreds of millions of dollars from misleading investments, Keller Rohrback knows how to work effectively and collaboratively with and for government clients. Our unparalleled experience in consumer protection, antitrust and other areas of law—plus our hands-on, cooperative approach to litigation—have made our firm an effective partner for governments, sovereign nations and government-sponsored entities (GSEs).

## REPRESENTATIVE CASES

*In re: JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2913 (N.D. Cal.)

Keller Rohrback has filed complaints on behalf of school districts and various counties in the United States alleging that Defendants have engaged in conduct which endangers or injures the health and safety of those communities by Defendants' production, promotion, distribution, and marketing of vapor products for use by minors in those communities. These cases have been centralized before Judge Orrick in the Northern District of California along with consumer class actions and individual injury actions alleging similar conduct. The Court has named Keller Rohrback partner Dean Kawamoto as co-lead counsel in the MDL.

*In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio)

Keller Rohrback Managing Partner Lynn Sarko serves on the Plaintiffs' Executive Committee in this multidistrict litigation, which includes governments throughout the nation that have been damaged by the current opioid crisis. Opioid manufacturers' and distributors' dubious marketing and aggressive sales of prescription opioids significantly contributed to the epidemic. Keller Rohrback represents over 75 governmental entities, including counties, cities, tribes, school districts, and third-party payors across the country. Some larger clients include King County in Washington, Maricopa County in Arizona, and City and County of Denver in Colorado.



# GOVERNMENTS AND MUNICIPALITIES



## REPRESENTATIVE CASES continued

### *State of Oregon v. Monsanto Company et al.*, No. 18CV00540 (Multnomah Cnty. Cir. Ct., Oregon)

The State of Oregon hired Keller Rohrback to lead its suit against Monsanto, seeking to hold the chemical giant responsible for the toxic contamination it created across the state. Monsanto, the sole manufacturer of Polychlorinated Biphenyls (commonly known as PCBs), hid the dangers of this widely used suite of chemicals. Despite having been banned since the late 1970s, PCBs continue to poison river sediments and contaminate fish and wildlife throughout the state. Oregon's Attorney General, Ellen Rosenblum, appointed Keller Rohrback attorneys Amy Williams-Derry, Derek Loeser, Daniel Mensher, Mike Woerner, and Rachel Morowitz, along with attorneys from law firm Stoll Berne, as Special Assistant Attorneys General to represent the state. Oregon has prevailed on two motions to dismiss, and the action is proceeding in discovery. Trial is set for summer of 2021.

### *In re: Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687 (D.N.J.)

In 2016, Keller Rohrback filed numerous class action complaints in federal courts on behalf of several municipalities in Washington, California, and Arizona that purchase and use liquid aluminum sulfate ("Alum") to treat and clean their waste water. The complaints contained claims against the major manufacturers of Alum who allegedly engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. As a result of these antitrust violations, municipalities – and their taxpayers – had overpaid millions of dollars to the co-conspirators for the Alum they purchased during the long life of this conspiracy. In March 2020, the Court authorized the transfer of settlement funds to pay claims of the Settlement Class Members.

### *The Republic of the Marshall Islands v. United States of America et al.*, No. 14-1885 (N.D. Cal.)

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons. We also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this ground-breaking work, Keller Rohrback and the RMI's former Foreign Minister, Tony deBrum, were nominated for the 2016 Nobel Peace Prize.

### Federal Home Loan Bank Litigation

Keller Rohrback has represented several Federal Home Loan Banks ("FHLBs") in mortgage-backed securities litigation across the country against dozens of issuers, underwriters, and sponsors of these complex instruments. Representing these GSEs simultaneously in multiple state and federal courts has required us to approach coordinated, complex litigation by mastering the law of various jurisdictions and pressing similar claims, albeit under different governing law, in multiple fora at the same time. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of over \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

### *The Navajo Nation v. Urban Outfitters, Inc., et al.*, No. 12-00197 (D. N.M.)

Keller Rohrback represented the Navajo Nation against Urban Outfitters and its Anthropologie and Free People subsidiaries, alleging that these retailers infringed the Nation's trademarks by marketing inauthentic jewelry, handbags, and clothing using the NAVAJO mark. A settlement resolved the Nation's claims, and the parties agreed to enter a supply agreement that requires Urban Outfitters to purchase authentic goods from tribal artisans.

# GOVERNMENTS AND MUNICIPALITIES



## REPRESENTATIVE CASES continued

### *Daisy Mountain Fire District v. Microsoft Corp.*, MDL No. 1332 (D. Md.)

Keller Rohrback obtained a settlement in excess of \$4 million on behalf of a class of Arizona governmental entities that indirectly purchased operating systems and software from Microsoft for overcharges resulting from Microsoft's monopolistic practices. The settlement returned millions of dollars to local government entities at a time of severe budget crisis in the state.

### *In re Liquid Aluminum Sulfate Antitrust Litigation*, MDL No. 2687 (D. N.J.)

In early 2016, Keller Rohrback filed numerous class action complaints in the federal courts on behalf of several municipalities in the states of Washington, California and Arizona, including the cities of Tacoma, Everett, Spokane, Phoenix, Scottsdale, Mesa and Sacramento. These complaints assert claims against the major manufacturers of liquid aluminum sulfate ("LAS") who are alleged to have engaged in a conspiracy to artificially inflate the price of this essential chemical used in municipal water treatment. The complaints allege a conspiracy going as far back as 1997 and through at least 2010. As a result of these antitrust violations, municipalities—and their taxpayers—have allegedly overpaid millions of dollars to the co-conspirators for the aluminum sulfate they purchased during the long life of this conspiracy. The complaints seek to recover the money the municipalities paid in excess of the competitive price for LAS, and to ensure that such companies do not abuse the public bidding process again for their own gains.

### *King County v. Lexington Insurance Co., Allied World Assurance Co., Inc., and CH2M Hill*, No. 15-2-03541 (Wash. Super. Court)

Keller Rohrback represented King County, Washington, in a multi-million-dollar insurance coverage and bad faith lawsuit arising from a disaster at the County's Brightwater Wastewater Treatment Facility. Our litigation returned millions of dollars to the taxpayers and allowed the County to upgrade its treatment facility to prevent future malfunctions.

### *Village of Rockton, Illinois v. Sonoco Products Company*, No. 14-50228 (N.D. Ill.)

Keller Rohrback represented the Village of Rockton in its efforts to make Sonoco Products Company, a paper and plastics manufacturing company, clean up the toxic mess it left when it abandoned its facility in the heart of the Village. Although the Illinois Environmental Protection Agency concluded that the levels of contamination at the site far exceeded state and federal laws and were threatening to spread to other sites in town and pollute the river, Sonoco refused to take any action. That changed, however, when Keller Rohrback began working on the case.

Using the experience and skills of the attorneys at KR, the Village took matters into its own hands and commenced legal action against Sonoco to protect the health and well-being of its dynamic community. As a result of Keller Rohrback's intervention, Sonoco has cleaned up the site and left the Village of Rockton a now safer and better place. Our firm is committed to making communities like Rockton clean and healthy places to live and visit.

### *ERISA Industry Committee v. City of Seattle*, No. 18-1188 (W.D. Wa.)

Keller Rohrback is co-counsel (along with the City Attorney) in defending a Seattle ordinance that mandates that large hotels pay specified amounts of money for employee health care. A nationwide employer association brought suit claiming that the ordinance is preempted by ERISA. The U.S. District Court granted the City's motion to dismiss and the district court's decision was recently upheld on appeal.

# INSURANCE COVERAGE



## ATTORNEYS

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**Keller Rohrback's insurance coverage lawyers have represented policyholders and insurers in state and federal courts for over 50 years.** We have been at the forefront of policy interpretation and litigation to ensure that policyholders get the full benefit of the insurance coverage they purchased. Our litigation experience in this area includes coverage questions, breach of contract, insurance bad faith, negligent claims handling, violations of the Insurance Fair Conduct Act, and breach of the duty to defend. Our team has unmatched experience representing policyholders in cases involving business interruption coverage, dependent property coverage, home and property insurance, life and health insurance, professional insurance, and general and surplus insurance.

## REPRESENTATIVE CASES

*Chorak, et al. v. Hartford Casualty Ins. Co., et al.*, No. 2:20-cv- 00797 (W.D. Wash.); *Marler, et al. v. Aspen American Ins. Co.*, No. 2:20-cv-00616 (W.D. Wash.); *McCulloch et al. v. Valley Forge Ins. Co., et al.*, No. 2:20-cv- 00809 (W.D. Wash.); *Nguyen, et al. v. Travelers Casualty Ins. Co. of America, et al.*, No. 2:20-cv- 00597 (W.D. Wash.); *Nue LLC v. Oregon Mutual Ins. Co.*, No. 3:20-cv-01449 (D. Or.); *Perry Street Brewing Company, LLC v. Mutual of Enumclaw Ins. Co.*, No. 20-2-02212-32 (Wash. Super. Ct. Spokane Cty.); *Hill & Stout v. Mutual of Enumclaw Ins. Co.*, No. 20-2-07925-1 (Wash. Super. Ct. King Cty.)

Keller Rohrback filed the first of many class action complaints nationwide against insurance companies for their failure to provide policyholders with business interruption insurance benefits for which businesses paid premiums. Plaintiffs alleged that they sustained a variety of losses due to COVID-19 closure orders and "stay home" proclamations, and that these losses are continuing. The losses include lost, foregone, or reduced sales and monthly membership fees due to the interruption of their business. Plaintiffs brought these claims on behalf of themselves and similarly situated members of several proposed national and state classes, as well as individual (non-class) claims on behalf of certain prominent regional businesses and organizations. Plaintiffs have prevailed in King County Superior Court and Spokane Superior Court. Cases in the Western District of Washington were dismissed in an omnibus order currently on appeal to the Ninth Circuit.

*Merriman v. Am. Guarantee & Liab. Ins. Co.*, 198 Wn. App. 594, 396 P.3d 351, rev. den., 189 Wn.2d 1038, 413 P.3d 565 (2017)

Keller Rohrback successfully litigated this action in the Washington Court of Appeals, establishing a policyholder's right to bring claims against insurance claim service providers. *Merriman* has been cited by other courts more than twenty times, including by the Washington Supreme Court, the Washington Court of Appeals, the Iowa Supreme Court, and the Ninth Circuit. The decision has been cited more than 60 times in litigation reporters and in secondary sources, including *Couch on Insurance*, *American Law Reports*, and *Corpus Juris Secundum*.

*Glendale & 27th Investments, LLC v. Delos Insurance Company*, 610 F. App'x 661 (9th Cir. 2015)

After Keller Rohrback's jury trial landed a punitive damages award against the insurer with a ratio of "roughly 3.5," the firm successfully defended an appeal seeking to overturn the punitive jury award as unconstitutional. The Ninth Circuit affirmed the jury's award of punitive damages, finding that plaintiff had presented evidence at trial, among other things, that the insurer "made intentional and material misrepresentations in the administration of [plaintiffs'] claim."



# INSURANCE COVERAGE

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## REPRESENTATIVE CASES continued

### *Utica Mutual Insurance Company v. Lifequotes of America, Inc., et al.*, No. 06-cv-0228-EFS (E.D. Wash.)

Keller Rohrback was awarded a series of significant class action judgments against defendant Lifequotes of America, Inc. in King County Superior Court in 2007. Facing an insolvent defendant, the class then purchased the claims and rights of defendant Lifequotes against its insurance company, Utica Mutual Insurance Company. Keller Rohrback continued to represent the class, who stepped into the shoes of the former defendant, on the new claims, and litigated against Utica Mutual in federal court in the Eastern District of Washington. The class pursued counterclaims against Utica Mutual for coverage, bad faith, and violations of the Washington Consumer Protection Act. Keller Rohrback's hard-fought and successful litigation against insurer Utica Mutual resulted in a \$44 million recovery for the class.

### *The Charter Oak Fire Insurance Co., et al. v. 21st Century Oncology Investments, LLC, et al.*, No. 8:17-cv-582-MSS-AEP (M.D. Fla.)

Keller Rohrback represents plaintiffs and a proposed class in a data breach action against healthcare provider 21st Century Oncology. Insurers sued the insured as well as the data breach plaintiffs for a declaration that there was no duty to defend and indemnify. After 21st Century declared bankruptcy, the data breach plaintiffs reached an agreement for relief from the automatic stay and an assignment of rights to a number of 21st Century's insurance policies. Keller Rohrback's clients then asserted counterclaims against the insurer, briefed cross motions for summary judgment involving unsettled law, and recently reached an agreement to settle.

### *Group Health Coop. v. Coon*, 193 Wn.2d 841, 447 P.3d 139 (2019)

Keller Rohrback successfully represented the policyholder before the Washington Supreme Court, and prevailed in reaffirming the made-whole doctrine in favor of policyholders in insurance subrogation claims.

# INTERNATIONAL LAW



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Gary A. Gotto

**Keller Rohrback has experience in international forums.** Keller Rohrback clients included sovereign nations, state and local governments, sovereign Native American tribes, and quasi-governmental agencies where international agreements or other tort or statutory claims are at issue.

Keller Rohrback has been honored to represent sovereigns in litigation and arbitration matters involving governmental and business entities. The firm's attorneys have argued cases in the International Court of Justice and pursued a breach of treaty claim on behalf of a sovereign nation. Keller Rohrback is also investigating environmental contamination claims on behalf of a sovereign nation.

Keller Rohrback attorneys have also represented clients in international arbitration proceedings, including International Centre for Dispute Resolution and International Chamber of Commerce arbitrations, as well as ad hoc arbitrations conducted under the United Nations Commission on International Trade Law Arbitration Rules. Domestically, these international arbitrations have given rise to related litigation in U.S. courts, including confirmation and enforcement proceedings under the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards.

In addition, Keller Rohrback attorneys have represented private clients with international interests in civil litigation in U.S. courts, including state and federal courts in California, New York, Illinois, and Texas. Keller Rohrback attorneys have litigated trademark claims on foreign-registered trademarks in several western European countries and have also succeeded in obtaining rulings to conduct depositions and other discovery in Russia for litigation matters pending in the U.S. federal courts. The firm has also represented claimants in insolvency proceedings in Canada, proceeding under the Companies' Creditors Arrangement Act.



Keller Rohrback is a member firm of several international organizations: the Global Justice Network, a consortium of international counsel working together and across borders for the benefit of victims; the International Financial Litigation Network of attorneys, who handle cross-border litigation in the finance arena; and the Sovereign Wealth Fund Institute, a global organization of asset managers and service providers.

## REPRESENTATIVE CASES

### *The Republic of the Marshall Islands v. United States of America et al., No. 14-1885 (N.D. Cal.)*

Keller Rohrback represented the Republic of the Marshall Islands (RMI) in an action for breach of the Treaty on the Non-Proliferation of Nuclear Weapons and also represented the RMI in cases at the International Court of Justice against the United Kingdom, India, and Pakistan, for breach of treaty and violations of customary international law. For this groundbreaking work, Keller Rohrback was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize as part of the international legal team, together with the RMI's former Foreign Minister, Tony deBrum.

# SECURITIES AND FINANCIAL FRAUD



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**Keller Rohrback enjoys a national reputation for excellence in prosecuting securities and financial fraud matters.** We represent a variety of investors ranging from classes of individuals to large institutions. Many of our cases reflect recent financial scandals: we are pursuing claims against a group of international banks for rigging LIBOR; we represent investors in connection with their purchases of billions of dollars of mortgage-backed securities; and we pursued claims on behalf of employee benefit plans in connection with the Madoff Ponzi scheme. While our experience is diverse, our approach is simple and straightforward: we master the factual and legal bases for our claims with a focus on providing clear and concise explanations of the financial fraud and why our clients are entitled to recover.

## REPRESENTATIVE CASES

### Federal Home Loan Bank Litigation

Keller Rohrback has played a prominent role in large securities fraud and other investment cases litigated across the country involving mortgage-backed securities. Keller Rohrback has been retained by several Federal Home Loan Banks (FHLBs) to pursue securities and common law claims against dozens of issuers, underwriters, and sponsors of mortgage-backed securities. The FHLB complaints named more than 120 defendants and involved over 200 securities with a collective original face value of \$13 billion. The relief sought by the FHLBs includes rescission and damages under state blue sky laws and the federal securities laws. We have recovered hundreds of millions of dollars on behalf of our clients to date.

### *In re the Bank of New York Mellon (as Trustee), No. 651786/2011 (N.Y. Sup. Ct.)*

Keller Rohrback was a member of the three-firm steering committee addressing significant mortgage repurchase issues that impacted institutional investors. Keller Rohrback represented certificate holders who intervened in a proposed \$8.5 billion settlement initiated by Bank of New York Mellon, as Trustee of 530 Countrywide mortgage-backed securities trusts. Our firm played a lead role in discovery and the eight-week bench trial in New York contesting the fairness of the settlement. The objection we pursued and tried was the only objection the trial court sustained.

### *In re LIBOR-Based Financial Instruments Antitrust Litig., No. 11-2262 (S.D.N.Y.)*

Keller Rohrback represents institutional funds pursuing antitrust claims based on the manipulation of the London Interbank Offered Rate (LIBOR) by the international panel of banks entrusted to set that rate. Multiple government investigations have revealed that certain panel banks manipulated LIBOR to mislead the markets and investors about the state of their financial health. The case is in discovery.

### *Diebold v. Northern Trust Investments, N.A., No. 09-1934 (N.D. Ill.)*

Keller Rohrback was Class Counsel in this class action litigation against Northern Trust alleging that Northern Trust imprudently structured and managed its securities lending program by improperly investing cash collateral in long term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets. On August 7, 2015, Judge Susan E. Cox approved the allocation plan for a \$36 million settlement.

# SECURITIES AND FINANCIAL FRAUD



## REPRESENTATIVE CASES continued

### *Louisiana Firefighters' Retirement System v. Northern Trust Investments, N.A., No. 09-7203 (N.D. Ill.)*

Keller Rohrback is Co-Lead Counsel in this securities lending litigation, a class action brought on behalf of four public retirement systems alleging that Northern Trust breached its fiduciary and contractual duties to investors when it imprudently structured and managed its securities lending program by improperly investing cash collateral in long-term debt, residential mortgage-backed securities, SIVs, and other risky and illiquid assets, rather than conservative, liquid investments. Plaintiffs allege that Northern Trust's imprudent management of the collateral pools caused Plaintiffs and other investors to suffer hundreds of millions of dollars in losses. On May 6, 2011, the Honorable Robert W. Gettleman denied in significant part Defendants' motion to dismiss. Plaintiffs also successfully defeated Defendants' third party complaint. The Court thereafter approved a partial settlement of \$24 million in cash, plus interest earned thereon, which represents settlement of the indirect lending claims of settlement class members.

### *In re Bank of New York Mellon Corp. Forex Transactions Litigation, No. 12-2335 (S.D.N.Y.)*

Keller Rohrback served as Lead ERISA Counsel in this class action against the Bank of New York Mellon arising from its undisclosed charges for Standing Instruction Foreign Currency ("SI FX") transactions. Plaintiffs allege that from January 12, 1999 to the present, Bank of New York Mellon breached its fiduciary duties by failing to prudently and loyally manage the Plan's foreign currency transactions in the best interests of the participants, failing to disclose fully the details of the relevant SI FX transactions it was undertaking on behalf of the Plans, and engaging in prohibited transactions. In March 2015, a global resolution of the private and governmental enforcement actions was announced in which \$504 million will be paid back to BNY Mellon customers—\$335 million of which is directly attributable to funds received in the class litigation.

### *Madoff Direct & Feeder Fund Litigation: Hartman v. Ivy Asset Management LLC, No. 09-8278 (S.D.N.Y.)*

Keller Rohrback successfully litigated this direct action on behalf of the trustees of seventeen employee benefit plans damaged by the Madoff Ponzi scheme. The action alleged that Ivy Asset Management and J.P. Jeanneret Associates, Inc. breached their fiduciary duties under ERISA by causing the plans to be invested directly or indirectly in Madoff funds. Keller Rohrback obtained a settlement of over \$219 million in this case and related actions, including claims brought by the United States Secretary of Labor and the New York Attorney General.

### *In re IKON Office Solutions, Inc. Securities Litigation, MDL No. 1318 (E.D. Pa.)*

Keller Rohrback served as Co-Lead Counsel representing the City of Philadelphia and eight other lead Plaintiffs in this certified class action alleging securities fraud. Class counsel achieved the highest securities fraud settlement at that time in the Eastern District of Pennsylvania by settling with Defendant IKON Office Solutions, Inc. for \$111 million. The settlement was listed as one of the "largest settlements in class-action securities-fraud lawsuits since Congress reformed securities litigation in 1995" by *USA Today*.

### *In re Apple Computer, Inc. Derivative Litigation, No. 06-4128 (N.D. Cal.)*

Keller Rohrback served on the Management Committee in this federal derivative shareholder action against nominal Defendant Apple Computer, Inc. and current and former directors and officers of Apple. Plaintiffs pursued breach of fiduciary duty, unjust enrichment, and gross mismanagement claims arising from backdated stock options granted between 1993 and 2001, which diverted millions of dollars of corporate assets to Apple executives. We achieved a settlement that awarded \$14 million—one of the largest cash recoveries in a stock backdating case—and that required Apple to adopt a series of unique and industry-leading corporate enhancements.

# KELLER ROHRBACK

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## LYNN LINCOLN SARKO

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
lsarko@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Constitutional Law
- Commodities & Futures Contracts
- Consumer Protection
- Data Privacy Litigation
- Employment Law
- Environmental Litigation
- Employee Benefits & Retirement Security
- Financial Products & Services
- Government & Municipalities
- Institutional Investors
- Intellectual Property
- International Law
- Mass Personal Injury
- Securities & Financial Fraud
- Whistleblower

### Managing Partner Lynn Sarko uses thoughtful innovation to solve complex issues.

Having led Keller Rohrback L.L.P.'s Complex Litigation Group since its inception over 30 years ago, Lynn's work has led to new developments in case law and significant, impactful settlements for his clients.

A dynamic leader with a tenacious dedication to justice, Lynn has been selected by courts across the nation to serve in key leadership roles in a wide variety of cutting-edge cases. Namely, he was appointed Co-Lead counsel for *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices & Antitrust Litigation*, MDL No. 2785 (D. Kan.), the nationwide class action against pharmaceutical company Mylan and others for anticompetitive and unfair business practices in its sale and marketing of the EpiPen Auto-Injector device. He was also selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the vast litigation regarding the nationwide prescription opioid epidemic, *In re National Prescription Opiate Litigation*, MDL No. 2804 (N.D. Ohio). The National Law Journal referred to this leadership team as a "Who's Who' in mass torts."

Some of Lynn's other remarkable successes include consumer protection cases aimed at holding automotive companies accountable for wrongdoing. One such case was *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 (N.D. Cal.), for which Lynn was appointed to the Plaintiffs' Steering Committee—a group referred to as a "class action dream team." The case settled for over \$17 billion. Lynn was also appointed to the Plaintiffs' Steering Committee for *In re Chrysler-Dodge-Jeep EcoDiesel Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2777 (N.D. Cal.), which settled for \$307.5 million, including required emissions modifications for 100,000 eligible vehicles. In addition to consumer protection cases, Lynn has also served in leadership positions for cases involving financial fraud and breaches of fiduciary duty. He was selected to lead teams of attorneys representing plaintiffs in the litigations against Enron, Worldcom, and Madoff—three of the biggest financial frauds of our time.

Lynn is widely renowned within the legal community and beyond for his diplomacy and fearless devotion to justice. He was a member of the legal team nominated for the 2016 Nobel Peace Prize for seeking enforcement of the Nuclear Non-Proliferation Treaty on behalf of the Republic of the Marshall Islands. He was also honored to receive the Trial Lawyers for Public Justice Trial Lawyer of the Year Award for his work on the Exxon Valdez Oil Spill trial team, and he was one of four Washington lawyers recognized as one of the 500 "Leading Lawyers in America" by Lawdragon. He is also AV-rated by Martindale-Hubbell and has been consecutively named to the Washington Super Lawyers list for 21 years.

Lynn holds a BBA and an MBA in accounting and finance from the University of Wisconsin, where he also served as an accounting instructor. He graduated with his J.D. from the University of Wisconsin Law school, where he was Editor-

# KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

in-Chief of the Wisconsin Law Review and received the faculty award given to the most outstanding member of the graduating class.

Prior to joining Keller Rohrback, Lynn was an Assistant United States Attorney for the District of Columbia, Criminal Division, an associate at the Washington D.C office of Arnold & Porter, and law clerk to the Honorable Jerome Farris, United States Court of Appeals for the Ninth Circuit, in Seattle.

## EDUCATION

### University of Wisconsin

B.B.A., 1977

### University of Wisconsin

M.B.A., 1978, *Beta Alpha Psi*

### University of Wisconsin

J.D., 1981, *Order of the Coif*; Editor-in-Chief, *Wisconsin Law Review*; Salmon Dalberg Award (outstanding graduate)

## BAR & COURT ADMISSIONS

1981, Wisconsin

1981, U.S. Court of Appeals for the Ninth Circuit

1983, District of Columbia Court of Appeals

1984, District of Columbia

1984, U.S. District Court for the District of Columbia

1984, United States Supreme Court

1984, U.S. Court of Appeals for the Seventh Circuit

1984, U.S. Court of Appeals for the Fourth Circuit

1984, U.S. Court of Appeals for the Tenth Circuit

1984, U.S. Tax Court

1986, Washington

1986, U.S. District Court for the Western District of Washington

1988, U.S. District Court for the Eastern District of Wisconsin

1989, U.S. District Court for the Eastern District of Washington

1996, U.S. District Court for the Western District of Wisconsin

1997, U.S. District Court for the District of Colorado

2001, U.S. Court of Appeals for the Third Circuit

2002, U.S. District Court for the Eastern District of Michigan

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

2004, U.S. District Court for the Northern District of Illinois

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Sixth Circuit

2010, U.S. District Court for North Dakota

2013, U.S. Court of Appeals for the Second Circuit

2016, U.S. District Court for the Central District of Illinois

2016, U.S. District Court for the Southern District of Illinois

2018, U.S. Court of Appeals for the First Circuit

2019, Arizona

## HONORS & AWARDS

Selected to Super Lawyers list in *Super Lawyers - Washington*, 1999-2021

National Trial Lawyers: Top 100 Civil Plaintiff Trial Lawyers in Washington

Lawdragon, 500 Leading Lawyers in America, 2018

Fellow of the American Bar Foundation

Avvo Top Tax Lawyer, Washington CEO Magazine

Trial Lawyer of the Year, Trial Lawyers for Public Justice

Salmon Dalberg Award

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## PROFESSIONAL & CIVIC INVOLVEMENT

American Bar Association, *Member*

Bar Association of The District of Columbia, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

State Bar of Wisconsin, *Member*

Trial Lawyers for Public Justice, *Member*

Washington State Bar Association, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

The Association of Trial Lawyers of America, *Member*

American Academy of Trial Counsel, *Fellow*

Editorial Board, *Washington State Securities Law Deskbook*

Fellow, American Bar Foundation

Human Rights Watch Committee

Washington Athletic Club, *Member*

## SELECTED PUBLICATIONS & PRESENTATIONS

Presenter, Colorado County Attorneys Association Virtual Summer Conference, Statewide Opioid Litigation Update, June 11, 2021.

Thomson/West Webinar, "Stock Drop and Roll: Key Supreme Court Rulings and New Standards in ERISA 'Stock Drop' Cases," July 24, 2014

14th Annual Pension Law, Governance and Solvency Conference, 2013

Canadian Institute's 14th Annual Advanced Forum on Pension Law, Governance and Solvency, 2013

ERISA Litigation & Regulatory Compliance Congress, 2013

American Conference Institute's 6th National Forum on ERISA Litigation, 2013

25th Annual ERISA Litigation Conference, 2012

American Conference Institute's 5th National Forum on ERISA Litigation, 2012

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## LAURIE ASHTON

### CONTACT INFO

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(602) 248-0088

lashton@kellerrohrback.com

### PRACTICE EMPHASIS

- Business Reorganizations
- Class Action & Consumer Litigation
- Constitutional Law
- Employee Benefits and Retirement Security
- Fiduciary Breach
- International Law

### EDUCATION

#### University of California, San Diego

B.A., 1987, Economics

#### Arizona State University College of Law

J.D., 1990, Order of the Coif;  
*Member, Arizona State Law Journal,*  
1988-1990; Note and Comment  
Editor, *Arizona State Law Journal,*  
1989-1990; Student Instructor,  
Legal Research and Writing, 1989-  
1990.

**Laurie Ashton is Of Counsel to Keller Rohrback.** Prior to becoming Of Counsel, she was a partner in the Arizona affiliate of Keller Rohrback. Early in her career, as an Adjunct Professor, she taught semester courses in Lawyering Theory and Practice and Advanced Business Reorganizations. She also served as a law clerk for the Honorable Charles G. Case, U.S. Bankruptcy Court, for the District of Arizona for two years.

An important part of Laurie's international work involves the domestic and international legal implications of treaty obligations and breaches. She is a member of the international legal team that represented the Marshall Islands at the International Court of Justice in The Hague. For its work, the team was nominated by the International Peace Bureau for the 2016 Nobel Peace Prize, along with the former Foreign Minister, Tony deBrum. Laurie was also part of the team representing parties impacted by the Trump administration's Muslim travel ban and policies related to it. That work included claims arising out of the United States' failure to reunite refugee families as legally required.

In complex litigation, Laurie was the lead attorney for Keller Rohrback in a series of successful groundwater contamination suits brought in 1996 against multiple international defendants concerning chemical releases spanning over 60 years. She was also the lead attorney for Keller Rohrback in an ERISA class action suit on behalf of over 21,000 employees who lost a material percentage of their retirement assets at the hands of corporate fiduciaries—a case that was, at its time, amongst the largest of its kind. Laurie has led or been a member of the team leading numerous high-profile business reorganizations, including a case in which the Court confirmed a reorganization plan over the objection of the international life insurance company's feasibility expert, based on Laurie's cross examination.

Laurie served on the Ethics Committee of the State Bar of Arizona for six years. She was the coauthor of a textbook on limited liability companies and partnerships, published by West, and she is AV Preeminent rated by Martindale.

Laurie is frequently interviewed and has been cited by Reuters, Newsweek, Fox News, Huffington Post, Slate Magazine, Radio New Zealand, Radio Australia, and others. She currently serves as a Director of the Santa Barbara City College Foundation, a member of the Human Rights Watch Council in Santa Barbara, and as an Advisor of the Global Justice Center in New York, which advances human rights pursuant to various international laws, including the Geneva and Genocide Conventions, as well as customary international law.



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## BAR & COURT ADMISSIONS

1990, Arizona  
1999, Colorado  
2007, Washington, D.C.  
2013, Eastern District of Michigan  
2014, U.S. Court of Appeals for the Sixth Circuit  
2015, U.S. Court of Appeals for the Ninth Circuit  
2016, U.S. Court of Appeals for the Tenth Circuit  
2016, U.S. Supreme Court  
International Court of Justice

## PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member*  
Colorado Bar Association, *Member*  
Washington, D.C. Bar Association, *Member*  
Adjunct Professor of Law, *Advanced Chapter 11*, Arizona State University, 1996  
Adjunct Professor of Law, *Lawyering Theory & Practice*, Arizona State University, 1997  
Committee on the Rules of Professional Conduct ("Ethics Committee"), State Bar of Arizona, *Member*, 1997-2003  
Court Appointed Special Advocate, King County, 2007-2009  
Global Justice Center, New York, *Advisor*  
Human Rights Watch Committee, Santa Barbara, *Member*  
Santa Barbara City College Foundation, *Director*

## PUBLICATIONS & PRESENTATIONS

Author, Case Note, *Arizona Mortgage and Deed of Trust Anti-Deficiency Statutes: The Underlying Obligation on a Note Secured By Residential Real Property After Baker v. Gardner*, 21 Ariz. St. L.J. 465, 470 (1989).  
Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2004).  
Guest Lecturer, Harvard Law School, 1997, 1999, 2001-2002.  
Guest Lecturer, Stanford Law School, 2003.  
Speaker, United Nations 2015 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; Panel, *Marshall Islands Nuclear Zero Lawsuits*  
Speaker, Humanity House, The Hague, "*Legal Obligations for Nuclear Disarmament*," March 2016.  
Speaker, Bertha Von-Suttner Master Class, The Peace Palace, The Hague, "*Forward Into Light, The Barbarization of the Sky*."

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## IAN BIRK

### CONTACT INFO

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Seattle, WA 98101  
(206) 623-1900  
ibirk@kellerrohrback.com

### PRACTICE EMPHASIS

- Appeals
- Class Action & Consumer Litigation
- Employment Law
- Employment Litigation
- ERISA
- Insurance Bad Faith & Policyholder Rights
- Insurance Litigation
- Medical Malpractice Litigation
- Personal Injury Litigation
- Personal Injury & Wrongful Death

### EDUCATION

#### University of Washington

B.A., *summa cum laude*, 1997

#### University of Washington School of Law

J.D., 2001

Ian is a trial lawyer representing people who have been injured because of insurance bad faith, medical negligence, product liability, workplace discrimination, and in auto and trucking collisions.

Ian believes the courtroom is a place to make society safer and fairer for everyone. His work has resulted in landmark rulings protecting consumers, including representation of a family who was sued by their own insurance company, arguing to reinstate a jury verdict after a judge improperly overruled the jury, and testifying before the Washington Legislature in support of consumers making insurance claims. Known for his representation of people and businesses when they have disputes with insurance companies, Ian is a sponsor of United Policyholders, a public interest non-profit which provides guidance on insurance claims for consumers.

A fifth generation Washingtonian and lifelong resident of the Pacific Northwest, Ian has served on the Board of Governors and as Chair of the Insurance Section of the American Association for Justice. He also regularly volunteers at the King County Bar Association Neighborhood Legal Clinic.

### HONORS & AWARDS

Selected to the Top 40 Under 40 in Washington by The National Trial Lawyers, 2012

Selected to Rising Stars list in *Super Lawyers - Washington*, 2005–2006, 2008–2015

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2016–2021

Selected to Top 100 in *Super Lawyers - Washington*, 2019–2021

### BAR & COURT ADMISSIONS

2001, Washington

2005, U.S. Supreme Court

2005, U.S. Court of Appeals for the Ninth Circuit

2005, U.S. District Court for the Western District of Washington

2005, U.S. District Court for the Eastern District of Washington

2011, U.S. District Court for the Southern District of New York

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## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Tacoma-Pierce County Bar Association, *Past Member*

American Constitution Society, Puget Sound Chapter, *Past Co-Chair*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Associate Editor for insurance law, *Trial News*

Volunteer Attorney, King County Bar Association  
Neighborhood Legal Clinics

## PUBLICATIONS & PRESENTATIONS

Ian Birk, "‘Made-Whole’ Rule Comes to Health Insurance," *Trial News*, vol. 55, n.3, Washington State Association for Justice (November 2019).

WSAJ's 37th Annual Insurance Seminar, Class Actions in Insurance Cases and anti-SLAPP Update, Sea-Tac & Spokane, Washington, January 23 & 30, 2015.

The *Cedell* Presumption: Discovery of the Insurer's Claim File in Insurance Bad Faith Litigation in Washington, 49 *Gonz. L. Rev.* 503 (2014).

Washington Civil Procedure Deskbook, Chapter 19 (3d. ed. 2014).

Tacoma-Pierce County Bar Association, Tort Law Update, UIM Bad Faith Claims, Fircrest, Washington, October 17, 2014.

The Right of an Additional Insured to a Copy of the Insurance Policy, *Trial News*, vol. 48, n. 9, Washington State Association for Justice (May 2013), page 1.

WSAJ's 35th Annual Insurance Seminar, Co-Chair, Spokane & Tacoma, Washington, January 24 & 25, 2013.

WSAJ's 34th Annual Insurance Seminar, Reasonableness Hearings under RCW 4.22.060 and the Right to Jury Trial, Spokane & Tacoma, Washington, 2012.

Ian S. Birk, "Supreme Court accepts review in stipulated judgment case," *Trial News*, vol. 47, n. 3, Washington State Association for Justice (November 2011).

WSAJ's 1st Annual Winter Conference, Using Consumer

Laws to Better Represent Your Injured Clients, Seattle, Washington, 2010.

Ian S. Birk and Lorraine Lewis Phillips, "Should Juries Be Informed of the Consequences of Their Apportionment Decisions?" *Litigation News*, Litigation Section of the Washington State Bar Association, vol. 21, n. 2 (Fall 2009).

Ian S. Birk, Review: "The Trial of the Templars looks at the use of torture in legal proceedings." *Trial News*, Washington State Trial Lawyers Association, vol. 43, n. 1 (September 2007).

Ian S. Birk, Review: "All Deliberate Speed: Carrying the Mandate of *Brown v. Board of Education* into the Future." *Trial News*, Washington State Trial Lawyers Association, vol. 40, n. 11 (July/August 2005).

Paul Chemnick and Ian S. Birk, "Defeating Allegations of Contributory Fault in Medical Negligence Cases," *Trial News*, vol. 39, n. 11, Washington State Trial Lawyers Association (July/August 2004).

# KELLER ROHRBACK

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## GRETCHEN FREEMAN CAPPIO

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### PRACTICE EMPHASIS

- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Governments & Municipalities
- Financial Products & Services
- Mass Personal Injury
- Whistleblower

### EDUCATION

#### Dartmouth College

B.A., *magna cum laude*, 1995,  
Religion, Environmental Studies  
Certificate, Phi Beta Kappa

#### University of Washington School of Law

J.D., 1999, Executive Comments  
Editor, Pacific Rim Law & Policy  
Journal, 1998-1999

### Gretchen Freeman Cappio leverages the power of litigation to make people's lives better.

With a passion for strategic advocacy that achieves meaningful change, Gretchen represents clients in many well-known consumer protection, public health, environmental, and data privacy cases. Remaining true to her southern roots, she brings civility and a sense of humor to her practice. Gretchen's colleagues at Keller Rohrback recognize her skill and natural ability to lead, electing her to the firm's six-member Executive Committee—the third woman elected in the firm's 100-plus-year history.

Gretchen has played a key role in many of Keller Rohrback's consumer protection and automotive cases, among others. In the multibillion-dollar Volkswagen "Clean Diesel" case, Gretchen served on the Plaintiffs' Settlement Team. During the rapid-fire negotiations, she drafted settlement documents and supervised notice in three separate, complex settlements. She also served as a member of the Plaintiffs' Settlement Team for *In re Chrysler-Dodge-Jeep EcoDiesel*, MDL 2777 (N.D. Cal.). In *Jabbari v. Wells Fargo & Co.*, No. 15-2159 (N.D. Cal.), where employees unlawfully took customers' data to set up unauthorized accounts, Keller Rohrback served as sole plaintiffs' counsel. Gretchen helped negotiate an innovative \$142 million settlement.

Courts across the country have recognized Gretchen's leadership abilities. Recently, she was appointed to the Plaintiffs' Steering Committees in *In re: ZF-TRW Airbag Control Units Products Liability Litigation*, MDL 2905 (C.D. Cal.), a complex case against several auto manufacturers and parts suppliers regarding defective airbags, and *Won et al. v. General Motors, LLC, et al.*, No. 19-cv-11044 (E.D. Mich.), a class action concerning defective vehicle transmissions. Judge Childs also just appointed Gretchen Chair of the Plaintiffs' Steering Committee in *In re: Blackbaud, Inc., Customer Data Security Breach Litigation*, MDL 2972 (D.S.C.), in which plaintiffs seek to hold Blackbaud accountable for failing to implement and maintain reasonable security procedures and practices to protect individuals' and businesses' private information against unauthorized access by third parties.

Gretchen's advocacy extends to government clients in major public health cases. As part of the Keller Rohrback team working to hold opioid defendants accountable in the *Opioid* MDL, Gretchen serves as the lead client contact for the fourth largest county in the country, and was a chief negotiator of the One Arizona Memorandum of Understanding to allocate millions in opioid settlement funds, signed by the state, all counties, and nearly all of the 90 cities and towns in Arizona. Similarly, in *In re: EpiPen*, MDL 2785 (D. Kan.), in which Keller Rohrback's Managing Partner Lynn Sarko is Co-Lead Counsel, Gretchen leads the firm's contributions to the coordination of counsel, including directing PSC meetings, briefing and discovery, resulting in the

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certification of a nationwide class.

Gretchen's leadership and devotion to justice drive her legal work and personal time. In 2021, Gretchen was elected Board Chair of the Global Justice Center, a nonprofit promoting gender equality worldwide. She is also a founding board member of the Mother Attorneys Mentoring Association (MAMA), an organization supporting mothers in the legal profession, now with nine chapters across the United States.

## BAR & COURT ADMISSIONS

1999, Washington

2000, U.S. District Court for the Western District of Washington

2008, U.S. Court of Appeals for the Eighth Circuit

2009, U.S. Court of Appeals for the Ninth Circuit

2009, U.S. Supreme Court

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Sixth Circuit

2015, U.S. District Court for the Eastern District of Michigan

2020, Michigan

## PROFESSIONAL & CIVIC INVOLVEMENT

Institute for Complex Litigation and Mass Claims at Emory University School of Law

Emerging Leaders Board of Advisors, *Inaugural Member*

Class Action Roundtable, *Reporter*

Global Justice Center, *Board Chair*

*The Global Justice Center works worldwide and domestically with women's rights advocates, grassroots groups, and policymakers to prevent and respond to gender-based violence.*

The William L. Dwyer American Inn of Court, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

Washington Women Lawyers, *Member*

Washington State Trial Lawyers Association, *Member*

American Association for Justice, *Member*

The National Trial Lawyers, *Member*

Mother Attorney Mentoring Association (MAMAS), *Member; Founding Board Member, 2006-2008*

## HONORS & AWARDS

Selected to Rising Stars and Super Lawyers lists in *Super Lawyers - Washington*, 2002, 2009-2012, 2020-2021

## PUBLICATIONS & PRESENTATIONS

Presenter, Colorado County Attorneys Association Virtual Summer Conference, Statewide Opioid Litigation Update, June 11, 2021.

Guest Lecturer, Seattle University School of Law, "MDL Mechanics Q&A," March 8, 2021.

Guest Lecturer, Stanford Law School, "From Takeoff to Landing: Litigating MDLs," February 23, 2021.

Law Seminars International Presents: The 16th Annual Conference On Litigating Class Actions, November 12-13, 2020.

Presenter, Trials in Class Actions and Post-Trial Motions

Panelist, Settlement Strategies

Guest Lecturer, Stanford Law School, "From Takeoff to Landing: Litigating the MDL," February 14, 2020.

Guest Lecturer, Stanford Law School, Multidistrict Litigation, February 22, 2019.

Presenter, ABA Section of Litigation, Discovery and Ethical "Rules of the Road" for Working with Expert Witnesses, July 19, 2018.

Presenter, Bristol Myers Squibb Panel, UC-Irvine, UC-Berkeley, & Emory University Schools of Law First Joint Coordination Conference at Berkeley, June 5, 2018.

Law Seminars International Presents: The 14th Annual Conference On Litigating Class Actions, May 10-11, 2018.

Presenter, Consumer Protection and the Opioid Crisis.

Presenter, Corporate Fraud Against Consumers.

Presenter, Settlement Strategies for Class Actions and Multidistrict Litigation.

Presenter, HarrisMartin's Plaintiff Opioid MDL Conference, "Causation and Science," January 8, 2018.

# KELLER ROHRBACK

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## PUBLICATIONS & PRESENTATIONS (CONT.)

Presenter, HarrisMartin MDL Conference, "Opioid, Equifax & Talcum Powder, Equifax Data Breach: What Happened? Who Was Impacted? What Are the Damages?," November 29, 2017.

Presenter, National Consumer Law Center, "Effectively Persuading Your Judge," NCLC Consumer Class Action Symposium, November 18, 2017.

Presenter, Practising Law Institute 22nd Annual Consumer Financial Services Institute, 2017.

Panelist, Law Seminars International – 13th Annual Conference on Litigating, "Settlement Strategies for Class Actions and Multidistrict Litigation," April 28, 2017.

Panelist, EmoryLaw NextGen Conference and EmoryLaw Fed. Judicial Ctr. and JPML Program, December 14-16, 2016.

Panelist, HarrisMartin's MDL Conference, "Settlements in Mass Tort and Class Action Litigation," July 27, 2016.

Panelist, American Association for Justice webinar, "Dissecting the U.S. Supreme Court Decision in Spokeo," Inc. v. Robins, May 26, 2016.

Panelist, Law Seminars International, "VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions," May 6, 2016.

Presenter, PLI Consumer Financial Services Institute 2016, "Data Security & Privacy Issues," May 12, 2016.

Panelist, HarrisMartin Pharmaceutical and Environmental Mass Tort Litigation, Class Action and Data Breach Litigation, March 30, 2016.

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 8, 2016.

Panelist, HarrisMartin MDL Conference Volkswagen and Pharmaceutical Update: RICO and Additional Defendants, December 2, 2015.

Panelist, Bridgeport Volkswagen Class Action & MDL Seminar – Diesel Emissions Scandal, November 23, 2015.

Panelist, HarrisMartin Volkswagen Diesel Emissions Litigation Conference: RICO and Additional Defendants, October 27, 2015.

Panelist, Law Seminars International, The Eleventh Annual Comprehensive Conference on Class Actions, "Data Breaches: Cases at the Intersection of Class Actions and Internet Technology," June 4, 2015.

Panelist, ABA Section of Dispute Resolution Meeting 17th Annual Spring Conference, "Solutions in Seattle: A View From the Trenches: What's Working and What's Not Working with Mediators," April 16, 2015.

Presenter, HarrisMartin Data Breach Litigation Conference, "Coming of Age: The Differences between Employee and Consumer Cases," March 25, 2015.

Presenter, Practising Law Institute, Managing Complex Litigation 2014: Class Actions; Mass Torts & MDL, October 21, 2014.

Presenter, Class Action Conference, "Recent Settlement Trends in Class Actions and Multidistrict Litigation: A Detailed Look at the Process for Settling and Administering Settlements," June 13, 2014.

Presenter, Harris Martin's MDL Conference, "Target Data Security Breach Litigation: Recent Development, Issues in Data Breach Litigation," March 26, 2014.

Presenter, Law Seminars International, Class Actions and Other Aggregate Litigation Seminar: Post-Certification Motion Issues in Class Actions, May 14, 2013.

Panelist, Chartis Security & Privacy Seminar, October 20, 2011.

Presenter, 20th Annual American Bar Association Tort Trial and Insurance Practice Section Spring CLE Meeting, "Toxic Torts: Toxins In Everyday Products," April 1, 2011.

Gretchen Freeman Cappio, Erosion of Indigenous Right to Negotiate in Australia, 7 Pac. Rim L. & Pol'y J. 405 (1998).

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## ALISON CHASE

### CONTACT INFO

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Santa Barbara, CA 93101  
(805) 456-1496  
achase@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Environmental Litigation
- International Law
- Securities

### EDUCATION

#### Emory University

B.A., *magna cum laude*, 2000,  
Political Science and Philosophy,  
Phi Beta Kappa

#### Yale Law School

J.D., 2003; Editor, *Yale Law Journal*,  
Articles Editor, *Yale Journal of  
International Law*

**Alison is a partner in Keller Rohrback's nationally-recognized Complex Litigation Group.** Alison works tirelessly to hold corporations responsible for reckless and dangerous conduct that harms consumers and the public.

Alison is a key member of the team representing consumers affected by EpiPen price gouging, in the litigation *In re: EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices, & Antitrust Litig.*, MDL 2785 (D. Kan.). She has taken a central role in this important case, which seeks redress for millions of EpiPen purchasers who have been forced to pay skyrocketing prices for this necessary and life-saving medication. Alison is particularly proud to represent parents of children suffering severe allergies, who have been affected by monopolistic, unfair, and predatory practices. Keller Rohrback's managing partner, Lynn Sarko, is co-lead of the litigation, and Alison has had a substantial role in briefing, written and deposition discovery, and expert work.

Alison is an integral member of the team representing a class of residents affected by the largest natural gas leak in U.S. history, *Southern California Gas Leak Cases*, JCCP No. 4861 (LA Superior). That gas leak devastated the community of Porter Ranch, causing the closure of schools and the relocation of tens of thousands of residents. Similarly, Alison has represented victims of the 2015 Santa Barbara Oil Spill in seeking redress for this environmental disaster.

In addition, Alison has a deep background in financial litigation. She has been a key member of the team representing the Federal Home Loan Banks of Chicago, Boston, and Indianapolis in mortgage-backed securities litigation against a host of Wall Street and international banks. These complex cases have resulted in the recovery of hundreds of millions of dollars for the firm's clients. Alison has also represented consumers in a broad array of financial litigation, including in actions on behalf of mortgage borrowers, in actions arising from fraudulent account scandals, and actions relating to novel FinTech.

Alison also maintains an active practice in appellate and international law. She represented the Republic of the Marshall Islands in groundbreaking litigation before the International Court of Justice and U.S. Courts. Alison also represented a class consisting of the sitting judges of the State of Arizona in constitutional litigation that was resolved in her clients' favor by the Arizona Supreme Court.

Having clerked for both a federal district court and for the Ninth Circuit Court of Appeals, Alison is deeply committed to civility, teamwork, and working cooperatively with opposing counsel. Alison's broad litigation experience, which has included both plaintiff- and defense-side work, enables her to guide clients through a wide variety of complex litigation.

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## CLERKSHIPS

The Honorable J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit

The Honorable Valerie Baker Fairbank, U.S. District Court for the Central District of California

## BAR & COURT ADMISSIONS

2003, California

2004, United States District Court for the Eastern District of California

2007, United States District Court for the Central District of California

2010, Ninth Circuit Court of Appeals

2011, Arizona

2014, United States District Court for the Northern District of California

2016, United States District Court for the Southern District of California

## PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of California, *Member*

State Bar of Arizona, *Member*

Santa Barbara Lawyers Association, *Member*

Santa Barbara Women's Lawyers Association, *Member*

California Women's Lawyers Association, *Member*

## HONORS & AWARDS

Finalist, Morris Tyler Moot Court

Recipient, Gherini Prize for Outstanding Paper in International Law

## PUBLICATIONS & PRESENTATIONS

Alison Chase, *The Politics of Lending and Reform: The International Monetary Fund and the Nation of Egypt*, Stanford Journal of International Law, Vol. 93 (2006).

Alison Chase, *Legal Mechanisms of the International Community and the United States Concerning the State Sponsorship of Terrorism*, Virginia Journal of International Law, Vol. 41 (2004).

Alison Chase, *Book Review: The Invention of Peace*, Yale Journal of International Law, Vol. 27 (2002).



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## FELICIA CRAICK

### CONTACT INFO

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Seattle, WA 98101  
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fcraick@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Governments and Municipalities

### EDUCATION

#### Northeastern University

B.S., *summa cum laude*, 2014,  
Criminal Justice

#### Harvard Law School

J.D., *cum laude*, 2018

### BAR & COURT ADMISSIONS

2019, Washington

2019, Western District of  
Washington

**Felicia delves deep into the issues at hand to get concrete results for her clients.** As an attorney in Keller Rohrback's nationally recognized Complex Litigation Group, Felicia is able to combine her interest in people with her drive to hold bad actors responsible for wrongdoing.

Drawn to complex cases, Felicia currently focuses on multidistrict litigation, including representing government entities in the fight against the youth vaping epidemic in the *In re JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation* and representing consumers in cases where the business practices of drug manufacturers, pharmacy benefit managers, and other entities have driven up the costs of pharmaceuticals to the detriment of consumers, such as in the *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*.

Prior to joining Keller Rohrback as an attorney, Felicia received her J.D., cum laude, from Harvard Law School, where she served as an Executive Article Editor of the Harvard Law & Policy Review. Felicia gained practical legal experience as a clinical student attorney, representing low-income survivors of domestic violence in family court and prosecuting criminal cases in state court, and as a summer associate at Keller Rohrback. Driven by the work of complex litigation and the firm's justice-oriented community, Felicia returned to Keller Rohrback at the conclusion of her clerkship with Washington State Supreme Court Chief Justice Mary Fairhurst.

Outside of work, Felicia enjoys hiking, watching soccer and gymnastics, and reading fantasy novels.

### PROFESSIONAL & CIVIC INVOLVEMENT

Washington Women Lawyers, *Member*

Washington State Bar Litigation Section, *Member*

Washington State Bar Criminal Law Section, *Member*

### HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2021

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## ADELE DANIEL

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### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Data Privacy Litigation

### EDUCATION

#### Carleton College

B.A., *magna cum laude*, 2014,  
History

#### University of Michigan Law School

J.D., Order of the Coif, *magna cum  
laude*, 2017

### BAR & COURT ADMISSIONS

2018, Washington

**Adele Daniel always has the big picture in mind.** As an attorney in our nationally recognized Complex Litigation Group, she takes the time to deeply understand the opposing side in order to forcefully rebut the opposition's arguments.

Adele graduated *magna cum laude* from University of Michigan Law School, where she served as an Articles Editor for the Michigan Law Review. Following her graduation, Adele clerked for Chief Judge Michael Mosman at the U.S. District Court for the District of Oregon. She then moved to Seattle to clerk for Judge Ronald Gould at the U.S. Court of Appeals for the Ninth Circuit.

Interested in using litigation to make a lasting impact for consumers, Adele joined Keller Rohrback in 2019. As a member of the firm's automotive litigation team, Adele embraces the opportunity to represent deserving clients, and in so doing, deter corporations from future misconduct.

In her spare time, Adele heads to Washington's mountains and rivers for cycling, backpacking, and whitewater kayaking.

### PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

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## JULI FARRIS

### CONTACT INFO

801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
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1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900

[jfarris@kellerrohrback.com](mailto:jfarris@kellerrohrback.com)

### PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Class Actions
- Consumer Protection
- Employee Benefits & Retirement Security
- Environmental Litigation
- Fiduciary Breach
- Financial Products & Services
- Governments and Municipalities
- International Law
- Securities
- Whistleblower

**Juli Farris' clients count on her commitment to excellence to meet their legal needs.** Juli is a member of Keller Rohrback's nationally-recognized Complex Litigation Group and serves as Supervising Partner of the firm's Santa Barbara office. Her current cases include serving as co-lead counsel representing victims of the 2015 Refugio California Oil Spill and representing patients affected by prescription drug overcharges. She is also part of the team pursuing claims to hold drug manufacturers accountable for the current opioid health crisis.

In addition to her work on environmental torts, consumer protection and whistleblower litigation, Juli has represented both plaintiffs and defendants in class action litigation involving banking and securities regulation, antitrust, ERISA fraud and other areas.

Before joining Keller Rohrback in 1991, Juli served as a judicial law clerk for Judge E. Grady Jolly of the U.S. Court of Appeals, Fifth Circuit, and she practiced law at the Washington, D.C. office of Sidley Austin, where her practice involved trial and appellate litigation covering a wide array of subject matters.

Juli divides her time between the firm's Seattle and Santa Barbara offices.

### EDUCATION

#### Stanford University

B.A., 1982, English

#### Stanford Law School

J.D., 1987, Notes Editor, *Stanford Law Review*

### BAR & COURT ADMISSIONS

1988, Washington

1989, California

1990, District of Columbia

1995, Western District of Washington

1997, U.S. Court of Appeals for the Ninth Circuit

1999, Central District of California

2000, Northern District of California

2001, Eastern District of California

2003, Southern District of California

2003, U.S. Court of Appeals for the Fifth Circuit

2003, U.S. Court of Appeals for the Eleventh Circuit

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## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Loren Miller Bar Association, *Member*

American Bar Association, *Member*

California State Bar Association, *Member*

Washington State Bar Association, *Member*

Washington State Association for Justice, *Member*

Santa Barbara County Bar Association, *Member*

Santa Barbara Women Lawyers, *Member*

American Bar Foundation, *Member*

The National Association of Public Pension Attorneys,  
*Member*

Seattle Repertory Theater, *Board Member*

Treehouse, *Board Member Emeritus, Past Board Chair*

Susan G. Komen, Puget Sound Affiliate, *Former Board  
Member*

## HONORS & AWARDS

Selected to Super Lawyers list in *Super Lawyers -  
Washington*, 2015-2021

Selected to Rising Stars list in *Super Lawyers - Washington*,  
2000-2001

Recipient of Promise of One Award from the Puget Sound  
Affiliate of Susan G. Komen for the Cure, 2013

## PUBLICATIONS & PRESENTATIONS

Andrew D. Freeman & Juli E. Farris, *Grassroots Impact  
Litigation: Mass Filing of Small Claims*, 26 U.S.F.L. Rev. 261  
(1992).

Editorial Board, *Washington State Securities Law Deskbook*  
(2012)

## REPRESENTATIVE MATTERS

*In re IKON Office Solutions, Inc.*, 277 F.3d 658 (3rd Cir. 2002)

*In re WorldCom, Inc. ERISA Litig.*, 354 F. Supp. 2d 423  
(S.D.N.Y. 2005)

*Hansen v. Ticket Track, Inc.*, 213 F.R.D. 412 (W.D. Wash.  
2003)

*In re Scientific-Atlanta, Inc. Securities Litigation*, 239 F. Supp.  
2d 1351 (N.D. Ga. 2002)

*In re Domestic Air Transp. Antitrust Litig.*, 137 F.R.D. 677 (N.D.  
Ga. 1991)

*In re Potash Antitrust Litig.*, 954 F. Supp. 1334 (D. Minn.  
1997)

*Andrews v. Plains All American Pipeline, L.P.*, No. 2:15-cv-  
04113 (C.D. Cal.)

*Johnson v. OptumRx*, (D.N.J.)

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## ERIC FIERRO

### CONTACT INFO

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(602) 230-6331  
efierro@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Consumer Protection
- eDiscovery
- Financial Products and Services
- Intellectual Property
- Mass Personal Injury
- Securities
- Whistleblower

### EDUCATION

#### Arizona State University

B.S., 2002, Justice Studies

#### New England School of Law

J.D., 2006, Senior Editor, *New England Journal of International and Comparative Law*

**Eric Fierro bridges the gap between technology and the law.** Eric practices in Keller Rohrback's nationally recognized Complex Litigation Group and oversees the firm's legal technology group, providing electronic discovery and litigation support to colleagues and clients on a wide array of cases. Whether he is helping to preserve significant amounts of data for institutional clients or walking an individual through the data collection process to increase accuracy and maximize privacy, Eric works closely with clients to understand their needs and provide solutions.

Eric has over 15 years of experience with legal technology. While attending law school in the evening, Eric worked full-time for the U.S. Attorney's Office for the District of Massachusetts where he provided technical support for all criminal and civil units, including the healthcare fraud, securities fraud, and other white collar crime units. Eric also worked as a summer law clerk for the computer crime and intellectual property unit at the U.S. Attorney's Office. Before joining Keller Rohrback, he was a managing consultant for Huron Consulting Group, providing consultative services for complex electronic discovery and document review matters.

When not at work, Eric enjoys spending time with his family, golfing, and rebuilding off-road vehicles in his garage.

### BAR & COURT ADMISSIONS

2009, Arizona

2009, U.S. District Court for the District of Arizona

### PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

### PUBLICATIONS & PRESENTATIONS

Presenter, 2019 ASU-Arkfeld eDiscovery and Digital Evidence Conference, "Everyday Devices and the Internet of Things: Working with ESI in the Forest of Smart Device."

Presenter, 2018 Complex Litigation E-Discovery Forum, Plaintiff Offensive Review Workflows and Tips, September 2018.

Presenter, 2017 Complex Litigation E-Discovery Forum, Best Practice for Plaintiff Document Collection, September 2017.

Presenter, 2016 Complex Litigation E-Discovery Forum, Negotiating a State of the Art ESI Protocol, September 23, 2016.

Panelist, IPro Innovations for The Sedona Conference, The 2015 Federal Rule Amendments: Has Anything Really Changed? April 2016.

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## ALISON GAFFNEY

### CONTACT INFO

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Seattle, WA 98101  
(206) 623-1900  
agaffney@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Opioid Litigation
- Governments & Municipalities
- Mass Personal Injury/Tort
- Environmental Litigation

### EDUCATION

#### Swarthmore College

B.A., 2002, Linguistics and Languages (Spanish & Mandarin Chinese); McCabe Scholar

#### University of California, San Diego

M.A., 2007, Latin American Studies

#### University of Washington School of Law

J.D., 2012

**Alison Gaffney is a fighter. Once she takes on a client—as a partner in Keller Rohrback’s nationally recognized Complex Litigation Group or as a cooperating attorney with the ACLU—she commits to doing everything she can to fight for justice for her client.**

That tenacity was evident in her pursuit to reunite Somali refugee Joseph Doe with his family after their separation was prolonged because of the Muslim Travel Ban. Alison is a member of the team that sued the Trump Administration on behalf of Doe and other individuals and organizations harmed by the travel ban in *Doe, et al. v. Donald Trump, et al.* (W.D. Washington). Three weeks after the court granted Doe’s motion for a preliminary injunction, Alison had the honor of seeing Doe reunited with his wife and three sons in Seattle.

Alison is passionate about using litigation to combat complex world problems. In the National Prescription Opiate Multi-District Litigation, Alison represents over 70 city, county, and tribal governments in their fight to hold prescription opioid manufacturers and distributors accountable for the devastating effects these drugs have had on their communities. She has played a key role within Keller Rohrback’s Opioid Litigation team, and in the national MDL she has been involved in drafting the master complaints, dispositive briefing, discovery, and preparing and defending medical experts. In addition, Alison represents school districts and counties in litigation against JUUL Labs, Inc. and other e-cigarette manufacturers for targeting youth with their marketing and product design and addicting a new generation to nicotine.

Both before and during law school, Alison’s passion for justice and human rights drew her to immigration law and policy. She completed a master’s degree focused on international migration, and as a law student, she interned with the Seattle Immigration Court and the Northwest Immigrant Rights Project (NWIRP) in Tacoma, where she gave “Know Your Rights” presentations at the Northwest Detention Center. She represented clients in deportation proceedings through NWIRP as well as the law school’s Immigration Law Clinic, and she continues to volunteer as a pro bono attorney for NWIRP.

When she is not fighting for her clients, Alison is busy keeping up with her two sons, scrambling and climbing with The Mountaineers, and generally enjoying the beauty of the Pacific Northwest.

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## BAR & COURT ADMISSIONS

2012, Washington

2013, U.S. District Court for the Western District of Washington

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the Ninth Circuit

2015, U.S. District Court for the Eastern District of Washington

2016, U.S. District Court for the Central District of Illinois

2017, U.S. District Court for the Eastern District of Wisconsin

2018, U.S. District Court for the District of Colorado

## PROFESSIONAL & CIVIC INVOLVEMENT

ACLU Cooperating Attorney

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Mother Attorneys Mentoring Association of Seattle (MAMAS), *Member*

Northwest Immigrant Rights Project, *Pro Bono Attorney*

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

## LANGUAGES

Spanish

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## LAURA R. GERBER

### CONTACT INFO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

(206) 623-1900

lgerber@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Action & Consumer Litigation
- Consumer Protection
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services
- Governments & Municipalities
- Institutional Investors
- Whistleblower

**Laura R. Gerber is a strong advocate for her clients.** From her early years in a whistleblower protection organization, to her current practice litigating against some of America's largest corporations, Laura has built her career as a trusted advocate for plaintiffs. Laura represents her clients with skill, tact and diplomacy. As a result, Laura's clients trust her to listen carefully, keep them informed, provide excellent legal advice, and to diligently pursue their interests in litigation against powerful defendants.

For over fifteen years, Laura has practiced in Keller Rohrback's Complex Litigation Group where she has developed a diverse practice with a focus on holding corporations and other institutions accountable. Laura is experienced in litigating consumer protection, RICO, antitrust, ERISA, environmental, excessive fee, breach of contract and breach of fiduciary duty, qui tam, and Ponzi scheme matters.

Laura's strategic persistence in complex cases has led to impressive results with her clients receiving substantial recoveries. Laura played a key role in managing litigation enhancing the security of pension plan benefits for healthcare workers at religiously affiliated healthcare systems, resulting in settlements exceeding \$800 million.

In addition to her J.D., Laura has a Masters in Public Administration.

### EDUCATION

#### Goshen College

B.A., 1994, History, Economics

#### University of Washington School of Law

J.D., 2003

#### Evans School of Public Affairs, University of Washington

M.P.A., 2003

### PUBLICATIONS & PRESENTATIONS

Speaker, American Conference Institute's 8th National Forum on ERISA Litigation, October 2014, (New Trends in Church Plan Litigation).

L. Gerber and R. Giovarelli, *Land Reform and Land Markets in Eastern Europe*, Food and Agriculture Organization of the United Nations (2005).

David Weissbrodt, Penny Parker, Laura Gerber, Muria Kruger, Joe W. (Chip) Pitts III, *A Review of the Fifty-Fourth Session of the Sub-Commission on the Promotion and Protection of Human Rights*, 21 NETH Q. HUM. RTS. 291 (2003)



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## BAR & COURT ADMISSIONS

2004, Washington  
2006, U.S. District Court for the Eastern District of Washington  
2006, U.S. District Court for the Western District of Washington  
2010, U.S. District Court for the Northern District of Illinois  
2013, U.S. District Court for the District of Colorado  
2016, U.S. District Court for the Southern District of Illinois  
2016, U.S. District Court for the Eastern District of Missouri  
2016, U.S. District Court for the Northern District of Ohio  
2016, U.S. District Court for the Western District of Oklahoma  
2016, U.S. District Court for the Central District of Illinois  
2016, U.S. District Court for the Northern District of Indiana  
2006, U.S. Court of Appeals for the Ninth Circuit Court  
2014, U.S. Court of Appeals for the Sixth Circuit Court  
2015, U.S. Court of Appeals for the Tenth Circuit Court  
2019, U.S. Court of Appeals for the Seventh Circuit Court  
2019, U.S. Court of Appeals for the Eighth Circuit Court  
2017, Supreme Court of the United States

## PROFESSIONAL & CIVIC INVOLVEMENT

Campaign for Equal Justice, *Board Member*, 2018-present  
Hanford Challenge, *Board of Directors*, 2018-present  
Washington Appleseed, *Board of Directors*, 2012-2019  
King County Bar Association, *Member*  
Washington State Bar Association, *Member*  
Federal Bar Association, *Member*  
American Bar Association, *Member*  
American Bar Foundation, *Fellow*  
American Association for Justice, *Member*  
Mother Attorney Mentoring Association (MAMA), *Member*

## HONORS & AWARDS

Selected to Rising Stars and Super Lawyers lists in *Super Lawyers - Washington*, 2009, 2014, 2020-2021

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## MATTHEW GEREND

### CONTACT INFO

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Seattle, WA 98101

(206) 623-1900

mgerend@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Securities

### EDUCATION

#### University of Wisconsin

B.A., with distinction, 2005,  
Political Science, Phi Beta Kappa

#### Georgetown University Law Center

J.D., *cum laude*, 2010; Executive  
Articles Editor, *Georgetown Journal  
on Poverty Law and Policy*

**Matthew Gerend practices in the firm's nationally recognized Complex Litigation Group, representing employees and other investors in litigation to enforce securities laws and the Employee Income Retirement Security Act ("ERISA").** Matt has represented plaintiffs in federal courts across the country to redress harms stemming from breaches of fiduciary duties, investment fraud, and other misconduct that threatens employees' retirement security.

Matt became interested in the laws protecting retirement and pension benefits as a clerk with AARP Foundation Litigation, where he helped draft a number of amicus curiae briefs filed in the U.S. Supreme Court and U.S. Courts of Appeals regarding the proper interpretation and implementation of ERISA. During law school, Matt also worked as an intern with the Community Development Project at the Lawyers' Committee for Civil Rights Under Law. Matt believes that lawyers have a unique ability to effect social change, an ethic that has guided his work representing individuals and investors against those engaged in divisive and fraudulent practices.

### BAR & COURT ADMISSIONS

2010, Washington

2011, U.S. District Court for the Western District of Washington

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. District Court for the Eastern District of Michigan

2014, U.S. Court of Appeals for the Sixth Circuit

2014, U.S. Court of Appeals for the Ninth Circuit

2015, U.S. Court of Appeals for the Seventh Circuit

2015, U.S. District Court for the District of Colorado

2016, U.S. Court of Appeals for the Fourth Circuit

2016, U.S. Court of Appeals for the Tenth Circuit

2016, Supreme Court of the United States

2018, U.S. Court of Appeals for the Second Circuit

2018, U.S. District Court for the Eastern District of Wisconsin

### PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

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## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2021

## PUBLICATIONS & PRESENTATIONS

Contributing Author, *Zanglein et. al., ERISA Litigation* (Bloomberg BNA 2015).

Deborah M. Austin and Matthew M. Gerend, *The Scope and Potential of Section 3 as Currently Implemented*, 19 J. Affordable Housing & Commun. Dev. L. 89 (2009).

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## MAX GOINS

### CONTACT INFO

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(206) 623-1900  
mgoins@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action & Consumer Litigation

### EDUCATION

#### University of Oregon

B.A., 2006, Philosophy

#### Miami University

M.A., 2009, Philosophy

#### Lewis & Clark Law School

J.D., 2018, *magna cum laude*

**As a member of Keller Rohrback L.L.P.'s nationally recognized Complex Litigation Group, Max Goins gets to use his research and writing skills to help uncover the truth behind corporate malfeasance and misconduct.**

A 2017 summer associate at Keller Rohrback, Max was invited back to the firm in September 2018 to work on consumer protection and class action cases. For the past three years, Max has been part of the team representing consumers affected by EpiPen price gouging, in the litigation *In re: EpiPen (Epinephrine Injection, USP) Mktg., Sales Practices, & Antitrust Litig.*, MDL 2785 (D. Kan.). Max has worked on every aspect of this case, including discovery, class certification, summary judgment, settlement, and trial preparation.

During law school at Lewis & Clark in Portland, Oregon, Max served as submissions editor for the Law Review. He also collaborated with Professor Robert Klonoff to update Klonoff's complex litigation textbook, *Class Actions and Other Multi-Party Litigation* (4th Ed.). Max worked extensively with Professor Klonoff on the new cutting-edge chapter about multidistrict litigation ("MDL"). In addition, Max externed for Judge Ann Aiken of the District of Oregon, where he performed exhaustive legal research and wrote published opinions on issues like attorney fees, joining local Native American tribes as necessary parties, and the fairness of class action settlements.

When he's not working, you can find Max at the movies, in retro arcades, mentoring law students at Lewis & Clark, or—weather permitting—at a tennis meet-up.

### BAR & COURT ADMISSIONS

2018, Washington

2018, US District Court for the Western District of Washington

2019, US District Court for the Eastern District of Michigan

2021, Oregon

### HONORS & AWARDS

Cornelius Honors Society, as selected by the Lewis & Clark Law School faculty for distinguished scholarship, leadership, and contribution to the legal community, 2018

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

### PROFESSIONAL & CIVIC INVOLVEMENT

Voz: Northwest Workers Rights Education Project, 2015-2016, *Volunteer*

PILP: Public Interest Law Project, 2015-2017, *Volunteer and CLE Director*

Housing Justice Project, *Volunteer*

Pound Civil Justice Institute, *Associate Fellow*

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## GARY GOTTO

### CONTACT INFO

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Phoenix, AZ 85012-2600  
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### PRACTICE EMPHASIS

- Class Actions
- Commercial Litigation
- Debtor-Creditor
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Institutional Investors
- Real Estate Securities

### EDUCATION

**University of Pennsylvania**  
B.A., *cum laude*, 1976

**Arizona State University of  
College of Law**  
J.D., *summa cum laude*, 1982,  
Order of the Coif

**Gary Gotto's diverse experience helps him meet his clients' diverse needs.** Gary is a member of Keller Rohrback's nationally-recognized Complex Litigation Group. He has a broad range of practice experience and interests, including all aspects of corporate and real estate transactional work, securities issuance and compliance, Chapter 11 bankruptcy and workout matters, and general commercial and ERISA litigation. Gary speaks and teaches regularly on a number of topics, including an annual real estate bankruptcy case study presented at the Harvard Law School. He has practiced in Phoenix since 1982.

### BAR & COURT ADMISSIONS

1982, Arizona  
1982, U.S. District Court for the District of Arizona  
2005, U.S. Court of Appeals for the Second Circuit

### PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member; Chair*, Subcommittee on Revising the Limited Partnership Act, Business Law Section, 1991  
Adjunct Professor Law, Arizona State University College of Law, 1989

### PUBLICATIONS & PRESENTATIONS

Co-Author, *Arizona Legal Forms: Limited Liability Companies and Partnerships* (1996-2002).  
Co-Author, *Limited Liability Companies and Partnerships* (1996-1997).  
Guest Lecturer, *Chapter 11 Reorganizations*, Harvard Law School, 1996-1997, 1999, 2001, 2002.  
Guest Lecturer, *Chapter 11 Reorganizations*, Stanford Law School, 2003.  
Speaker, National Business Institutes, *Negotiating and Drafting Acquisition Agreements in Arizona*, 1997.  
Speaker, National Business Institutes, *Choice of Business Entity in Arizona*, 1996.  
Speaker, National Business Institutes, *Limited Liability Companies*, 1994.  
Speaker, Professional Education Systems, Inc., *Non-Corporate Business Forms*, 1994.  
Speaker, State Bar of Arizona, *Limited Liability Companies*, 1994.  
Speaker, National Business Institutes, *Arizona Limited Liability Company Legislation*, 1993.

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## BENJAMIN GOULD

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
bgould@kellerrohrback.com

### PRACTICE EMPHASIS

- Appeals
- Class Actions
- Constitutional Law
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Institutional Investors

### EDUCATION

#### Yale University

B.A., *summa cum laude*, 2002,  
English, Phi Beta Kappa

#### Yale Law School

J.D., 2006, Editor, *Yale Law Journal*,  
Editor-in-Chief, *Yale Journal of Law  
and the Humanities*

**Benjamin Gould makes the law work for his clients.** Ben, a Seattle native, practices in Keller Rohrback's nationally recognized Complex Litigation Group. His ability to clearly and efficiently communicate factual and legal issues to his clients and courts allows him to adeptly serve the interest of clients who have been harmed by others' misconduct.

Ben has extensive experience in appellate litigation and has active appeals pending in state and federal courts throughout the nation. He has secured successful results for his clients before the U.S. Courts of Appeals for the Second, Eighth, and Ninth Circuits and numerous state appellate courts. Ben also maintains an active practice outside the appellate arena. He has represented clients in cases involving pensions, securities, and consumer-protection law, among other subjects.

Before joining the firm, Ben worked as a Legal Fellow of the ACLU Drug Law Reform Project, litigating cases related to drug policy and civil rights. He also served as a clerk to two federal appellate judges: the Honorable Betty Binns Fletcher of the U.S. Court of Appeals for the Ninth Circuit and the Honorable Diana E. Murphy of the U.S. Court of Appeals for the Eighth Circuit.

### BAR & COURT ADMISSIONS

- 2007, California
- 2010, District of Columbia
- 2010, U.S. Court of Appeals for the Ninth Circuit
- 2011, Washington
- 2011, U.S. District Court for the Western District of Washington
- 2012, U.S. District Court for the Eastern District of Washington
- 2012, U.S. Court of Appeals for the Third Circuit
- 2013, U.S. Court of Appeals for the Second Circuit
- 2013, U.S. Court of Appeals for the Sixth Circuit
- 2013, U.S. Court of Appeals for the Eighth Circuit
- 2013, U.S. Court of Appeals for the Eleventh Circuit
- 2014, U.S. Court of Appeals for the First Circuit
- 2015, U.S. Supreme Court

### PROFESSIONAL & CIVIC INVOLVEMENT

- King County Bar Association, *Member*; Appellate Law Section
- Washington State Bar Association, *Member*
- Washington State Association for Justice, *Member*

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## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers* - Washington, 2016-2021

## PUBLICATIONS & PRESENTATIONS

Benjamin Gould, "Subject-Matter Jurisdiction in the Washington Supreme Court: Unsettling the Settled," in *NWSidebar*, November 2020.

Benjamin Gould, "Vaccine Law: An Overview of Current Law and a Look at the Future," in *NWLawyer*, November 2019.

Benjamin Gould, *Radical Jurisprudence*, 93 Wash. L. Rev. Online 49 (2018).

Speaker on Rule 23(f) and Class Action Appeals, American Bar Association 19th Annual National Institute on Class Actions, New Orleans, LA, 2015.

A Review of Antonin Scalia and Bryan A. Garner, Reading Law (2012), in *Trial News*, March 2014.

Derek W. Loeser & Benjamin Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser & Benjamin Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, *Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009).\*

Derek W. Loeser, Erin M. Riley & Benjamin Gould, *2010 ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, *Pensions & Benefits Daily*, Bureau of National Affairs, Inc. (Jan. 28, 2011).

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## CHRISTOPHER GRAVER

### CONTACT INFO

3101 N Central Avenue, Ste. 1400  
Phoenix, Arizona 85012-2600  
(602) 248-0088  
cgraver@kellerrohrback.com

### PRACTICE EMPHASIS

- Business Litigation
- Bankruptcy and Creditors' Rights

### EDUCATION

#### St. John's College

B.A., 1976

#### University of New Mexico

J.D., *magna cum laude*, 1990  
Order of the Coif

### Chris is a member of Keller Rohrback's Complex Litigation and Bankruptcy Groups.

He has represented debtors, creditors, Court-appointed committees, and asset purchasers in Chapter 11 reorganization proceedings and workouts. In recent years he has also focused on representing plaintiffs in ERISA class actions. Chris has wide-ranging experience in complex commercial matters, from corporate restructuring to breach of fiduciary duty, commercial real estate, contracts, patent infringement, and environmental insurance coverage.

Together with colleagues, Chris has represented clients as diverse as pension plan participants in class actions challenging their employers' asserted exemption from ERISA, the committee of victims of clergy sexual abuse in the Chapter 11 reorganization of a Catholic diocese, an American Indian business corporation in a commercial dispute, and a developer restructuring a portfolio of real property interests nationwide.

A graduate of the Great Books liberal arts program at St. John's College in Santa Fe, Chris earned his law degree from the University of New Mexico Law School *magna cum laude* in 1990. While his practice is centered in the Southwest, Chris represents clients in federal courts coast to coast.

### BAR & COURT ADMISSIONS

1990, Arizona

1990, United States District Court for the District of Arizona

2004, United States Court of Appeals for the Ninth Circuit

2015, United States Court of Appeals for the Fifth Circuit

2016, United States Court of Appeals for the Tenth Circuit

2017, United States Supreme Court

### PROFESSIONAL & CIVIC INVOLVEMENT

Arizona State Bar Association, *Member*

Maricopa County Bar Association, *Member*

### PUBLICATIONS & PRESENTATIONS

"Confirming the Catholics: The Diocese of Tucson Experience, Norton Bankruptcy Law Advisor," 2005.

"Representing the Tort Claimants' Committee in the Chapter 11 Case Filed by the Roman Catholic Diocese of Tucson, prepared for the National Conference of Bankruptcy Judges," 2005.

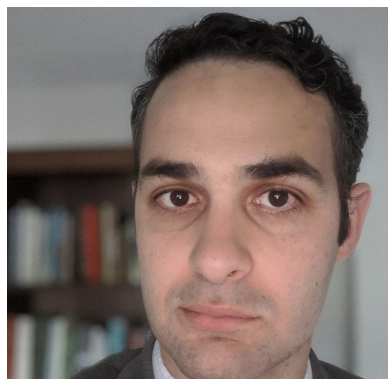
"Decoding the Code," *AzBusiness Magazine*, 2005.

Speaker, Maricopa County Bar Association presentation, *New Bankruptcy Code: Changing the Way Creditors are Treated*, 2006.



# KELLER ROHRBACK

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## ZACK GUSSIN

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
zgussin@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Governments and Municipalities

### EDUCATION

#### University of Washington

B.A., 2010, English: Creative Writing

#### University of Washington Law School

J.D., high honors, 2017; University of Washington Law Review, Moot Court Honor Board, Children and Youth Advocacy Clinic

**Zack develops solutions that effect change.** As an attorney in Keller Rohrback's Complex Litigation Group, Zack is able to combine his passion for social justice with his love of intellectual challenges.

A lifelong Washingtonian with a family of social workers and teachers, Zack is no stranger to fighting for equity. Drawn to KR's longstanding commitment to obtaining justice on behalf of our communities and the intricacy of the firm's litigation work, Zack first joined the firm as a summer associate in 2016, and eventually joined full-time as an associate attorney in 2020.

Zack graduated from University of Washington School of Law in 2017 with High Honors. During law school, he served on the University of Washington Law Review, the Moot Court Honor Board, and at the Children and Youth Advocacy Clinic. He also participated in the Willem C. Vis International Commercial Arbitration Moot competition and received four CALI Excellence for the Future Awards—an award given to the highest scoring student in each law school class. After graduating with his J.D., Zack served as a Judicial Law Clerk for the United States District Court for the Eastern District of Washington.

Outside of work, Zack enjoys reading poetry and spending time with his family and rescue dog, Aspen.

### BAR & COURT ADMISSIONS

2018, Washington

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## IRENE M. HECHT

### CONTACT INFO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

(206) 623-1900

ihecht@kellerrohrback.com

### PRACTICE EMPHASIS

- Insurance Litigation

### EDUCATION

#### University of Washington

B.A., *magna cum laude*, 1977,  
Speech Communication

#### University of Washington School of Law

J.D., with honors, 1980

**Irene Hecht is an experienced trial lawyer whose practice emphasizes insurance law**, particularly in coverage and bad faith litigation. She also has an active appellate practice and has represented insurance companies in trial courts, the Court of Appeals, and before the Washington State Supreme Court. Ms. Hecht has over 38 years of experience in coverage analysis and representation, including both commercial and personal lines, umbrella and excess coverage, and first- and third-party coverage. She has dealt with a wide variety of coverage issues including: advertising injury, personal injury, construction defect, automobile, underinsured motorist, personal injury protection, homeowner's, products-completed operations, E&O, and D&O. Ms. Hecht also actively advises and defends insurers in bad faith litigation, with respect to both first- and third-party matters.

### BAR & COURT ADMISSIONS

1980, Washington

1980, U.S. District Court for the Western District of Washington

1990, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

### PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Tort and Insurance sections*

Washington Defense Trial Lawyers Association, *Member*

Northwest Insurance Coverage Association, *Member*

International Association of Defense Counsel, *Member*

### HONORS & AWARDS

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2001, 2003, 2007, 2010-2021.

### PUBLICATIONS & PRESENTATIONS

Speaker, Washington Defense Trial Lawyers Annual Insurance Law Update, Hot Topics in UIM Coverage, 2012.

Speaker, Washington Defense Trial Lawyers Annual Insurance Law Update, Duty to Settle, 2011.

Editor, Washington Bar Association, Washington Motor Vehicle Accident Insurance Deskbook, 2009 Supplement, Chapter 3: Exclusions to Liability Coverage, 2009.

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## PUBLICATIONS & PRESENTATIONS (CONT)

National Business Institute, Inc., *Challenges In Washington Insurance Coverage Litigation--Analyzing Insurance Contract Provisions & Bad Faith Litigation*, 2003.

Speaker, Northwest Insurance Coverage Association, *Multiple Claims, Inadequate Limits: What is an Insurer to Do?*, 2002.

Washington State Bar Association – Editor, *Washington Motor Vehicle Accident Insurance Deskbook*, 2d ed., Chapter 3: Liability Insurance: Exclusions, 2001.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington--Automobile Insurance & Rules of Professional Conduct and Conflicts of Interest*, 1998.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington - Automobile Coverage*, 1996.

Speaker, King County Bar Association, *The Liability Insurance Policy - The Duties to Defend, Pay and Settle, Reservations of Rights Situations*, 1996.

Speaker, Seattle King County Bar Association, Special Issues in Defending an Insured, 1993.

Seattle King County Bar Association, *Annual Nuts and Bolts of Insurance Coverage, Part II - Special Issues in Defending an Insured*, 1992.

Speaker, Seattle-King County Bar Association, *How to Read an Insurance Policy*, 1990.

National Business Institute, Inc., *Challenges In Washington Insurance Coverage Litigation--Analyzing Insurance Contract Provisions & Bad Faith Litigation*, 2003.

Speaker, Northwest Insurance Coverage Association, *Multiple Claims, Inadequate Limits: What is an Insurer to Do?*, 2002.

Washington State Bar Association – Editor, *Washington Motor Vehicle Accident Insurance Deskbook*, 2d ed., Chapter 3: Liability Insurance: Exclusions, 2001.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington--Automobile Insurance & Rules of Professional Conduct and Conflicts of Interest*, 1998.

National Business Institute, Inc., *Insurance Law: Third-Party Coverage in Washington - Automobile Coverage*, 1996.

Speaker, King County Bar Association, *The Liability Insurance Policy - The Duties to Defend, Pay and Settle, Reservations of Rights Situations*, 1996.

Speaker, Seattle King County Bar Association, *Special Issues in Defending an Insured*, 1993.

Seattle King County Bar Association, *Annual Nuts and Bolts of Insurance Coverage, Part II - Special Issues in Defending an Insured*, 1992.

Speaker, Seattle-King County Bar Association, *How to Read an Insurance Policy*, 1990.

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## GARRETT HEILMAN

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(206) 623-1900  
gheilman@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Employee Benefits and Retirement Security

### EDUCATION

**University of Washington  
School of Law**

J.D., 2013

**University of Puget Sound**

B.A., 2009

**Garrett Heilman is a proud member of Keller Rohrback L.L.P.'s nationally recognized Complex Litigation Group, where he focuses on cutting-edge cases that hold corporations and other institutions accountable for wrongdoings.**

Garrett's interest in corporate accountability began as a law student at the University of Washington School of Law, where he contributed to publications and reports regarding corporate responsibility and human rights and developed training programs for Fortune 500 companies to educate employees on conducting business ethically.

Prior to joining Keller Rohrback, Garrett practiced at a boutique litigation firm and clerked for the Honorable Mary K. Dimke in the U.S. District Court for the Eastern District of Washington and the Honorable George B. Fearing at the Washington State Court of Appeals.

When time permits, Garrett enjoys providing pro bono counsel at the King County Neighborhood Legal Clinic and working to vindicate and/or protect people's First Amendment rights.

### BAR & COURT ADMISSIONS

- 2014, Washington
- 2015, Illinois
- 2016, U.S. Court of Appeals for the Ninth Circuit
- 2016, U.S. District Court for the Western District of Washington
- 2017, U.S. Court of Appeals for the Third Circuit
- 2019, U.S. District Court for the Eastern District of Washington
- 2019, U.S. District Court for the Eastern District of Wisconsin

### PROFESSIONAL & CIVIC INVOLVEMENT

- Legal Foundation of Washington – Associates Campaign Committee, *Member*
- King County Bar Association, *Member*
- Washington State Bar Association, *Member*
- American Bar Association, *Member*

### ARTICLES & PRESENTATIONS

Chapter Editor, *Employment Benefits Law – 2019 Cumulative Supplement* (Bloomberg BNA), 2019-present

### HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

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## DEAN KAWAMOTO

### CONTACT INFO

1201 Third Avenue, Suite 3200  
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### PRACTICE EMPHASIS

- Class Actions
- Environmental Litigation
- Financial Products & Services
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities

### EDUCATION

#### University of California at Berkeley

B.A., History and Biology, *High Distinction*, 1998

#### Yale Law School

J.D., 2003

#### University of Cambridge (UK)

LL.M., International Law, *First Class Honors*, 2007

**Dean Kawamoto understands complex cases.** Many of Dean's cases involve complicated financial transactions, sophisticated institutional and government clients, large-scale discovery, extensive expert analysis, and massive damages. Dean's litigation experience is broad, and includes litigation involving public health, systemic corporate fraud, financial services and securities transactions, consumer protection, product liability, environmental remediation, and professional liability.

As a partner in the firm's Complex Litigation Group, Dean has played an important role in many of Keller Rohrbach's largest cases. In the Opiate MDL, Dean has played a lead role in developing the case against Mallinckrodt and has also worked closely with the experts in the case. Dean was part of the Keller Rohrbach team that successfully sued Volkswagen, Audi, and Porsche for engaging in a massive fraud to cheat emission standards by using "defeat devices." Dean is currently part of the litigation team representing several of the Federal Home Loan Banks in litigation against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion. He was also part of the trial team that successfully objected on behalf of the firm's clients to the \$8.5 billion settlement between Bank of New York Mellon and Bank of America over Countrywide's massive mortgage liabilities, the only objection that was sustained by the trial court. Most recently, Dean was appointed by the Honorable Judge William Orrick as co-lead counsel for *In re JUUL Labs, Inc., Marketing, Sales Practices, and Products Liability Litigation*, the multidistrict litigation against JUUL Labs, Inc. and other defendants for actions relating to the vaping epidemic among minors.

Dean also has an extensive background in environmental law. He has performed climate change research in the Arctic Tundra. He has worked for the United States Senate Committee on Environment and Public Works, where he was in charge of issues relating to water pollution and the Clean Water Act. During law school, he was a research assistant and teaching assistant to Professor Daniel Esty, the former Commissioner of the Connecticut Department of Energy and Environmental Protection. Dean also served as an adjunct instructor in environmental law and policy for the University of Southern California.

Dean served as a clerk for the Honorable Wm. Matthew Byrne, U.S. District Judge for the Central District of California and was previously a Professional Staff Member on the U.S. Senate Committee on Environment and Public Works and a Legislative Aide to Senator Lincoln D. Chafee of Rhode Island.

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## BAR & COURT ADMISSIONS

2004, California

2004, U.S. District Court for the Central District of California

2009, District of Columbia

2011, Washington

2015, U.S. District Court for the Northern District of California

2015, U.S. District Court for the Eastern District of California

2015, U.S. District Court for the Western District of Washington

## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

State Bar of California, *Member*

District of Columbia Bar, *Member*

American Bar Association, *Member*

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2014-2015

Recipient of the Clifford Chance C.J. Hamson Prize for thesis on class actions

John Gardner Public Service Fellow

Recipient of the Departmental Citation for Integrative Biology (awarded to the top graduate in the major)

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## ERIKA KEECH

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
ekeech@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation

### EDUCATION

**Washington State University  
Honors College**

B.A., 2006, *cum laude*

**Gonzaga University School  
of Law**

J.D., 2012, *cum laude*, Managing  
Editor, Gonzaga Law Review

**Erika Keech is no stranger to standing up for justice.** Her background and passion for public service guide her as a member of Keller Rohrback's nationally-recognized Complex Litigation Group. Erika is committed to advocating for consumers, holding institutions accountable for wrongdoing, and keeping the public safe.

During Law School, Erika was the Managing Editor of the Gonzaga Law Review and was a member of the National Appellate Advocacy Competition moot court team. She was also a summer associate at Keller Rohrback and a rule 9 intern at the Snohomish County Prosecuting Attorney's Office.

After law school, she clerked for the Honorable Linda C. Krese in Snohomish County Superior Court, before joining the Snohomish County Prosecuting Attorney's Office, where she served as a Deputy Prosecuting Attorney (DPA) from 2013 to 2017. As a DPA, Erika prosecuted both misdemeanor and felony crimes, including over thirty jury trials, and gained extensive trial, advocacy, and courtroom experience.

Prior to law school, from 2006 to 2009, Erika worked at the Washington State Legislature. During college she studied abroad in Costa Rica, Chile, and Spain.

### BAR & COURT ADMISSIONS

2013, Washington

2018, U.S. District Court for the Eastern District of Washington

2018, U.S. Court of Appeals for the Ninth Circuit

2018, U.S. District Court for the Western District of Washington

### PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Women in eDiscovery, *Member*

### HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2019-2021

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## RON KILGARD

### CONTACT INFO

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### PRACTICE EMPHASIS

- Appeals
- Antitrust & Trade Regulation
- Class Action
- Constitutional Law
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

### EDUCATION

**Harvard College** B.A., 1973,  
History

**Harvard Divinity School** M.T.S.,  
1975, Old Testament

**Arizona State University College  
of Law** J.D., 1979, Editor-in  
Chief, *Arizona State Law Journal*,  
Armstrong Award (outstanding  
graduate)

**Ron Kilgard is a 40-year civil litigation lawyer.** Over a long career, he has handled all manner of civil cases, from routine automobile accidents and two-party contract disputes of no interest to anyone but the parties, to multi-million dollar class actions covered in *The New York Times* and *The Wall Street Journal*. For the last 20 years, Ron has mostly litigated pension plan class actions. Ron helped Keller Rohrback pioneer company stock ERISA litigation in the late 1990s and early 2000s; he was part of the team that obtained settlements of over \$265 million in the Enron 401(k) litigation. In 2017, after six years of litigation, Ron prevailed in an action challenging as unconstitutional the cutbacks to the pensions of Arizona state court judges. That same year, Ron began representing pro bono, and is still representing, a client fleeing gang-related violence in El Salvador.

Ron is a Phoenix native. He clerked for the Hon. Mary M. Schroeder, U. S. Court of Appeals for the Ninth Circuit, in 1979-80 and has practiced in Phoenix ever since. He was one of the lawyers who formed the Phoenix office of Keller Rohrback L.L.P. in November 2002.

### HONORS & AWARDS

Best Lawyers in America, ERISA Practice, 2013-2020

Florence Immigrant & Refugee Rights Project, 2018 Pro Bono Attorney of the Year (adult cases)

### PROFESSIONAL & CIVIC INVOLVEMENT

State Bar of Arizona, *Member*

District of Columbia Bar, *Member*

New York State Bar Association, *Member*

National Immigrant Justice Center, *Pro Bono Counsel*

Florence Immigrant & Refugee Rights Project, *Pro Bono Counsel*



# KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

## BAR & COURT ADMISSIONS

1979, Arizona Supreme Court  
1979, U.S. District Court for the District of Arizona  
1982, U.S. Court of Appeals for the Ninth Circuit  
1995, U.S. Supreme Court  
2005, U.S. Court of Appeals for the Second Circuit  
2005, U.S. Court of Appeals for the Fifth Circuit  
2007, U.S. District Court for the Eastern District of Michigan  
2009, District of Columbia Court of Appeals  
2010, U.S. Court of Appeals for the Fourth Circuit  
2010, U.S. District Court for the District of North Dakota  
2011, New York Supreme Court, Appellate Division  
2012, U.S. District Court for the Southern District of New York  
2013, U.S. District Court for the District of Colorado  
2013, U.S. Court of Appeals for the Eighth Circuit  
2014, U.S. Court of Appeals for the Sixth Circuit  
2014, U.S. Court of Appeals for the Third Circuit  
2015, U.S. Court of Appeals for the Seventh Circuit  
2015, U.S. Court of Appeals for the Tenth Circuit  
2016, U.S. District Court for the Southern District of Illinois  
2016, U.S. District Court for the Western District of Oklahoma  
2016, U.S. District Court for the Eastern District of Missouri  
2016, U.S. District Court of the Central District of Illinois  
2016, U.S. District Court of the Northern District of Indiana  
2017, Executive Office for Immigration Review  
2019, U.S. District Court for the Northern District of New York

## PUBLICATIONS & PRESENTATIONS

Speaker, ABA Seminar, After Enron, 2006  
Speaker, Chicago Bar Association, Company Stock Litigation, 2006  
Speaker, West LegalWorks ERISA Litigation Conference, 2007  
Speaker, National Center for Employee Ownership, *Fiduciary Implications of Company Stock Lawsuits*, 2012 and 2013  
Speaker, American Conference Institute, *New Developments in Church Plan Litigation*, 2015-2017

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## DAVID KO

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### PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Financial Products and Services
- Governments & Municipalities
- Institutional Investors
- Securities

**David is a partner in the firm's nationally recognized Complex Litigation Group, where he represents plaintiffs in federal and state courts across the country in a wide variety of cases involving corporate wrongdoing.**

He has helped his clients—including government entities, retirement plans, institutional investors, and consumers—obtain multimillion-dollar recoveries against some of the largest corporations in the country.

Most recently, David has been at the center of the firm's largest and most high-profile cases. He has been appointed as a special deputy prosecuting attorney by numerous government entities as outside counsel in litigation against manufacturers, distributors, and dispensers of prescription opioids for their role in creating and fueling the opioid crisis. David is one of the lead attorneys handling the firm's opioid cases and represents counties, cities, and Native American tribes in Washington, Arizona, California, Colorado, Idaho, and New York in the National Opioid Multi-District Litigation. He serves on various committees in the Opioid MDL, including on the expert committee where he is one of the primary attorneys handling the causation, damage, and abatement experts.

David is also one of the lead attorneys in the MDL *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, arising out of the Cambridge Analytica scandal and Facebook's disclosure of user information to third parties without their consent. He also serves on the expert committee in the MDL, *In re: JUUL Labs, Inc. Mktg., Sales Practices, & Prods. Liab. Litig.*, alleging that JUUL is responsible for creating the youth vaping epidemic.

David also has trial experience at both federal and state court. He was a lead trial attorney in a 14-week bench trial in the Northern District of Illinois involving breach of fiduciary duty claims under ERISA. David was also part of the trial team representing three Federal Home Loan Banks that successfully objected to a proposed \$8.5 billion settlement arising out of Bank of America's purchase of Countrywide in a three-month trial in New York Supreme Court.

David also recently represented thousands of Super Bowl ticket holders against various ticket brokers engaged in short-selling, including filing the first class action arising out of this widespread and deceptive practice.

Prior to joining the firm, David clerked for the Honorable Ricardo S. Martinez, Chief U.S. District Judge in the Western District of Washington. David is also past President of the Korean American Bar Association of Washington, and a Fellow of the Washington Leadership Institute.

# KELLER ROHRBACK

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## EDUCATION

### University of Washington

B.A., 2002, History and Political Science

### Seattle University School of Law

J.D., *cum laude*, 2006; National Order of Barristers

### University of Washington School of Law

LL.M., 2007 Taxation

## BAR & COURT ADMISSIONS

2006, Washington

2010, U.S. District Court for the Western District of Washington

2010, U.S. District Court for North Dakota

2011, U.S. Court of Appeals for the Ninth Circuit

2016, U.S. District Court for the Eastern District of Michigan

2018, U.S. Court of Appeals for the Second Circuit

2018, U.S. District Court for the Eastern District of Washington

2019, U.S. District Court for Colorado

## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

Korean American Bar Association, *Board Member*

Asian American Bar Association, *Member*

National Center for Employee Ownership, *Member*

## PUBLICATIONS & PRESENTATIONS

Speaker, Human Right to Health: Pathways and Responses, Opioid Abuse and Litigation: Legal and Policy Responses (Seattle, WA, November 2019)

Speaker, Washington State Society of Healthcare Attorneys Annual Conference, *Opioid Litigation on Behalf of Local Governments* (Seattle, WA, April 2018)

Speaker, Mass Torts Made Perfect, *National Costs of Opioid Crisis* (Las Vegas, NV, April 2018)

Speaker, National Center for Employee Ownership Annual Conference, *Fundamentals of the Repurchase Obligation* (Denver, CO, March 2017)

Speaker, National Business Institute, *Legal Ethics: Top Attorney-Client Mistakes* (Seattle, WA, December 2016)

Speaker, National Business Institute, *Title Law: Ethics* (Seattle, WA, April 2016)

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2019-2020

# KELLER ROHRBACK

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## CARI CAMPEN LAUFENBERG

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### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products & Services

### EDUCATION

#### University of California, San Diego

B.A., 1993, Art History

#### University of Washington

M.A., 1998, Public Administration

#### University of Washington School of Law

J.D., 2003

As a partner in Keller Rohrback's nationally recognized Complex Litigation Group, Cari Laufenberg maintains a national practice representing consumers, employees, and institutions in complex consumer and employee class actions involving corporate fraud, privacy and data breach issues, breach of fiduciary duty, and the Employee Retirement Income Security Act ("ERISA"). Since joining Keller Rohrback, she has played a key role in obtaining multi-million dollar recoveries for consumers, employees, and shareholders in many of the firm's largest and most complex cases, including cases involving Anthem Inc., Sony Pictures Entertainment Inc., Marsh McLennan Companies, Goodyear Tire & Rubber Co., and HealthSouth Corporation.

Cari has been appointed to numerous leadership positions in federal courts across the country and serves as Co-Lead Counsel for over 2 million data breach victims in *In Re: 21st Century Oncology Customer Data Security Breach Litigation* in the Middle District of Florida. She also serves as an appointed member of several leadership committees including: *In Re: Experian Data Breach Litigation* in the Central District of California, *In Re: VTech Data Breach Litigation*, and *In Re: 100% Grated Parmesan Cheese Marketing and Sales Practices Litigation*, both in the Northern District of Illinois, Eastern Division.

Over the past 15 years, Cari's background in nonprofit management and public administration has served her clients well. She is adept at organizing large complex cases, working collaboratively with other counsel, and developing a cogent strategy which achieves short-term goals and long-term successes. Before joining Keller Rohrback in 2003, Cari served as a judicial extern for Judge Barbara Jacobs Rothstein of the U.S. District Court for the Western District of Washington. She is a frequent speaker at national conferences on class actions, identity theft and privacy, and other complex litigation topics.

### BAR & COURT ADMISSIONS

2003, Washington

2004, U.S. District Court for the Western District of Washington

2006, U.S. District Court for the Eastern District of Michigan

2006, U.S. Court of Appeals for the Eleventh Circuit

2011, U.S. Court of Appeals for the Seventh Circuit

2011, U.S. Court of Appeals for the Ninth Circuit

2013, U.S. Court of Appeals for the Eighth Circuit

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L A W O F F I C E S ♦ L . L . P .

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers – Washington*, 2008-2009, 2011

AV®, Peer Review Top-Rated by Martindale-Hubbell

## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

King County Washington Women Lawyers, *Member*;  
Member of the Board of Directors (2003-2005)

Washington Women Lawyers, *Member*

The William L. Dwyer American Inn of Court, *Founding Student Member* (2002-2003)

Federal Bar Association, *Member*

American Association for Justice, *Member*

Washington State Association for Justice, *Member*

Northwest Immigrant Rights Project, *Volunteer Attorney*

National Association for Public Pension Attorneys, *Member*

## PUBLICATIONS & PRESENTATIONS

Presenter, Capital One Data Breach Litigation, HarrisMartin's MDL Conference, Beverly Hills, CA, September 2019.

Presenter, Consumer Recovery of Damages for Security Breaches or Misuse of Consumer Information, Law Seminars International Artificial Intelligence & Privacy Conference, Seattle, WA, August 2019.

Presenter, Data Breach & Privacy Class Action Litigation, Law Seminars International Class Action Litigation Conference, Seattle, WA, May 2019.

Presenter, Facebook Breach – Is Anyone's Data Safe, HarrisMartin MDL Conference, Chicago, IL, May 2018.

Class Action Lawsuits and Settlements: Uncovering the Things You Need to Know, The Knowledge Group Online CLE, November 2018.

Presenter, Intel: The OEM Cases, HarrisMartin MDL Conference, Miami, FL, March 2018.

Presenter, *Legal Claims: Equifax and Other Data Breach Cases*, HarrisMartin's Equifax Data Breach Litigation Conference, Atlanta, GA, November 2017.

Tana Lin, Cari Laufenberg and Lisa A. Nowlin, Brief for American College of Obstetricians and Gynecologists as Amicus Curiae in Support of Respondent, *Coffey v. Public Hosp. Dist. No. 1, Skagit Cty. Wash. d/b/a Skagit Regional Health, et al.*, No. 75769-5) (Wash. Ct. App. Apr. 5, 2017).

Panelist, *Recent Settlements & Litigation Trends*, HB Litigation Conferences, Data Breach Litigation and Investigation Forum 2017, San Francisco, CA, January 2017.

Presenter, *Don't Be Spokeo'd: What You Need to Know in Litigating Data Breach Cases*, American Bar Association, Business Law Section Annual Meeting, Boston, MA, September 2016.

Panelist, *The Client's Perspective: ADR Users Share Insights Regarding What Mediators Do To Make the Process Succeed or Fail*, American Bar Association, 18th Annual Section of Dispute Resolution Spring Conference, New York, NY, April 2016.

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## JEFFREY LEWIS

### CONTACT INFO

180 Grand Avenue, Suite 1380  
Oakland, CA 94612  
(510) 463-3900  
jlewis@kellerrohrback.com

### PRACTICE EMPHASIS

- Appeals
- Employee Benefits and Retirement Security
- Complex Litigation
- Employment Litigation
- Private Judge, Mediator, Special Master

### EDUCATION

#### Yale University

B.A., 1970

#### University of California at Berkeley School of Law

Order of the Coif – J.D., 1975

**Jeffrey Lewis has specialized in ERISA and employee benefits law since 1975.** He has successfully litigated individual, group, and class action claims on behalf of hundreds of thousands of employees, retirees, and the disabled. He was a founding partner of Lewis, Feinberg, Lee & Jackson, one of the first firms in the nation to specialize in ERISA litigation on behalf of plaintiffs. Among his major successes was serving as one of appointed counsel for employees of WorldCom, Inc. in a class action which resulted in a settlement that paid more than \$47 million to participants in WorldCom's 401(k) plan. He recently recovered over \$40 million for retirees after a lengthy trial in which he served as lead counsel. Mr. Lewis serves as a mediator for the U.S. District Court, the Northern District of California, and in private practice, and has served as an arbitrator and expert witness in ERISA cases. He has also advised employee groups and benefit plan fiduciaries, is a fiduciary of two large employee benefit plans, and has served as an independent fiduciary of employee benefit plans.

In addition to his litigation and advisory activities throughout the U.S., Mr. Lewis has testified before Congressional committees regarding pension issues and served as one of the Co-Chairs of the Senior Board of Editors of the Employee Benefits Law treatise. He has also taught employee benefits law at the University of California at Berkeley School of Law, as well as pension law courses at several other law schools.

### BAR & COURT ADMISSIONS

- 1975, California
- 1976, U.S. District Court for the Northern District of California
- 1981, U.S. Court of Appeals for the Ninth Circuit
- 1985, U.S. District Court for the Eastern District of California
- 1991, U.S. District Court for the Southern District of California
- 1993, U.S. District Court for the Central District of California
- 1995, Supreme Court of the United States
- 1999, U.S. Court of Appeals for the Tenth Circuit
- 2001, U.S. Court of Appeals for the 2nd Circuit
- 2001, U.S. Court of Appeals for the Third Circuit
- 2004, U.S. Court of Appeals for the Fourth Circuit
- 2005, U.S. Court of Appeals for the Fifth Circuit
- 2007, U.S. Court of Appeals for the Seventh Circuit
- 2015, U.S. District Court for the District of Colorado
- 2018, U.S. Court of Appeals for the Second Circuit

# KELLER ROHRBACK

L A W O F F I C E S ♦ L. L. P.

## PUBLICATIONS & PRESENTATIONS

Co-Chair of the Board of Senior Editors of Lewis, et al.,  
*Employee Benefits Law* (3d ed. BNA)

Board of Senior Editors, *Employee Benefits Law* (2d ed. BNA)

Former editor of the Discrimination Claims Under ERISA  
chapter of *Employee Rights Litigation: Pleading and  
Practice* (Matthew Bender, 1991)

Frequent speaker on ERISA topics such as preemption,  
fiduciary duty, and benefit claims at seminars sponsored  
by the American Bar Association, the Bureau of National  
Affairs, the National Employment Lawyers Association  
(NELA), and other organizations.

## PROFESSIONAL & CIVIC INVOLVEMENT

Elected as a charter fellow of the College of Employee  
Benefits Counsel, Board of Governors

American Bar Association, Member, Labor & Employment  
Section, Former Plaintiff Co-Chair of the Employee Benefits  
Committee

AC Transit Retirement Board, Chair, Board of Trustees

Goodyear Retiree Health Care Trust, Member of the Plan  
Committee

## HONORS & AWARDS

Selected to Super Lawyers List, *Super Lawyers - Northern  
California*, 2005-2021

Selected to Top 100 Lawyers List in *Super Lawyers -  
Northern California*, 2010-2016

Top Attorney for ERISA Plaintiffs in the San Francisco Bar  
Area, *The Recorder*

Forty Top Benefits Attorneys, *The National Law Journal*,  
1998

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LAW OFFICES ♦ L. L. P.



## TANA LIN

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
tlin@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Actions
- Consumer Protection
- Employment Law
- Fiduciary Breach
- Mutual Fund Excessive Fees
- Whistleblower

### EDUCATION

#### Cornell University

A.B., *with distinction*, 1988,  
Government

#### New York University School of Law

J.D., 1991, Root-Tilden-Snow  
Scholar

**Tana Lin fights hard for her clients, building cases that are legally and factually compelling.** Tana has over 25 years of litigation experience in civil and criminal matters in state and federal courts throughout the country. She is a member of the firm's nationally recognized Complex Litigation Group.

Tana joined Keller Rohrbach in 2004 after practicing as a civil rights and criminal defense attorney. She began her legal career as a trial attorney with the Public Defender Service for the District of Columbia, one of the preeminent public defender offices in the country, where she handled cases at the trial level and argued appellate cases before the District of Columbia Court of Appeals.

Tana then joined the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice where she enforced federal discrimination laws across the country. At the DOJ, and later at the Chicago District Office of the U.S. Equal Employment Opportunity Commission, she investigated and prosecuted employment discrimination cases against large governmental entities such as the Louisiana State Police and private corporations such as Walmart. She also served as the Litigation Coordinator for the Michigan Poverty Law Program, developing statewide projects to address issues facing low income communities and crafting creative solutions by developing partnerships with interested stakeholders.

At Keller Rohrbach, Tana has achieved significant settlements for her clients. She has won landmark victories for shareholders of mutual funds in suits alleging breaches of fiduciary duty by investment advisors in violation of the Investment Company Act. She has protected the retirement funds of employees whose employers had breached their fiduciary duties in violation of the Employee Retirement Income Security Act ("ERISA"). Tana has also stood up for workers who had been denied their proper wages and overtime payments. Tana was recently part of the trial team representing 20,000 Detroit nurses alleging an antitrust conspiracy by healthcare providers to depress compensation levels. This extraordinary case settled on the eve of trial. In total, Tana played an essential role in recovering almost \$90 million on behalf of affected Detroit nurses.

Tana's pro bono work includes *Doe et al. v. Donald Trump, President of the United States, et al.*, Case No. C17-0178JLR (W.D. Wash.), where she obtained a nationwide preliminary injunction against the Trump administration's suspension of follow-to-join refugee admissions which was part of the latest installment of the Muslim travel ban.

Tana's wide ranging experience helps her quickly grasp what issues will dictate a case's outcome, and she works tirelessly to see that her clients obtain the best result available.



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## BAR & COURT ADMISSIONS

1991, District of Columbia

2004, Washington

## HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - Washington*, 2012, 2014 - 2021

U.S. Department of Justice Special Achievement Award, 1997

## PROFESSIONAL & CIVIC INVOLVEMENT

ACLU of Washington: *Board of Directors*, 2016-present; *President*, 2019-present; *Executive Committee*, 2017-present; *Budget Committee*, 2017-2018; *Legal Committee*, 2015-2018; *Cooperating Attorney*

American Association for Justice, *Member*

American Bar Association, *Member*

American Bar Association Gun Violence Advisory Committee, *Member*, 2016-2017

Asian Bar Association of Washington, *Member*, 2006-present; *Board of Directors*, 2010-2012

Joint Asian Judicial Evaluation Committee, *Member*, 2006-2008, 2010 (*Chairperson*)-2013, 2015-2018

King County Bar Association, *Member*

Lawyers Fostering Independence Program, *Volunteer Attorney*, 2008-2019

Mother Attorneys Mentoring Association (MAMAS), *Founding Member*

National Employment Lawyers Association, *Member*

Washington State Bar Association, *Member*

Washington State Association for Justice, *Member*

National Asian Pacific American Bar Association, *Member*

## PUBLICATIONS & PRESENTATIONS

Adjunct Professor, Seattle University School of Law, Comprehensive Pretrial Advocacy, Seattle, WA, Fall 2020.

Faculty, National Institute for Trial Advocacy, Deposition Skills: Seattle, Seattle, WA, Aug. 2018.

Faculty and Lecturer, NITA Deposition Advocacy Program, Seattle, WA, Oct. 2017.

Presenter, ACLU Law & Liberty Series: Litigating Against Trump's Muslim Ban, Seattle, WA, May 2017.

Presenter, Women Antitrust Plaintiffs' Attorneys Networking Event, Minneapolis, MN, *How to Prepare for the Big Event: Trial (The Last 90 Days)*, Oct. 2010.

Faculty, Trial Advocacy College, National Legal Aid and Defender Association, Philadelphia, PA, July 2005.

Tana Lin, *Recovering Attorney's Fees under the Individuals With Disabilities Education Act*, West's Education Law Reporter, 180 Ed.LawRep. 1 (2003).

Civil Track Plenary Panelist, National Legal Aid and Defender Annual Conference, Seattle, WA, *Navigating the Crossroads of Change: Where Do We Go from Here?*, Nov. 2003.

Presenter, National Legal Aid and Defender Annual Conference, Seattle, WA, Holistic Advocacy for Youth: Addressing the Basic Needs of Children Through Civil, Criminal and Community Collaborations, Nov. 2003.

Presenter, National Legal Aid and Defender Annual Conference, Seattle, WA, Civil and Criminal Strategies for Protecting Clients Accused of Food Stamp Fraud, Nov. 2003.

Lead Trainer, Negotiation Skills Training, Committee on Regional Training, Ann Arbor, MI, Oct. 2003.

Faculty and Lecturer, Trial Advocacy Training for Legal Aid Attorneys, National Legal Aid and Defender Association, Los Angeles, CA, July 2003.

Trainer, Basic Lawyering Skills Training, Committee on Regional Training, Ann Arbor, MI, Dec. 2002.

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## DEREK LOESER

### CONTACT INFO

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### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Employment Law
- Environmental Litigation
- Financial Products & Services
- Governments and Municipalities
- Institutional Investors
- Mortgage Put-Back Litigation
- Securities Fraud
- Whistleblower

**Derek is a senior partner in Keller Rohrback's nationally recognized Complex Litigation Group and a member of the firm's Executive Committee.**

Derek's passion for holding large corporations accountable for wrongdoing has helped recover billions of dollars for consumers, retirees, governments and institutions. He has served in leadership roles in major complex cases across the country. Currently, he is co-lead counsel in *In re Facebook, Inc. Consumer Privacy User Profile Litigation*, the MDL litigation against Facebook stemming from the Facebook Cambridge Analytica scandal.

Derek also serves as lead counsel for the Wells Fargo unauthorized account consumer class action. In this case, Derek and the Keller Rohrback team achieved a \$142 million settlement requiring the bank to refund all improper fees and provide first-of-its kind credit damage reimbursement, among other relief, to Wells Fargo customers.

In addition to his class action work, Derek helps manage the Keller Rohrback team representing state and local government entities in a number of matters involving significant public health crises. For example, Derek leads the Keller Rohrback team litigating government cases against opioid manufacturers and distributors in *In re National Prescription Opiate Litigation*. In the Opioid MDL, Derek serves on the Expert and Law & Briefing Committees, and directs the litigation against a major generic opioid manufacturer. He also represents school districts and counties in litigation against the e-cigarette company, JUUL, for targeting and addicting youth. These cases are quintessential examples of the type of litigation Derek and the Keller Rohrback team fervently pursue: corporate fraud and malfeasance causing serious harm to the public.

Some of Derek's other notable cases include mortgage-backed securities cases on behalf of the Federal Home Loan Banks of Chicago, Indianapolis and Boston; ERISA class cases on behalf of employees whose retirement savings were decimated by corporate fraud and abuse on the part of Enron, WorldCom, Countrywide, and Washington Mutual, among others. He has also litigated fraud, RICO, and antitrust cases against drug manufacturers, pharmacy benefit managers, and insurance companies for conspiring to drive up the cost of life-saving medications such as insulin.

Many of Derek's cases have required coordinating with state and federal agencies involved in litigation that parallels cases pursued by Keller Rohrback, including state attorneys general, the Department of Justice, and the Department of Labor. In addition, Derek has extensive experience negotiating complex, multi-party settlements, and coordinating with the many parties and counsel necessary to accomplish this. He is also frequently asked to speak at national conferences about class actions, public health litigation, ERISA, and

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other complex litigation topics.

Before joining Keller Rohrback, Derek served as a law clerk for the Honorable Michael R. Hogan, U.S. District Court for the District of Oregon. He was also employed as a trial attorney in the Employment Litigation Section of the Civil Rights Division of the U.S. Department of Justice in Washington, D.C.

## EDUCATION

### Middlebury College

B.A., *summa cum laude*, 1989, American Literature (highest department honors), Stolley-Ryan American Literature Prize, Phi Beta Kappa

### University of Washington School of Law

J.D., *with honors*, 1994

## HONORS & AWARDS

Listed as Lawdragon 500 Leading Lawyers in America 2018

Selected to Super Lawyers list in *Super Lawyers - Washington*, 2007-2012, 2014-2021

AV®, Peer Review Top-Rated by Martindale-Hubbell

Recipient of the 2010 Burton Award for Legal Achievement for the article, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty, Pension & Benefits Reporter*, Bureau of National Affairs, Inc. (Sept. 1, 2009)

Selected to Rising Stars list in *Super Lawyers - Washington*, 2005-2007

U.S. Department of Justice Award for Public Service, 1996

U.S. Department of Justice Achievement Award, 1996

U.S. Department of Justice Honors Program Hire, 1994

## BAR & COURT ADMISSIONS

1994, Washington

1998, U.S. District Court for the Western District of Washington

1998, U.S. District Court for the Eastern District of Washington

1998, U.S. Court of Appeals for the Ninth Circuit

2002, U.S. District Court for the Eastern District of Michigan

2004, U.S. District Court for the Northern District of Illinois

2006, U.S. Court of Appeals for the Eleventh Circuit

2009, U.S. Court of Appeals for the Eighth Circuit

2010, United States Supreme Court

2010, U.S. Court of Appeals for the Fourth Circuit

2012, U.S. Court of Appeals for the Third Circuit

2013, U.S. Court of Appeals for the Second Circuit

2014, U.S. Court of Appeals for the First Circuit

2017, New York

## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member; Employment Benefits Committee Member*

National Employment Lawyers Association, *Member*

American Civil Liberties Union of Washington, *Cooperating counsel*

## PUBLICATIONS & PRESENTATIONS

Panelist, Law Seminars International - Health Care Class Actions: The Role of Class Actions as a Path to Recovery of Damages Related to the Opioid Crisis - *Class certification issues for human health impacts vs. financial impacts on government entities*, November, 2020.

Panelist, HarrisMartin's MDL Conference: JUUL and Capital One Data Breach Litigation – JUUL, E-Cigarettes & Vaping Litigation – An Overview of JUUL Legal Landscape: Case Filings, Judicial Rulings and MDL Submissions, Beverly Hills, CA, September, 2019.

Panelist, HarrisMartin's MDL Conference: Opioid, Equifax & Talcum Powder – *Opioid Litigation Landscape: Venues, Jurisdictional Hurdles, Defenses and Cause of Action*, St. Louis, MO, November, 2017.

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## PUBLICATIONS & PRESENTATIONS (CONT)

Panelist, HarrisMartin's National Opioid Litigation Conference - *Current Landscape of Opioid Litigation*, Chicago, IL, October, 2017.

Speaker, *Trends in Auto Defect Litigation*, Seattle, WA, May, 2017.

Panelist, Law Seminars International - VW Diesel Emissions Litigation: A Case Study of the Interplay Between Government Regulatory Activity and Consumer Fraud Class Actions, May, 2016.

Speaker, *Class Action & Data Breach Litigation*, Santa Barbara, CA, March, 2016.

Speaker, *Fiduciary Challenges in a Low Return Environment*, Seattle, WA, December, 2014.

Speaker, *Post-Certification Motion Practice in Class Actions*, Seattle, WA, June, 2014.

Speaker, *Investment Litigation: Fees & Investments in Defined Contribution Plans*, ERISA Litigation, Washington, D.C., 2012.

Speaker, *Post-Certification: Motion Issues in Class Actions*, Litigating Class Actions, Seattle, WA, 2012.

Derek W. Loeser, Erin M. Riley & Benjamin B. Gould, 2010 *ERISA Employer Stock Cases: The Good, the Bad, and the In Between-Plaintiffs' Perspective*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser & Erin M. Riley, *The Case Against the Presumption of Prudence*, Pension & Benefits Daily, Bureau of National Affairs, Inc. (Sept. 10, 2010).

Speaker, ABA Mid-Winter Meeting, San Antonio, TX, 2010.

Speaker, 22nd Annual ERISA Litigation Conference - New York, NY, Nov. 2009.

Speaker, 22nd Annual ERISA Litigation Conference - Las Vegas, NV, Oct. 2009.

Derek W. Loeser & Benjamin B. Gould, *The Continuing Applicability of Rule 23(b)(1) to ERISA Actions for Breach of Fiduciary Duty*, Pension & Benefits Reporter, Bureau of National Affairs, Inc. (Sept. 1, 2009).

Derek W. Loeser & Benjamin B. Gould, *Point/Counterpoint: Is Rule 23(b)(1) Still Applicable to ERISA Class Actions?*, ERISA Compliance and Enforcement Library of the Bureau of National Affairs, Inc. (May 1, 2009).

Derek W. Loeser, *The Legal, Ethical, and Practical Implications of Noncompetition Clauses: What Physicians Should Know Before They Sign*, J.L. Med. & Ethics, Vol. 31:2 (2003).

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## RYAN MCDEVITT

### CONTACT INFO

1201 Third Avenue, Suite 3200

Seattle, WA 98101

(206) 623-1900

[rmcdevitt@kellerrohrback.com](mailto:rmcdevitt@kellerrohrback.com)

### PRACTICE EMPHASIS

- Antitrust & Trade Regulation
- Class Action & Consumer Litigation
- Consumer & Data Privacy Protection
- Financial Products & Services
- Intellectual Property
- Securities

### EDUCATION

#### Claremont McKenna College

B.A., 2007, Government and Leadership Sequence, Departmental Honors in Government

#### Columbia Law School

J.D., 2010, Harlan Fiske Stone Honors Scholar

### Ryan McDevitt protects consumers, competitors, investors, and

**innovators.** As a partner in Keller Rohrback's nationally recognized Complex Litigation Group, he focuses on ensuring fairness in the marketplace.

In recent years Ryan has played a significant role in achieving and administering landmark settlements on behalf of drivers of Volkswagen, Audi, Porsche, Ram, and Jeep vehicles in the Volkswagen "Clean Diesel" and Fiat Chrysler "EcoDiesel" multidistrict litigations. Ryan currently serves on the court-appointed Executive Committee in litigation concerning defective transmissions in Nissan and Infiniti vehicles. He also works alongside partner Gretchen Freeman Cappio in her capacity as a member of the Plaintiffs' Steering Committees in significant matters involving allegedly defective airbag control units in 12.3 million vehicles from six major automakers and allegedly defective transmissions in numerous Chevrolet, Cadillac, and GMC vehicles.

In addition to these and numerous other automotive fraud and defect cases involving major automakers and auto parts suppliers, Ryan has litigated consumer protection and antitrust claims, financial and securities fraud, intellectual property infringement, and federal labor law violations in federal and state courts nationwide. For example, he has represented the Federal Home Loan Banks of Boston, Chicago, and Indianapolis in litigation against dozens of issuers, underwriters, and sponsors of private label mortgage-backed securities worth \$13 billion; classes of mortgage borrowers treated unfairly by mortgage servicers and banks; and the Navajo Nation in protecting its rights to the NAVAJO trademark.

Before joining the firm, Ryan served as a law clerk in the Antitrust Division of the Washington State Attorney General, where he worked on multistate investigations of international price-fixing conspiracies. In law school, he was a research assistant to June Besek, chair of the American Bar Association's Copyright Task Force.

### BAR & COURT ADMISSIONS

2010, Washington

2011, U.S. District Court for the Western District of Washington

2012, U.S. Court of Appeals for the Ninth Circuit

2019, US District Court for the Eastern District of Michigan

2019, US District Court for the Eastern District of Washington

2020, Michigan

# KELLER ROHRBACK

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## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*

King County Bar Association, *Member*

American Bar Association, *Member*

Seattle Academy of Arts & Sciences, *Alumni Board Member*;  
past *Trustee Ex Officio*, *Strategic Planning Committee*  
*Member*, and *Alumni Board President*

## ARTICLES & PRESENTATIONS

Panelist, HarrisMartin's MDL Conference: HIV Drugs,  
Valsartan, 3M Earplugs and Litigation in a Post-Fosamax  
World Agenda - *Automotive MDLs - Preview of Tomorrow's*  
*Arguments*, Portland, OR, July 2019.

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*,  
2020-2021

# KELLER ROHRBACK

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## DANIEL MENSHER

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
dmensher@kellerrohrback.com

### PRACTICE EMPHASIS

- Consumer Protection
- Environmental Litigation
- Financial Products and Services
- Government and Municipalities
- Mass Personal Injury

### EDUCATION

#### Wesleyan University

B.A., 1998, History

#### University of Wisconsin

M.S., 2002, Geography

#### Lewis & Clark Law School

J.D., *cum laude*, 2007,  
Environmental Law Certificate;  
Cornelius Honors Society; Articles  
Editor, *Environmental Law Review*

### Daniel Mensher translates thorough preparation into courtroom success.

Dan practices in Keller Rohrback's nationally-recognized Complex Litigation Group with a focus on environmental cases and representing government entities in important litigation. He collaborates with his colleagues and clients to identify problems and craft creative, long-lasting solutions.

Dan has litigated important environmental and consumer cases across the country in federal and state court. He presently represents the State of Oregon in its case against Monsanto seeking to hold the corporate giant responsible for natural resource damages related to its sale and marketing of PCBs. He is also part of the Keller Rohrback team representing more than 70 counties, cities, and tribes in the fight to hold drug manufacturers and other entities accountable for the opioid crisis.

Before joining the firm, Dan was an environmental law professor at Lewis & Clark Law School in Portland, Oregon, where he also litigated cases involving toxic waste, water pollution, and natural resource management. He has sat on governmental advisory boards and helped to draft key environmental regulations in place today. Dan uses his passion and experience to protect our environment and the people and communities that rely on clean air, water, and products.

### BAR & COURT ADMISSIONS

2007, Oregon

2008, U.S. Court of Appeals for the Ninth Circuit

2008, U.S. District Court for the District of Oregon

2010, U.S. Court of Appeals for the District of Columbia

2011, U.S. District Court for the District of Wisconsin

2014, U.S. District Court for the Eastern District of Washington

2014, Washington

### PROFESSIONAL & CIVIC INVOLVEMENT

Oregon State Bar Association, *Member*

Washington State Bar Association, *Member*

Toxic Free Future, *Board Member*

Northwest Environmental Defense Center, *Board Member*, 2009-2014

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.

## PUBLICATIONS & PRESENTATIONS

Panelist, "Accountability for Climate Change Harms in the Pacific Northwest: Scientific, Policy and Legal Perspectives," Lewis & Clark Law School's Green Energy Institute, the Center for Climate Integrity, and Breach Collective, March 18, 2021

Speaker, Alliance of California Judges Symposium on the Economics of Consumer Protection, "Federalism and the Preemption of State Public Nuisance Actions," November 2019

Speaker, Bridgeport Environmental Class Action Webinar, March 2016

Speaker, Harris Martin Porter Ranch Gas Leak Litigation Conference, "Testing of the Air Quality and Expert Witnesses for the Cases," 19 January 2016

Daniel P. Mensher, *With Friends Like These...: The Trouble With Auer Deference*, 43 *Envtl. Law Rev.* 4 (2013)

Speaker, Oregon Water Law Conference, November 7, 2013 (Addressing Issues in Water Quality Trading)

Speaker, Northwest Environmental Conference and Tradeshow, December 11, 2013 (The Precautionary Principle in Environmental Law)

Speaker, RainOps Conference, 2013, Spokane, WA, Longview, WA (Clean Water Act Stormwater Regulation)

Presenter, Oregon State Bar Environmental and Natural Resources Committee annual Continuing Legal Education Program, 2013 (Salmon Issues in Oregon and the Pacific Northwest)

Speaker, Oregon State Bar CLE, Debate Regarding *Decker v. NEDC*, 2012.

Daniel P. Mensher, *Common Law On Ice: Using Federal Nuisance Law to Address Global Warming*, 37 *Envtl. Law Rev.* 2 (2007)

Chris Rycewicz and Dan Mensher, *Growing State Authority Under the Clean Water Act*, 22 *Nat. Resources & Env't* 2 (2007)



# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## RACHEL MOROWITZ

### CONTACT INFO

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rmorowitz@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Employee Benefits and Retirement Security

### EDUCATION

**University of California, Davis**  
B.A., 2013, International Relations

**The George Washington University Law School**  
J.D., 2016

### BAR & COURT ADMISSIONS

2016, District of Columbia  
2018, Washington  
2019, California

**Workers' rights are personal to Rachel Morowitz.** As an attorney in Keller Rohrback's Complex Litigation Group, Rachel's work is focused on employee retirement and benefits, allowing her to ensure that employers are using best practices in providing retirement and healthcare benefits to their employees.

Though Rachel's family fortunately didn't have to worry about access to quality health care, her family members' significant health issues during her childhood taught her the importance of health care; her brother was diagnosed with brain cancer when Rachel was six years old, and her father was diagnosed with multiple sclerosis (MS) when she was ten years old. These experiences made her more aware of the struggles many families face because of health care (or lack thereof), galvanizing her to spend her career fighting on their behalf. Knowing that benefits issues have a large impact in people's lives, Rachel builds strong relationships with her clients, which in turn helps her provide suitable solutions to create a lasting difference in their lives.

During law school, Rachel interned at the Supreme Court of the United States, preparing decisions to be published in the United States Reports. She also sought many opportunities that would make her a better advocate for workers and retirees; she interned with the Department of Labor, Plan Benefits Security Division, and also held a fellowship with the AARP in which she worked on employee benefits amicus briefs submitted to the U.S. Supreme Court, Fifth Circuit and Ninth Circuit. Prior to joining Keller Rohrback, Rachel also worked for two years at the telecommunications union Communications Workers of America, where she focused on traditional labor law and labor-management relations.

Rachel works every day to further Keller Rohrback's commitment to fighting for justice. Drawing from her own experiences as a first-generation Fijian American, Rachel is dedicated to advancing diversity in the legal field and fostering a sense of community within the firm. Not only does she help lead the firm's LGBTQ affinity group, but she also co-led the firm's winning efforts for the Legal Foundation of Washington's First Annual Associates Campaign for Equal Justice, which funds legal aid for Washingtonians who need it.

# KELLER ROHRBACK

L A W O F F I C E S ♦ L. L. P.

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

ABA-Bloomberg BNA Award for Excellence in the Study of Labor and Employment Law

Dean's List, University of California, Davis

Phi Kappa Phi Honors Society

Davis Honors Challenge Program

## PROFESSIONAL & CIVIC INVOLVEMENT

Washington Joint Minority Mentorship Program, *Mentor*

Legal Foundation of Washington 2021 Associates Campaign, *Co-Chair*

Asian Bar Association of Washington, *Member*

National Asian Pacific American Bar Association, *Member*

Federal Circuit Bar Journal, Senior Staff, 2014-2016

Labor and Employment Law Society, 2015-2016

## PUBLICATIONS & PRESENTATIONS

ABA 2021 Employee Benefits Committee Midwinter Meeting, February 4-5, 2021.

Panelist, Ethics Issues and Concerns in a Pandemic

Panelist, Retaining Diverse Talent

Note, *Overcoming Barriers Created by the Patent System to Develop an Effective and Timely Response to Public Health Emergencies*, 25 FED. CIR. B.J. 621 (2016).

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## NATHAN NANFELT

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
nnanfelt@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Employment Litigation
- Insurance, Bad Faith & Policyholder Rights
- Personal Injury, Wrongful Death, Securities & Catastrophic Property Loss

### EDUCATION

**Seattle University School of Law**  
J.D. 2012  
**Wheaton College**  
B.A., *cum laude*, 2007

### BAR & COURT ADMISSIONS

2012, Washington

**Nathan Nanfelt has the heart of an advocate.** He's committed to fighting for justice, fairness, and human rights. As an attorney in Keller Rohrback's Plaintiff's Tort Litigation Group, Nathan represents classes, individuals, and businesses harmed by others.

Nathan sharpened his litigation skills trying cases for the King County Prosecuting Attorney's Office. With his extensive trial and courtroom experience, Nathan knows when it's time to fight—but he also has the discernment to know when compromise benefits his clients.

A 2012 graduate of Seattle University School of Law, Nathan co-wrote constitutional and human rights educational materials for youth in Zambia, with a focus on gender-based violence and police brutality. Nathan's work was inspired by six months he spent in Zambia in college. A professor and mentor noticed Nathan's "advocate's heart" and encouraged him to pursue a career in law.

Prior to joining Keller Rohrback, Nathan served as a judicial law clerk in the U.S. District Court, Western District of Washington. He also served as a certified law clerk for the Los Angeles County District Attorney's Office's Victim Impact Program. Before that, he worked as a paralegal at a large firm in Chicago.

### PROFESSIONAL & CIVIC INVOLVEMENT

Youth and Law Forum, *Board Member*

William L. Dwyer Inn of Court, *Member*

Washington State Association for Justice, *Member*

Federal Bar Association, *Member*

King County Bar Association, *Member*

KCBA Young Lawyer Division, *Board Trustee* (2013-2016)

### HONORS & AWARDS

Received three CALI awards and the Witkin Award for Academic Excellence in Dispute Resolution.

Selected to Rising Stars list in *Super Lawyers - Washington*, 2020-2021

### PRESENTATIONS & PUBLICATIONS

"Gender Equity in the Legal Profession," CLE co-presentation to the William Dwyer Inn of Court (2018).

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## GRETCHEN OBRIST

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
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gobrist@kellerrohrback.com

### PRACTICE EMPHASIS

- Appeals
- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Whistleblower

### EDUCATION

#### University of Nebraska - Lincoln

B.S. with distinction, 1999,  
Women's Studies, UNL Honors  
Program

#### University of Nebraska - Lincoln, College of Law

J.D., with high distinction, 2005,  
Order of the Coif, Editor-in-Chief,  
*Nebraska Law Review*, 2004-2005

### Gretchen Obrist provides her clients with a clear voice in complex cases.

Gretchen is a partner in Keller Rohrback's nationally recognized Complex Litigation Group whose work as a dedicated advocate dates back two decades to her role at a nonprofit organization focused on impact litigation.

With her work as a law clerk and as a litigator, Gretchen has significant experience with a broad range of federal cases at all stages. Her nationwide practice focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach and prohibited transaction cases. Gretchen's work has helped curtail excessive and conflict-ridden fees in the multi-trillion dollar retirement savings industry and provide recourse to retirement plan participants and beneficiaries who have faced pension reductions, misrepresentations, and other unfair practices related to their retirement plan benefits. Gretchen's ERISA experience includes a successful appeal to the Eighth Circuit in *Braden v. Walmart Stores, Inc.* reversing dismissal of the lead plaintiff's excessive fee case, significant contributions to cases challenging cash balance pension plan conversions by Washington Mutual and JPMorgan, and representation of the employees who lost nearly all of their ESOP savings with the collapse of Bear Stearns.

More recently, Gretchen has been instrumental in the firm's litigation against pharmacy benefit managers ("PBMs"), drug manufacturers, and other entities whose business practices have driven up the cost of prescription drugs for ERISA welfare plan participants, as well as Medicare plan and ACA/individual plan members, and the uninsured. In 2018, Gretchen was appointed by the Court as Plaintiffs' Interim Lead Class Counsel in the *In Re EpiPen ERISA Litigation*, No. 17-cv-01884-PAM-HB (D. Minn.), a case alleging that the PBMs are fiduciaries under ERISA who breached their duties to the putative class of participants who paid inflated prices for EpiPens.

Gretchen's breadth of practice extends to consumer protection and financial fraud claims, civil rights issues, and qui tam relator representation. She has played a key role in class action and multi-district cases arising out of the collapse of the mortgage securities industry and the residential mortgage modification and foreclosure crisis, including several ERISA actions and a consumer MDL against JPMorgan Chase.

Prior to joining Keller Rohrback, Gretchen served as a law clerk to the Honorable John C. Coughenour, U.S. District Judge for the Western District of Washington. Before obtaining her law degree, she worked at a public defender's office, the Nebraska Domestic Violence Sexual Assault Coalition, and the Nebraska Appleseed Center for Law in the Public Interest—where she was profiled for Nebraska Appleseed's 20th Anniversary celebration as an innovator in the organization's earliest days.

Gretchen has served as a Plaintiff Co-Chair of the ABA Employee Benefits

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Committee's Fiduciary Responsibility Subcommittee and a Chapter Editor for *Employee Benefits Law* (Jeffrey Lewis et al. eds., 3d ed. BNA 2012; Ivelisse Berio LeBeau, 4th ed. BNA 2017). She frequently speaks at conferences and CLEs, is quoted in pension-related publications, and has published a number of articles related to her practice areas.

## BAR & COURT ADMISSIONS

2005, Washington

2007, U.S. District Court for the Western District of Washington

2008, U.S. District Court for the Eastern District of Michigan

2008, U.S. Court of Appeals for the Eighth Circuit

2010, U.S. Court of Appeals for the Ninth Circuit

2011, U.S. District Court for the Eastern District of Washington

2011, U.S. Court of Appeals for the Second Circuit

2011, U.S. Court of Appeals for the Sixth Circuit

## PROFESSIONAL & CIVIC INVOLVEMENT

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*, Litigation/Labor and Employment Sections

## HONORS & AWARDS

Recipient of the 2004 Robert G. Simmons Law Practice Award (first place)

Theodore C. Sorensen Fellow, 2004-2005

Selected to Rising Stars list in *Super Lawyers - Washington*, 2010

## PUBLICATIONS & PRESENTATIONS

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Nashville, TN, 2019 (Top Ten Employee Benefits Topics of 2018).

Speaker, ABA Joint Committee on Employee Benefits CLE Webinar, October 18, 2018 (Prescription Drug Program Trends and Litigation).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee - Mid-Winter Meeting, Clearwater Beach, FL, 2018 (Prescription Drug Program Trends and Litigation).

Speaker, ABA Joint Committee on Employee Benefits - National Institute on ERISA Litigation, Chicago, IL, 2017 (Fiduciary Litigation Update: Anatomy of a Deposition).

Speaker, Western Pension & Benefits Council - Spring Seminar, Seattle, WA, 2017 (Litigation Issues in Health and Retirement Plans: a Plaintiff's Class Action Attorney's Perspective).

Speaker, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Las Vegas, NV, 2016 (Will Class Actions Live After This Supreme Court Term?).

Lynn L. Sarko, Erin M. Riley, and Gretchen S. Obrist, Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Tibble, et al. v. Edison International, et al.*, No. 13-550 (U.S. 2014).

Erin M. Riley and Gretchen S. Obrist, Contributors, "Attorneys Reflect on 40 Years of ERISA's Biggest Court Rulings" *Pension & Benefits Daily*, Bloomberg BNA, discussing *CIGNA Corp. v. Amara*, 131 S.Ct. 1866, 50 EBC 2569 (U.S. 2011) (95 PBD, 5/17/11; 38 BPR 990, 5/24/11) (BNA Sept. 9, 2014) ([www.bna.com](http://www.bna.com)).

Speaker, ABA Joint Committee on Employee Benefits – 24th Annual National Institute on ERISA Litigation, Chicago, IL, 2014 (Fiduciary Litigation: Disclosure & Investment; Ethical Considerations in ERISA Litigation).

Speaker, Western Pension & Benefits Council – Spring Seminar, Seattle, WA, 2014 (What's New in Fiduciary Litigation?).

# KELLER ROHRBACK

L A W O F F I C E S ♦ L. L. P.

Speaker, ABA Joint Committee on Employee Benefits  
– 23rd Annual National Institute on ERISA Litigation,  
Chicago, IL, 2013 (Fiduciary Litigation Part 1: Disclosure  
& Investment; Fiduciary Litigation Part 2: Cutting Edge  
Issues).

Speaker, ABA Section of Labor and Employment Law,  
Employee Benefits Committee – Mid-Winter Meeting,  
Charleston, SC, 2013 (ERISA 408(b)(2) and 404(a)  
Disclosures and the Ongoing Fee Litigation).

Contributing Editor and Writer, Foreclosure Manual  
for Judges: A Reference Guide to Foreclosure Law in  
Washington State, A Resource by Washington Appleseed  
(2013).

Gretchen S. Obrist, “ERISA Fee Litigation: Overview of  
Developments in 2012 and What to Expect in 2013,”  
Benefits Practitioners’ Strategy Guide, Bloomberg BNA  
(Mar. 26, 2013) ([www.bna.com](http://www.bna.com)).

Gretchen S. Obrist, “ERISA Fee Litigation: The Impact of  
New Disclosure Rules, and What’s Next in Pending Cases,”  
Pension & Benefits Daily, Bloomberg BNA (Feb. 21, 2013)  
([www.bna.com](http://www.bna.com)).

Speaker, ABA Section of Labor and Employment Law,  
Employee Benefits Committee – Mid-Winter Meeting,  
Savannah, GA, 2011 (Update on ERISA Fee Litigation and  
the Impact of the Regulations).

Gretchen S. Obrist, Note, The Nebraska Supreme Court  
Lets Its Probation Department Off the Hook in *Bartunek  
v. State*: “No Duty” as a Non-Response to Violence Against  
Women and Identifiable Victims, 83 Neb. L. Rev. 225  
(2004).

# KELLER ROHRBACK

LAW OFFICES ♦ L. L. P.



## DAVID PREMINGER

### CONTACT INFO

1140 6th Avenue, 9th Floor

New York, NY 10036

(646) 380-6690

dpreminger@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Actions
- Employee Benefits & Retirement Security
- Fiduciary Breach

### EDUCATION

#### Rutgers University

B.A., 1969, Mathematics

#### New York University School of Law

J.D., 1972

**David Preminger is a practiced advocate for employees, retirees, and beneficiaries.** The resident partner in the firm's Complex Litigation Group New York office, David focuses on Employee Retirement Income Security Act ("ERISA") fiduciary breach class action cases as well as individual benefit claims. He has been litigating ERISA cases for over 40 years, since the Act's passage in 1974. David has been the lead counsel or co-counsel on numerous ERISA cases alleging misconduct in connection with the investment of retirement plan assets, including *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. He has been involved in ERISA cases against Bear Stearns, Merrill Lynch, Colonial BancGroup and Marsh & McLennan resulting in multi-million dollar settlements on behalf of class members.

David's familiarity with the changes to and nuances of ERISA law allows him to expertly and efficiently interpret the statute and regulations and analyze issues on behalf of his clients. He has handled over 100 trials and in addition to his ERISA experience has extensive experience litigating and negotiating antitrust, real estate, civil rights, family law, and general commercial and corporate matters.

Prior to joining Keller Rohrback, David was a partner at Rosen Preminger & Bloom LLP, where his successes included the In re Masters Mates & Pilots Pension Plan and IRAP Litigation. He was previously a Supervisory Trial Attorney for the Equal Employment Opportunity Commission, a Senior Attorney with Legal Services for the Elderly Poor, and a Reginald Heber Smith Fellow with Brooklyn Legal Services. He is a charter fellow of the American College of Employee Benefits Counsel, was for many years a senior editor of Employee Benefits Law (Bloomberg BNA), and a longtime Board member and Chair Emeritus of the Board of Mabou Mines, an experimental theater company in New York City.

### BAR & COURT ADMISSIONS

1973, New York

1973, U.S. District Court for the Eastern District of New York

1974, U.S. District Court for the Southern District of New York

1974, U.S. Court of Appeals for the Second Circuit

1976, United States Supreme Court

1991, U.S. District Court for the Western District of New York

1993, U.S. Court of Appeals for the Ninth Circuit

1995, U.S. District Court for the Northern District of New York

2001, U.S. Court of Appeals for the District of Columbia Circuit

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## PROFESSIONAL & CIVIC INVOLVEMENT

The Association of the Bar of the City of New York,  
Member, Committee on Employee Benefits, 1993-1996;  
1996-1999; 2002-2005; Committee on Legal Problems of  
the Aging, 1985-1988

New York State Bar Association, *Member*

American Bar Association, *former Co-Chair*, Fiduciary  
Responsibility Subcommittee; Committee on Employee  
Benefits, Labor and Employment Section; former Co-  
Chair, Subcommittee on ERISA Preemption and the  
Subcommittee on ERISA Reporting and Disclosure

American College of Employee Benefits Counsel, *Member  
and Charter Fellow*

## PUBLICATIONS & PRESENTATIONS

Mr. Preminger regularly speaks at conferences on ERISA  
and employee benefits litigation and has lectured at New  
York University School of Law, Saint John's University  
School of Law, and Rutgers University, and has testified  
before Congress on proposed amendments to ERISA and  
participated in New York State Attorney General's hearings  
on protection of pension benefits.

Senior Editor, *Employee Benefits Law* (BNA), (2014-2018).

Chapter Editor, *Employee Benefits Law* (BNA), Chapter 10,  
*Fiduciary Responsibility* (2014-2018).

Preminger & Clancy, *Aspects of Federal Jurisdiction Under  
Sections 301(c)(5) and 302(e) of The Taft-Hartley Act – The  
"Sole and Exclusive Benefit Requirement,"* 4 Tex. S. U. L. Rev.  
1 (1976).

David S. Preminger, E. Judson Jennings & John Alexander,  
*What Do You Get With the Gold Watch? An Analysis of the  
Employee Retirement Income Security Act of 1974.* 17 Ariz. L.  
Rev. 426 (1975).

## HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - New York*,  
2007-2020



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## MATTHEW PREUSCH

### CONTACT INFO

801 Garden Street, Suite 301  
Santa Barbara, CA 93101  
(805) 456-1496  
mpreusch@kellerrohrback.com

### PRACTICE EMPHASIS

- Consumer & Data Privacy Protection
- Environmental Litigation
- Governments and Municipalities

### EDUCATION

#### Pomona College

B.A., 2000, Politics, Philosophy, and Economics

#### Lewis & Clark Law School

J.D., *magna cum laude*, 2013, Environmental & Natural Resources Law Certificate

**Matthew Preusch practices in Keller Rohrback's nationally-recognized Complex Litigation Group.** Before joining Keller Rohrback, Matthew served as an honors attorney in the Oregon Department of Justice's appellate and trial divisions. He was a judicial extern for the Hon. Michael W. Mosman in the District of Oregon during law school. Prior to his legal career, he spent 10 years as a journalist in the Pacific Northwest, covering regional and national news for The Oregonian, The New York Times and other publications.

Matthew is passionate about protecting people and the environment. He's helped initiate landmark consumer litigation related to Volkswagen's "Clean Diesel" deceit and Wells Fargo's unauthorized account scheme. When studies of moss samples in trees in Portland, Oregon identified several pollution "hotspots" in that city, he and others at Keller Rohrback launched cases on behalf of residents to hold the responsible manufacturers accountable. Working on behalf of government entities, including the State of Oregon, Matthew has investigated or is litigating claims related to PCB contamination and the opioid epidemic.

### BAR & COURT ADMISSIONS

2013, Oregon

2014, California

2014, U.S. District Court for the Central District of California

2014, U.S. District Court for the Eastern District of California

2014, U.S. District Court for the Northern District of California

2014, U.S. District Court for the Southern District of California

2014, U.S. Court of Appeals for the Ninth Circuit

2018, U.S. District Court for the District of Oregon

### PROFESSIONAL & CIVIC INVOLVEMENT

Santa Barbara Bar Association, *Member*

Underscore Media Collaboration, *Board Member*

# KELLER ROHRBACK

L A W O F F I C E S ♦ L. L. P.

## PUBLICATIONS & PRESENTATIONS

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 2017

Speaker, Bridgeport Environmental Class Action Webinar, March 2016

Panelist, Lewis and Clark Law School, Public Interest Law Project, "Cutting-Edge Bet the Company Mega Class Action CLE," February 2016

Panelist, Bridgeport Consumer Class Action Litigation Conference, "Current State of the Law on Ascertainability and Standing," January 2016

Speaker, Harris Martin Porter Ranch Gas Leak Litigation Conference, "Remedies," January 2016

"Don't Say, 'No Comment': How To Ethically and Effectively Talk to Reporters," Santa Barbara County Bar Association (Sept. 16, 2015)

Oregon State Bar Environmental & Natural Resources Section Case Notes (July 2015)

Matthew Preusch, "Tim Weaver, Yakama Tribes' Salmon Champion, Says His Goodbyes," The Oregonian (Jan. 1, 2010).

Matthew Preusch, "DEQ to Help Polluter Seek Federal Break on Mercury Emission," The Oregonian (Aug. 19, 2009).

Matthew Preusch, "Amid Forests Ashes, a Debate Over Logging Profits is Burning On," The New York Times (April 15, 2004)

# KELLER ROHRBACK

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## SYDNEY READ

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
sread@kellerrohrback.com

### PRACTICE EMPHASIS

- Automotive Litigation
- Class Action and Consumer Litigation

### EDUCATION

#### Middlebury College

B.A., *magna cum laude*, 2017, Art History

#### University of Colorado School of Law

J.D., 2021

**Sydney's diligent care for the written word and enthusiasm for learning new areas of law allow her to create strong legal arguments for her clients.** Her high degree of intellectual curiosity, continued passion for law, and commitment to social justice make her a great fit for Keller Rohrback's Complex Litigation Group.

Sydney first joined the firm as a research analyst in KR's Santa Barbara office and she later transitioned into a paralegal role in the Seattle office. Those experiences taught her about the intricacies of complex litigation and the excitement of the legal industry, sparking her interest in becoming an attorney. Sydney went on to attend law school at the University of Colorado Law School, during which she volunteered at CU's RAP Lab, participated in the Marshall-Brennan Constitutional Literacy Project and the Colorado Appellate Advocacy Competition, and received the Shawn Stigler and Alex Nelson Alpine Endeavors Law Scholarship.

After graduating with her J.D. in 2021, Sydney rejoined Keller Rohrback as an associate in the firm's Complex Litigation Group, where she focuses on areas like automotive litigation, opioids litigation, and *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*. Sydney's interest in these sprawling cases which seek to address corporate wrongdoing stems from her previous experience as a research analyst working with the firm's Volkswagen "Clean Diesel" litigation team.

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## ERIN RILEY

### CONTACT INFO

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### PRACTICE EMPHASIS

- Appeals
- Class Actions
- Employee Benefits & Retirement Security
- Fiduciary Breach
- Financial Products and Services
- Securities

### EDUCATION

#### Gonzaga University

B.A., *cum laude*, 1992, French & History

#### University of Wisconsin Law School

J.D., *cum laude*, 2000, Wisconsin Law Review

**Erin Riley knows that strong relationships are key in complex cases.** As a partner in Keller Rohrback's Complex Litigation Group, Erin has allowed these collaborative and lasting relationships to inform her work for over 20 years.

Since 2001, Erin's practice has focused on representing employees and retirees in Employee Retirement Income Security Act ("ERISA") actions involving defined contribution, defined benefit, and health benefit plans. She has successfully litigated a number of ERISA breach of fiduciary duty cases, including cases filed against Washington Mutual, Merrill Lynch, and WorldCom.

Erin has worked on numerous ERISA-related articles and amicus briefs, and frequently speaks at employee benefits conferences. She has been actively involved with the *Employee Benefits Law* (Bloomberg-BNA) treatise since 2012 and currently serves as the lead editor, employee-side, of the Treatise.

Erin earned her J.D. from the University of Wisconsin, where she was an editor of the Wisconsin Law Review. Prior to joining Keller Rohrback as an attorney in 2000, she worked with the firm as a summer associate in 1999.

### BAR & COURT ADMISSIONS

- 2000, Wisconsin
- 2000, Washington
- 2001, U.S. District Court for the Western District of Washington
- 2010, U.S. Court of Appeals for the Fourth Circuit
- 2011, U.S. Court of Appeals for the Second Circuit
- 2011, U.S. Court of Appeals for the Ninth Circuit
- 2015, U.S. Court of Appeals for the Seventh Circuit
- 2016, Supreme Court of the United States

### PROFESSIONAL & CIVIC INVOLVEMENT

Wisconsin State Bar Association, *Member*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

Civil Procedure Sub-Committee for the ABA Employee Benefits Committee, *Plaintiffs' Co-Chair*, 2012 – 2016

*Employee Benefits Law* (Bloomberg-BNA), Chapter Editor, 2012 – 2016

*Employee Benefits Law* (Bloomberg-BNA), Senior Editor, 2016 – 2018

*Employee Benefits Law* (Bloomberg-BNA), Co-Chair, Board of Senior Editors, 2018 – present

Washington State Supreme Court, Pro Bono Publico Honor Roll, 2014 – present

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LAW OFFICES ♦ L.L.P.

## PUBLICATIONS & PRESENTATIONS

Quoted, "Benefits Practice Group of the Year: Keller Rohrbach," *Law360* (Dec. 7, 2020).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Rancho Mirage, California, 2020 (Defined Contribution Investment Litigation Update).

Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Thole v. U.S. Bank*, No. 17-1712 (U.S. 2019).

Speaker, Western Pension & Benefits Council – Spring Seminar, Seattle, WA, 2019 (Litigation Update: Two Perspectives).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Nashville, Tennessee, 2019 (Arbitration: What's Different About ERISA?)

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Austin, TX, 2017 (How to Get the Class Action Settlement Your Client Needs).

Quoted in Jacklyn Wille, "Ninth Circuit Adopts Pro-Worker Pension Framework," *Pension & Benefits Daily*, Bloomberg BNA (Apr. 22, 2016) ([www.bna.com](http://www.bna.com)).

"*Amgen Inc. v. Harris*: What is the Status of ERISA Company Stock Cases Post-*Amgen*," ABA Employee Benefits Committee Newsletter, Spring, 2016.

Speaker, ACI ERISA Litigation, Chicago, IL, 2016 (Supreme Court Roundup).

Panelist, ABA Section of Labor and Employment Law, Employee Benefits Committee – Mid-Winter Meeting, Las Vegas, NV, 2016 (mock mediation).

Quoted in Andrea L. Ben-Yosef, "Class Action Suits on Plan Fees Steam Ahead," *Pension & Benefits Blog*, Bloomberg BNA (Feb. 10, 2016) ([www.bna.com](http://www.bna.com)).

Br. of Amicus Curiae of Pension Rights Center in Supp. of Petition, *Pundt v. Verizon Communications*, No. 15-785 (U.S. 2016).

Br. of Amicus Curiae AARP and National Employment Lawyers Association in Supp. of Pls.-Appellees, *Whitley v. BP, P.L.C.*, No. 15-20282 (5th Cir. Oct. 28, 2015).

Br. of The Pension Rights Center as Amicus Curiae in Supp. of Resp't, *Spokeo, Inc. v. Robins*, No. 13-1339 (U.S. Sept. 4, 2015).

Lynn L. Sarko, Erin M. Riley, and Gretchen S. Obrist, Brief for Law Professors as Amici Curiae in Support of the Petitioners, *Tibble, et al. v. Edison International, et al.*, No. 13-550 (U.S. 2014).

Quoted in Jacklyn Wille, "High Court to Address Statute of Limitations for Suits Challenging Retirement Plan Fees," *Pension & Benefits Daily*, Bloomberg BNA (Oct. 3, 2014) ([www.bna.com](http://www.bna.com)).

Speaker, Western Pension & Benefits Council – 2014 Spring Seminar, Seattle, WA, 2014 (What's New in Fiduciary Litigation?).

Erin M. Riley and Gretchen S. Obrist, Contributors, "Attorneys Reflect on 40 Years of ERISA's Biggest Court Rulings" *Pension & Benefits Daily*, Bloomberg BNA, discussing *CIGNA Corp. v. Amara*, 131 S.Ct. 1866, 50 EBC 2569 (U.S. 2011) (95 PBD, 5/17/11; 38 BPR 990, 5/24/11) (<http://www.bna.com>)

Erin M. Riley and Gretchen S. Obrist, "The Impact of Fifth Third Bancorp v. Dudenhoefter: Finally, a Court Gets it Right!" *Pension & Benefits Daily*, Bloomberg BNA (154 PBD, 8/11/2014) (<http://www.bna.com>).

Lynn L. Sarko and Erin M. Riley, Brief for Law Professors as Amici Curiae in Support of the Respondents, *Fifth Third Bancorp v. Dudenhoefter*, No. 12-751 (U.S. March 5, 2014).

"Erin M. Riley Explores the Pro-Plaintiff Aspects of the Citigroup Ruling", *ERISA Litigation Tracker: Litigator Q&A*, Bloomberg BNA (Dec. 1, 2011). Reproduced with permission from *ERISA Litigation Tracker Litigator Q & A* (Dec. 5, 2011). Copyright 2011 by The Bureau of National Affairs, Inc. (800-372-1033)

Sarah H. Kimberly, Erin M. Riley, "Court Declines to Limit Damages in *Neil v. Zell*", ABA Employee Benefits Committee Newsletter (Spring, 2011).

Derek W. Loeser, Erin M. Riley and Benjamin Gould, "2010 ERISA Employer Stock Cases: The Good, the Bad, and the In-Between Plaintiffs' Perspective", Bureau of National Affairs, Inc. (Jan. 28, 2011).

Derek W. Loeser and Erin M. Riley, "The Case Against the Presumption of Prudence," Bureau of National Affairs, Inc. (Sept. 10, 2010).

# KELLER ROHRBACK

LAW OFFICES ♦ L.L.P.



## MARK D. SAMSON

### CONTACT INFO

3101 N Central Avenue, Ste. 1400  
Phoenix, AZ 85012  
(602) 248-2822  
msamson@kellerrohrback.com

### PRACTICE EMPHASIS

- Medical Malpractice Litigation
- Products Liability - Plaintiffs
- Personal Injury Litigation
- Commercial Litigation
- Complex Litigation

### EDUCATION

#### Arizona State University

B.S., *summa cum laude*, 1976, Bio-Ag Sciences

#### Washington State University College of Veterinary Medicine

D.V.M., *summa cum laude*, 1980

#### Washington State University College of Veterinary Medicine

M.S., 1983, Veterinary Anatomy

#### Arizona State University College of Law

J.D., *summa cum laude*, 1986,  
Order of the Coif

**As a licensed veterinarian, Mark has the medical knowledge that helps get his clients the results they deserve.** Given that strong medical science background, Mark's practice focuses on tort law, including medical negligence, product liability, and other significant personal injury cases. He has nearly 35 years of experience litigating medical malpractice cases with victories including the landmark Edwards verdict, a transfusion-associated AIDS case that remains one of the largest personal injury verdicts in Arizona history. Mark was born in New York, but he moved to the Phoenix area in 1959 and grew up there. He practiced from 1986 to 1995 at Meyer, Hendricks, Victor, Osborn & Maledon, becoming a member in 1992. In 1995, Mark helped form Dalton Gotto Samson & Kilgard, P.L.C. ("DGSK") and was one of the members of DGSK who formed Keller Rohrback P.L.C. in 2002, and then Keller Rohrback L.L.P. in 2015.

### BAR & COURT ADMISSIONS

1986, Arizona  
1986, U.S. District Court for the District of Arizona  
1986, U.S. Court of Appeals for the Ninth Circuit  
1986, U.S. Supreme Court  
2008, Washington, D.C.

### HONORS & AWARDS

Named to Super Lawyers list in *Super Lawyers - Southwest*, 2008-2021

### PROFESSIONAL & CIVIC INVOLVEMENT

Maricopa County Bar Association, *Member*  
Arizona State Bar Association, *Member*  
American Association for Justice, *Member*  
Arizona Association for Justice, *Sustaining Member*

### PUBLICATIONS & PRESENTATIONS

American Veterinary Medical Law Association, *The Lawyer's Role in Meeting 21st Century Changes in Veterinary Medicine*, 2018.  
Maricopa County Association of Paralegals, *Personal Injury Law in Arizona*, 2018.  
Arizona State University College of Law, *Health Law and Policy*, 2016.  
Arizona Paralegal Association, *Health Law - Medical Malpractice in Today's World*, 2016.  
Arizona Trial Lawyers Association, *From the Heart: Letting Go in Front of the Jury*, 2015.

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LAW OFFICES ♦ L. L. P.

## PUBLICATIONS & PRESENTATIONS (CONT)

Arizona Trial Lawyers Association, *Medical Malpractice Seminar*, 2013.

Arizona Trial Lawyers Association, *Trial Masters: A Look Inside the Value Options Case & Tools for Difficult Cases*, 2011.

Arizona State Bar, *Comparing Veterinary and Legal Ethics*, 2009.

Arizona Trial Lawyers Association, *Loss of a Chance in Med Mal Cases*, 2008.

Arizona Trial Lawyers Association, *Issues in FTCA Claims*, 2008.

Co-Chair, Arizona Trial Lawyers Association, *Trial Practice - Damages*, 2007.

Chairman, Arizona Trial Lawyers Association, *Rapid Fire on Litigation Issues*, Oct. 2006.

Co-Chair, Arizona Trial Lawyers Association, *Liens*, Jan. 2006.

Author, Blackwell's 5-Minute Veterinary Practice Management Consult, *Negotiating 101*, 2006.

Maricopa County Bar Association, *Arizona Appellate Update*, 2005.

Maricopa County Bar Association, *Liens Again*, 2004.

Chairman, Arizona State Bar, *New Ethical Rules in Arizona*, Oct. 2003.

Speaker, Arizona Veterinary Medical Association, *Application of legal principles to veterinary medicine*, 1999-2003.

Speaker, Arizona Paralegal Association, *Settlement conferences versus trial in medical malpractice cases*, 2002;

Speaker, Arizona Paralegal Association, *Changes and issues in Arizona's ethical rules for attorneys*, 2003.

Maricopa County Bar Association, *Punitive Damages after Campbell v. State Farm*, May 2003.

Co-Chair, Arizona Trial Lawyers Association, *Anatomy of Pain*, 2002.

Speaker, Arizona Trial Lawyers Association Medical Malpractice Seminar, *Use of medical literature in the courtroom*, 1996;

Speaker, Arizona Trial Lawyers Association Medical Malpractice Seminar, *New legal theories in medical malpractice*, 1999.

Chair, Maricopa County Bar Association, *Seminar on Medical Malpractice in the Ages of Disclosure*.

Speaker, National Meeting of American Veterinary Medical Law Association, *Tort and Regulatory Issues Affecting Veterinarians*, 1995.

Chair, Maricopa County Bar Association, *Seminar on Anatomy*, 1994.

# KELLER ROHRBACK

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## CHRIS SPRINGER

### CONTACT INFO

801 Garden Street, Suite 301

Santa Barbara, CA 93101

(805) 456-1496

cspringer@kellerrohrback.com

### PRACTICE EMPHASIS

- Antitrust and Trade Regulation
- Appeals
- Class Action & Consumer Litigation
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits & Retirement Security
- Environmental Litigation

### EDUCATION

**Dartmouth College**

B.A., *cum laude*, 2000

**U.C. Berkeley School of Law**

J.D., 2008

**Chris Springer is dedicated to working to help people who have been harmed by the unlawful conduct of large corporations and other entities.**

He is a member of Keller Rohrback's nationally recognized Complex Litigation Group and practices in the firm's Santa Barbara office. He is experienced in cases involving consumer protection, data security, environmental protection, disability access, employment rights, and ERISA.

Before joining Keller Rohrback, Chris worked in the field of software development and testing. His practice now focuses on data-privacy and other consumer-protection litigation. Since joining Keller Rohrback, he helped obtain a multimillion-dollar recovery in *Corona v. Sony Pictures Entertainment, Inc.*, No. 14-9600 (C.D. Cal.), which involved the theft and disclosure of medical, financial, and employment information. He is also actively involved in other data privacy matters, including *In re 21st Century Oncology Customer Data Security Breach Litigation*, which involves the unauthorized disclosure of personal and medical information.

### BAR & COURT ADMISSIONS

2013, California

2017, U.S. District Court for the Central District of California

2017, U.S. District Court for the Northern District of California

### PROFESSIONAL & CIVIC INVOLVEMENT

California State Bar Association, *Member*

Santa Barbara Bar Association, *Member*

American Bar Association, *Member*

### HONORS & AWARDS

American Jurisprudence Award, Civil Procedure



# KELLER ROHRBACK

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## NATIDA SRIBHIBHADH

### CONTACT INFO

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natidas@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Consumer Protection
- Governments and Municipalities

### EDUCATION

#### University of Washington

B.A., Journalism, 2008

#### University of San Diego School of Law

J.D., 2014; High honors in Mediation, Negotiation, and Education and Disability Clinic

**Natida Sribhibhadh is driven by a desire to make a lasting impact in our community and the world.** With the public's best interest always in mind, Natida brings a strong sense of collaboration and teamwork to her work in Keller Rohrback's Complex Litigation Group.

Coming from a family of teachers, the importance of leaving a lasting impact was impressed upon Natida from a young age. As a Seattle native who attended international school in Bangkok, Natida grew up cognizant of how big the world is and how much needs to be changed. In 2021, Natida joined Keller Rohrback, drawn to the firm's commitment to obtaining large-scale justice for those who have been harmed by corporate wrongdoing. Equipped with a fierce ability to remain calm under pressure and a love of challenging cases, Natida is well suited to the firm.

Natida graduated with her J.D. from the University of San Diego School of Law in 2014. Following that, she was an attorney at a Seattle-based law firm for five years, where she worked as a plaintiffs' personal injury attorney, gaining experience in all stages of litigation and dispute resolution, including discovery, pretrial motions, arbitration, and settlement negotiations. During her time in law school, Natida served as a legal intern for Peter D. Lange in Sydney, Australia, as a judicial extern at San Diego Superior Court, and as a legal intern at USD's Education and Disability Clinic representing parents and children in cases against local school districts.

### BAR & COURT ADMISSIONS

2015, Washington

2021, U.S. District Court for the Western District of Washington

### PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar, *Member*, 2015 - Present

Washington State Association for Justice, *Eagle Member*, 2016 - Present

Academy of Truck Accident Attorneys, *Member*, 2021 - Present

# KELLER ROHRBACK

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## HAVILA UNREIN

### CONTACT INFO

1201 Third Avenue, Suite 3200  
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### PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Employee Benefits and Retirement Security
- Environmental Contamination
- Fiduciary Breach
- Financial Products and Services
- Mass Personal Injury
- Securities
- Whistleblower

### EDUCATION

#### Dartmouth College

B.A., *magna cum laude*, 2003,  
Russian Area Studies

#### University of Washington School of Law

J.D./LL.M. (Tax), *with honors*, 2008

**Havila Unrein gives her clients a voice in the legal system.** Havila practices in Keller Rohrback's nationally recognized Complex Litigation Group, where she is dedicated to helping clients who have been harmed by others engaged in fraud, cutting corners, and abuses of power.

Havila made significant contributions to *Hartman et al. v. Ivy Asset Management et al.*, a case involving fiduciary breach related to Madoff investments that resulted in a \$219 million settlement with consolidated cases. She currently represents plaintiffs in multiple cases alleging violations of the Employee Retirement Income Security Act of 1974 ("ERISA") by healthcare institutions attempting to claim exempt "church plan" status under ERISA.

During law school, Havila provided tax and business advice to low-income entrepreneurs and high-tech start-ups as a student in the Entrepreneurial Law Clinic. She also served as an extern to the Honorable Stephanie Joannides of the Anchorage Superior Court. Prior to law school, Havila worked and studied abroad in Russia, Azerbaijan, and the Czech Republic.

### BAR & COURT ADMISSIONS

- 2008, Washington
- 2009, U.S. District Court for the Western District of Washington
- 2012, Montana
- 2012, U.S. Court of Appeals for the Ninth Circuit
- 2012, U.S. District Court for the District of Montana
- 2013, California
- 2013, U.S. District Court for the District of Colorado
- 2013, U.S. District Court for the Central District of California
- 2013, U.S. District Court for the Eastern District of California
- 2013, U.S. District Court for the Northern District of California
- 2013, U.S. District Court for the Southern District of California
- 2014, U.S. Court of Appeals for the Sixth Circuit

### PROFESSIONAL & CIVIC INVOLVEMENT

- California State Bar Association, *Member*
- Santa Barbara County Bar Association, *Member*
- Washington State Bar Association, *Member*
- King County Bar Association, *Member*
- Montana State Bar Association, *Member*

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## GABE VERDUGO

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### PRACTICE EMPHASIS

- Class Action & Consumer Litigation
- Insurance Bad Faith & Policyholder Rights
- Personal Injury Litigation

### EDUCATION

#### University of Washington

B.S., Plant Biology, 2008

B.A., German Language and Literature, 2008

Delta Phi Alpha, German Honors Society

*Undergraduate Law Review*, Senior Editor, Spring 2007

#### University of Washington School of Law

J.D., 2011

### Gabe Verdugo practices in Keller Rohrback's Plaintiff Tort Litigation and Complex Litigation practice groups.

Gabe's practice focuses on litigating on behalf of individuals and classes who have been injured. He has represented insureds in disputes with insurance carriers and litigated class actions on behalf of consumers who were deceived by drug manufacturers and other companies. Currently, Gabe is investigating claims related to the opioid crisis.

Before joining Keller Rohrback, Gabe served as a judicial law clerk for Chief Judge Rosanna M. Peterson of the U.S. District Court, Eastern District of Washington. Gabe also clerked for Justice Steven C. González of the Washington Supreme Court. During law school, Gabe externed for Judge Robert S. Lasnik of the U.S. District Court, Western District of Washington. He is proficient in written and spoken German.

### BAR & COURT ADMISSIONS

2011, Washington

2015, U.S. District Court for the Eastern District of Washington

2015, U.S. District Court for the Western District of Washington

### PROFESSIONAL & CIVIC INVOLVEMENT

WSBA Administrative Law Section, *Past Section Chair*

QLaw Association, *Board Member*, 2011-2015

QLaw Association, Judicial Evaluations Committee Member, *Mentor*

### HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*, 2019-2021

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## AMY WILLIAMS-DERRY

### CONTACT INFO

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### PRACTICE EMPHASIS

- Class Actions
- Consumer and Data Privacy Protection
- Employee Benefits and Retirement Security
- Environmental Litigation
- Fiduciary Breach Financial Projects and Services
- Institutional Investors
- Insurance Coverage
- Securities
- Whistleblower

### EDUCATION

#### Brown University

B.A., *with honors*, 1993 Sociology

#### University of Virginia School of Law

J.D., 1998; Editor in Chief, *Virginia Environmental Law Journal*, 1997-1998

### Amy is a senior member of the Complex Litigation Group at Keller

**Rohrback.** Through a diverse legal career spanning more than 20 years, Amy has represented clients throughout the socio-economic spectrum: newly-arrived immigrants fighting to unite stranded family members in the face of President Trump's travel ban; tribes and non-profits enforcing their rights under the endangered species law; families and neighborhoods banding together against local air polluters; small businesses and community arts organizations demanding insurance coverage for COVID-19 closures; cities and states seeking PCB clean-up costs from manufacturer Monsanto; government-sponsored entities enforcing their investor rights under the securities laws; and Fortune 500 companies defending intellectual property and commercial disputes. Amy draws from this broad experience to successfully approach complex legal problems from a variety of perspectives.

Prior to law school, Amy worked on environmental, energy, and transportation issues in Washington, D.C. At the University of Virginia School of Law, Amy was the Editor-in-Chief of the Virginia Environmental Law Journal.

Amy's current representative cases include *City of Seattle v. Monsanto Co., et al.* (W.D. Wash.), *Federal Home Loan Bank of Boston v. Ally Financial, Inc., et al.* (Suffolk Cty. Mass.), *KCJ Studios LLC dba Barre3 Ballard, et al. v. Sentinel Insurance Company Ltd.* (W.D. Wash.), and *State of Oregon v. Monsanto Co., et al.* (Multnomah Cty. Ore.).

Amy serves as a cooperating attorney with the American Civil Liberties Union (ACLU) of Washington, and is a Special Assistant Attorney General for the State of Oregon.

### BAR & COURT ADMISSIONS

- 1998, Washington
- 1999, U.S. District Court for the Western District of Washington
- 1999, U.S. Court of Appeals for the Ninth Circuit
- 2000, U.S. District Court for the Eastern District of Washington
- 2007, U.S. District Court for the Eastern District of Michigan
- 2007, U.S. Court of Appeals for the Second Circuit
- 2014, U.S. Court of Appeals for the First Circuit
- 2015, U.S. Supreme Court
- 2015, Massachusetts
- 2019, Oregon

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## PROFESSIONAL & CIVIC INVOLVEMENT

Washington State Bar Association, *Member*  
King County Bar Association, *Member*  
American Bar Association, *Member*  
Washington Women Lawyers, *Member*  
King County Washington Women Lawyers, *Member*  
The National Association of Public Pension Attorneys,  
*Member*  
American Constitution Society, *Member*  
WithinReach, *Board of Directors*, 2006-2009  
The Evergreen School, *Annual Giving Co-Chair*, 2012-2013  
Broadview Rising, *Founding Member*, 2017-2018  
Friends of Ingraham High School, *Auction Committee*, 2019-  
2020

## HONORS & AWARDS

Selected to Rising Stars list in *Super Lawyers - Washington*,  
2003-2009  
AV®, Peer Review Top-Rated by Martindale-Hubbell  
Member, 2017 Washington State Supreme Court Pro Bono  
Publico Honor Roll

## PUBLICATIONS & PRESENTATIONS

Panelist, Impact of Trump's Travel Ban & Related Litigation,  
Council on American-Islamic Relations, Redmond, WA,  
2017.  
Presenter, *Doe v. Trump, et al.*, Law & Religion Symposium  
University of Washington School of Law, 2017.  
Presenter, HarrisMartin MDL Conference: *Environmental  
Contamination Cases*, Seattle, WA, 2016.  
Presenter, HarrisMartin *Aliso Canyon Gas Leak Litigation  
Conference*, Santa Barbara, CA, 2016.  
Presenter, HarrisMartin MDL Conference: *Fantasy Sports,  
Volkswagen, Porsche, and Pharmaceutical Litigation*, Cape  
Coral, FL, 2016.  
Presenter, Washington State Bar Association, Employment  
Benefits CLE, *Hot Topics in ERISA Class Action Litigation*,  
Seattle, WA, 2010.  
Presenter, American Law Institute-American Bar  
Association ERISA Conference, *Employer Stock Cases and  
Cash Balance Plans*, Scottsdale, AZ, 2008.  
*No Surprises After Winstar: Contractual Certainty and Habitat  
Conservation Planning Under the Endangered Species Act*, 17  
Va. Env'tl. L.J. 357 (1998)

# KELLER ROHRBACK

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## MICHAEL WOERNER

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
mwoerner@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Actions
- Consumer Protection
- Data Privacy Litigation
- Employee Benefits and Retirement Security
- Environmental Litigation
- Mass Personal Injury
- Medical Negligence
- Securities

### EDUCATION

**University of Puget Sound**  
B.S., 1982  
**Notre Dame Law School**  
J.D., 1985

**Mike Woerner works for the public good.** A member of Keller Rohrback's nationally recognized Complex Litigation Group since 1985, Mike focuses on class action and mass personal injury cases. He is skilled at focusing the Courts' attention on key issues in litigation and at negotiating favorable settlements to bring relief to people who have experienced physical, emotional, and financial harm from environmental contamination, dangerous pharmaceutical drugs, and other negligent acts with far-reaching consequences.

Mike was a member of the litigation team that received the 1995 Trial Lawyer of the Year Award from Trial Lawyers for Public Justice for the In re Exxon Valdez litigation resulting from the devastation of thousands of miles of fishing ground around Prince William Sound, Kodiak Island, Chignik, and Cook Inlet after the infamous oil spill. He has more recently represented hundreds of clients in multiple states at risk of heart-valve damage or primary pulmonary hypertension from fen-phen diet drugs. Mike also has experience litigating and negotiating widespread medical negligence issues and misconduct by fiduciaries charged with investing retirement plan assets. With his focus on impact litigation, Mike strives to achieve full compensation for his clients as well as to compel institutional reform and change the conduct of powerful bad actors to prevent them from causing future harm.

Outside of work, Mike enjoys traveling with his family experiencing new places and cultures, as well as staying closer to home cheering on his kids' basketball and volleyball teams.

### BAR & COURT ADMISSIONS

1985, Washington

### PROFESSIONAL & CIVIC INVOLVEMENT

Issaquah Food and Clothing Bank, *Vice-Chair*

King County Bar Association, *Member*

Washington State Bar Association, *Member*

American Bar Association, *Member*

### HONORS & AWARDS

Trial Lawyer of the Year – Trial Lawyers for Public Justice, 1995

Selected to Rising Stars and Super Lawyers lists in *Super Lawyers - Washington*, 2001, 2018-2021

# KELLER ROHRBACK

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## EMMA WRIGHT

### CONTACT INFO

1201 Third Avenue, Suite 3200  
Seattle, WA 98101  
(206) 623-1900  
ewright@kellerrohrback.com

### PRACTICE EMPHASIS

- Class Action and Consumer Litigation
- Data Privacy Litigation

### EDUCATION

**Loyola Marymount University**  
B.A., 2015, Political Science

**Seattle University School of Law**  
J.D., *magna cum laude*, 2020  
Editor-in-Chief, Seattle University  
Law Review

**Emma's fierce intelligence and attention to detail allows her to delve into the legal intricacies of every case.** Emma brings great enthusiasm to Keller Rohrback's nationally recognized Complex Litigation Group—a practice for which she is well suited, as each case is unique and intellectually demanding.

Having aspired to be an attorney since childhood, Emma was initially drawn to litigation when she took a civil procedure course in law school and learned just how complex and rule-intensive litigation is. In addition, Emma sees complex litigation as an avenue with which to hold large corporations accountable, which connects to her personal dedication to equity.

In 2020, Emma graduated *magna cum laude* with her J.D. from Seattle University School of Law, where she served as Editor-in-Chief of the Seattle University Law Review, on the Moot Court Board, and as a research assistant to her civil procedure professor. During law school, she also externed for Judge John C. Coughenour of the Western District of Washington.

Drawn to the firm's culture of collaboration and commitment to social justice, Emma first worked at Keller Rohrback as a summer associate in 2018 and 2019, eventually returning to the firm full-time as an associate attorney in 2020. She is excited to rejoin the team working on *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, which the firm filed when Emma was a 1L summer associate.

In her spare time, Emma enjoys skiing, traveling, and spending time with her dog, Winter.

### BAR & COURT ADMISSIONS

2020, Washington

# KELLER ROHRBACK

L A W O F F I C E S ♦ L . L . P .

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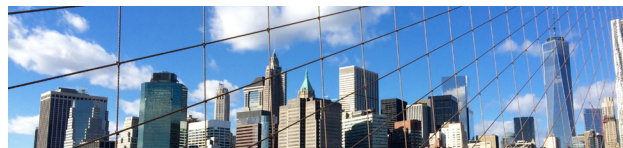
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## NEW YORK

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# EXHIBIT A-43

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF MARK REICH FILED ON BEHALF OF LEVI & KORSINSKY, LLP IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Mark Reich, declare as follows:

1. I am Partner in the firm of Levi & Korsinsky, LLP (“L&K” or the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. This Firm is counsel of record for certain Class Plaintiffs in this action.
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
4. The Firm seeks an award of \$111,614.29 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30<sup>th</sup> day of August, 2021, at Woodmere, NY.



---

Mark Reich

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
Levi & Korsinsky, LLP  
Inception through June 30, 2021

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Transportation, Hotels & Meals	\$10,855.86
Online Legal and Financial Research	\$758.43
Litigation Fund Contribution	\$100,000.00
<b><i>TOTAL</i></b>	<b><i>\$111,614.29</i></b>

**EXHIBIT B**

FIRM RESUME

**RESUME**

# LEVI & KORSINSKY LLP

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 Levi&Korsinsky LLP

 MergerAlerts

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# CONTENTS

## About the Firm

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### Practice Areas

Securities Fraud Class Actions  
 Derivative, Corporate Governance & Executive Compensation  
 Mergers & Acquisitions  
 Consumer Litigation

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### Our Attorneys

Managing Partners      EDUARD KORSINSKY  
    JOSEPH E. LEVI

---

Partners	NICHOLAS I. PORRITT DONALD J. ENRIGHT SHANNON L. HOPKINS GREGORY M. NESPOLE	DANIEL TEPPER ELIZABETH K. TRIPODI ADAM M. APTON MARK S. REICH
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Counsel                      ANDREW E. LENCYK  
    KRISTINA MENTONE

---

Associates	STEPHANIE A. BARTONE JORDAN A. CAFRITZ DAVID C. JAYNES CORREY A. KAMIN MICHAEL KEATING	ALEXANDER KROT COURTNEY E. MACCARONE ADAM C. MCCALL RYAN MESSINA MELISSA MULLER	GREGORY M. POTREPKA ANDREW ROCCO BRIAN STEWART MAX WEISS
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Staff Attorneys	KATHY AMES-VALDIVIESO KAROLINA CAMPBELL CHRISTINA CHELLIAH BRIGGS FENWICK-PERRY CHRISTINA FUHRMAN CHARLOTTE HILL PAMELA HUNTER	UDEME IKPE GARY ISHIMOTO KATHLEEN LYNCH RUBEN MARQUEZ TINA NUCCITELLI JOSHUA SCHECHTER RHOSEAN SCOTT	TREVER SIMS CATHERINE SOO RAZVAN VOICU
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## ABOUT THE FIRM

Levi & Korsinsky, LLP is a national law firm with decades of combined experience litigating complex securities, class, and consumer actions in state and federal courts throughout the country. Our main office is located in New York City and we also maintain offices in Connecticut, California, and Washington, D.C.

We represent the interests of aggrieved shareholders in class action and derivative litigation through the vigorous prosecution of corporations that have committed securities fraud and boards of directors who have breached their fiduciary duties. We have served as Lead and Co-Lead Counsel in many precedent-setting litigations, recovered hundreds of millions of dollars for shareholders via securities fraud lawsuits, and obtained fair value, multi-billion-dollar settlements in merger transactions.

We also represent clients in high-stakes consumer class actions against some of the largest corporations in America. Our legal team has a long and successful track record of litigating high-stakes, resource-intensive cases and consistently achieving results for our clients.

Our attorneys are highly skilled and experienced in the field of securities class action litigation. They bring a vast breadth of knowledge and skill to the table and, as a result, are frequently appointed Lead Counsel in complex shareholder and consumer litigations in various jurisdictions. We are able to allocate substantial resources to each case, reviewing public documents, interviewing witnesses, and consulting with experts concerning issues particular to each case. Our attorneys are supported by exceptionally qualified professionals including financial experts, investigators, and administrative staff, as well as cutting-edge technology and e-discovery systems. Consequently, we are able to quickly mobilize and produce excellent litigation results. Our ability to try cases, and win them, results in substantially better recoveries than our peers.

We do not shy away from uphill battles – indeed, we routinely take on complex and challenging cases, and we prosecute them with integrity, determination, and professionalism.





## PRACTICE AREAS

### Securities Class Actions

Over the last four years, Levi & Korsinsky has been lead, or co-lead counsel in 35 separate settlements that have resulted in nearly \$200 million in recoveries for shareholders. During that time, Levi & Korsinsky has consistently ranked in the Top 10 in terms of number of settlements achieved for shareholders each year, according to reports published by ISS. In Lex Machina's Securities Litigation Report, Levi & Korsinsky ranked as one of the Top 5 Securities Firm for the period from 2018 to 2020. Law360 dubbed the Firm one of the "busiest securities firms" in what is "on track to be one of the busiest years for federal securities litigation" in 2018. In 2019, Lawdragon Magazine ranked multiple members of Levi & Korsinsky among the 500 Leading Plaintiff Financial Lawyers in America. Our firm has been appointed Lead Counsel in a significant number of class actions filed in both federal and state courts across the country.

In **In re Tesla Inc. Securities Litigation**, Case No. 18-cv-4865-EMC (N.D. Cal.), the firm is sole Lead Counsel representing the class of Tesla investors who were injured as a result of Elon Musk's "funding secured" tweet of August 7, 2018. The case has survived defendants' motion to dismiss and is now in discovery. It is set for trial in March 2022. Damages are estimated as exceeding \$2 billion.

In **In re U.S. Steel Consolidated Cases**, Case No. 17-559-CB (W.D. Pa.), the firm is sole Lead Counsel representing U.S. Steel investors who were harmed by U.S. Steel's misrepresentations regarding the maintenance of its manufacturing facilities. Defendants' motion to dismiss has been denied and the class of investors certified by the District Court. The class action case is now in discovery.

In **Rougier v. Applied Optoelectronics, Inc.**, Case No. 17-cv-2399 (S.D. Tex.), the Firm served as sole Lead Counsel, prevailed against Defendants' Motion to Dismiss, and achieved class certification before the Parties reached a settlement. The Court granted final approval of a \$15.5 million settlement on November 24, 2020.

As Lead Counsel in **In re Avon Products Inc. Securities Litigation**, Case No. 19-cv-1420-MKV (S.D.N.Y.), having been commenced in the U.S. District Court for the Southern District of New York, the Firm achieved a \$14.5 million cash settlement to successfully end claims alleged by a class of investors that the beauty company loosened its recruiting standards in its critical market in Brazil, eventually causing the company's stock price to crater. The case raised important issues concerning the use of confidential witnesses located abroad in support of scienter allegations and the scope of the attorney work product doctrine with respect to what discovery could be sought of confidential sources who are located in foreign countries.

In **In Re Helios and Matheson Analytics, Inc. Sec. Litig.**, Case No. 18-cv-6965-JGK (S.D.N.Y.), the Firm served as sole Lead Counsel. Although the company had filed a voluntary Bankruptcy petition for liquidation and had numerous creditors (including private parties and various state and federal regulatory agencies), the Firm was able to reach a settlement. The settlement was obtained at a time when a motion to dismiss filed by the defendants was still pending and a risk to the Class. In its role as Lead Counsel, the Firm achieved a settlement of \$8.25 million on behalf of the class. The Court granted final approval of the settlement on May 13, 2021.

In **In re Restoration Robotics, Inc. Sec. Litig.**, Case No. 18-cv-03712-EJD (N.D. Cal.), the Firm is sole Lead Counsel and has prevailed on a Motion to Dismiss. The class action is in the early stages of discovery and shareholders stand to recover damages in connection with an Initial Public Offering.

In **Stein v. U.S. Xpress Enterprises, Inc., et al.**, Case No. 1:19-cv-98-TRM-CHS (E.D. Tenn.), the Firm is Co-Lead Counsel representing a certified class of USX investors and has prevailed on a Motion to Dismiss. The class action is in the early stages of discovery and shareholders stand to recover damages in connection with an Initial Public Offering.

We have also been appointed Lead or Co-Lead Counsel in the following securities class actions:

- **Valdes v. Kandi Technologies Group, Inc. et al.**, 2:20-cv-06042-LDH-AYS (E.D.N.Y. April 20, 2021)
- **In re QuantumScape Securities Class Action Litigation**, 3:21-cv-00058-WHO (N.D. Cal. April 20, 2021)
- **In re Minerva Neurosciences, Inc. Sec. Litig.**, 1:20-cv-12176-GAO (D. Mass. March 5, 2021)
- **White Pine Investments v. CVR Refining, LP, et al.**, 1:20-cv-02863-AT (S.D.N.Y. Jan. 5, 2021)
- **The Daniels Family 2001 Revocable Trust v. Las Vegas Sands Corp., et al.**, 1:20-cv-08062-JMF (D. Nev. Jan. 5, 2021)
- **Yaroni v. Pintec Technology Holdings Limited, et al.**, 1:20-cv-08062-JMF (S.D.N.Y. Dec. 15, 2020)
- **Nickerson v. American Electric Power Company, Inc., et al.**, 2:20-cv-04243-SDM-EPD (S.D. Ohio Nov. 24, 2020)
- **Ellison v. Tufin Software Technologies Ltd., et al.**, 1:20-cv-05646-GHW (S.D.N.Y. Oct. 19, 2020)
- **Hartel v. The GEO Group, Inc., et al.**, 9:20-cv-81063-RS (S.D. Fla. Oct. 1, 2020)
- **Posey, Sr. v. Brookdale Senior Living, Inc., et al.**, 3:20-cv-00543-AAT (M.D. Tenn. Sept. 14, 2020)
- **Snyder v. Baozun Inc.**, 1:19-cv-11290-ALC (S.D.N.Y. Sept. 8, 2020)
- **In re eHealth Inc. Sec. Litig.**, 4:20-cv-02395-JST (N.D. Cal. Jun. 24, 2020)
- **Mehdi v. Karyopharm Therapeutics Inc.**, 1:19-cv-11972-NMG (D. Mass. Apr. 29, 2020)
- **Brown v. Opera Ltd.**, 1:20-cv-00674-JGK (S.D.N.Y. Apr. 17, 2020)
- **In re Dropbox Sec. Litig.**, 5:19-cv-06348-BLF (N.D. Cal. Jan. 16, 2020)
- **In re Yunji Inc. Sec. Litig.**, 1:19-cv-6403-LDH-SMG (E.D.N.Y. Feb. 3, 2020)
- **Zhang v. Valaris plc**, 1:19-cv-7816-NRB (S.D.N.Y. Dec. 23, 2019)

- **In re Sundial Growers Inc. Sec. Litig.**, 1:19-cv-08913-ALC (S.D.N.Y. Dec. 20, 2019)
- **Costanzo v. DXC Technology Co.**, 5:19-cv-05794-BLF (N.D. Cal. Nov. 20, 2019)
- **Ferraro Family Foundation, Inc. v. Corcept Therapeutics Incorporated**, 5:19-cv-1372-LHK (N.D. Cal. Oct. 7, 2019)
- **Roberts v. Bloom Energy Corp.**, 4:19-cv-02935-HSG (N.D. Cal. Sept. 3, 2019)
- **Luo v. Sogou Inc.**, 1:19-cv-00230-JPO (S.D.N.Y. Apr. 2, 2019)
- **In re Aphria Inc. Sec. Litig.**, 1:18-cv-11376-GBD (S.D.N.Y. Mar. 27, 2019)
- **Chew v. MoneyGram International, Inc.**, 1:18-cv-07537 (N.D. Ill. Feb. 12, 2019)
- **Johnson v. Costco Wholesale Corp.**, 2:18-cv-01611-TSZ (W.D. Wash. Jan. 30, 2019)
- **Tung v. Dycom Industries, Inc.**, 9:18-cv-81448-RLR (S.D. Fla. Jan. 11, 2019)
- **Guyer v. MGT Capital Investments, Inc.**, 1:18-cv-09228-LAP (S.D.N.Y. Jan. 9, 2019)
- **In re Adient plc Sec. Litig.**, 1:18-CV-09116 (S.D.N.Y. Dec. 21, 2018)
- **In re Prothena Corp. plc Sec. Litig.**, 1:18-cv-06425 (S.D.N.Y. Oct. 31, 2018)
- **Pierrelouis v. Gogo Inc.**, 1:18-cv-04473 (N.D. Ill. Oct. 10, 2018)
- **Balestra v. Cloud With Me Ltd.**, 2:18-cv-00804-LPL (W.D. Pa. Oct. 18, 2018)
- **Balestra v. Giga Watt, Inc.**, 2:18-cv-00103-SMJ (E.D. Wash. June 28, 2018)
- **Chandler v. Ulta Beauty, Inc.**, 1:18-cv-01577 (N.D. Ill. June 26, 2018)
- **In re Longfin Corp. Sec. Litig.**, 1:18-cv-2933 (S.D.N.Y. June 25, 2018)
- **Chahal v. Credit Suisse Group AG**, 1:18-cv-02268-AT (S.D.N.Y. June 21, 2018)
- **In re Bitconnect Sec. Litig.**, 9:18-cv-80086-DMM (S.D. Fla. June 19, 2018)
- **In re Aqua Metals Sec. Litig.**, 4:17-cv-07142-HSG (N.D. Cal. May 23, 2018)
- **Davy v. Paragon Coin, Inc.**, 4:18-cv-00671-JSW (N.D. Cal. May 10, 2018)
- **Rensel v. Centra Tech, Inc.**, 1:17-cv-24500-JLK (S.D. Fla. Apr. 11, 2018)
- **Cullinan v. Cemtrex, Inc.** 2:17-cv-01067 (E.D.N.Y. Mar. 3, 2018)
- **In re Navient Corporation Sec. Litig.**, 1:17-cv-08373-RBK-AMD (D.N.J. Feb. 2, 2018)
- **Huang v. Depomed, Inc.**, 3:17-cv-04830-JST (N.D. Cal. Dec. 8, 2017)
- **In re Regulus Therapeutics Inc. Sec. Litig.**, 3:17-cv-00182-BTM-RBB (D. Mass. Oct. 26, 2017)
- **Murphy III v. JBS S.A.**, 1:17-cv-03084-ILG-RER (E.D.N.Y. Oct. 10, 2017)
- **Ohren v. Amryis, Inc.**, 3:17-cv-002210-WHO (N.D. Cal. Aug. 8, 2017)
- **Beezley v. Fenix Parts, Inc.**, 2:17-cv-00233 (D.N.J. June 28, 2017)
- **M & M Hart Living Trust v. Global Eagle Entertainment, Inc.**, 2:17-cv-01479 (C.D. Cal. June 26, 2017)
- **In re Insys Therapeutics, Inc.**, 1:17-cv-1954 (S.D.N.Y. May 31, 2017)
- **Clevlen v. Anthera Pharmaceuticals, Inc.**, 3:17-cv-00715 (N.D. Cal. May 18, 2017)
- **In re Agile Therapeutics, Inc. Sec. Litig.**, 3:17-cv-00119-AET-LHG (D.N.J. May 15, 2017)
- **Roper v. SITO Mobile Ltd.**, 2:17-cv-01106-ES-MAH (D.N.J. May 8, 2017)

- **In re Illumina, Inc. Sec. Litig.**, 3:16-cv-03044-L-KSC (S.D. Cal. Mar. 30, 2017)
- **In re PTC Therapeutics, Inc.**, 2:16-cv-01224-KM-MAH (D.N.J. Nov. 14, 2016)
- **The TransEnterix Investor Group v. TransEnterix, Inc.**, 5:16-cv-00313-D (E.D.N.C. Aug. 30, 2016)
- **Gormley v. magicJack VocalTec Ltd.**, 1:16-cv-01869-VM (S.D.N.Y. July 12, 2016)
- **Azar v. Blount Int'l Inc.**, 3:16-cv-00483-SI (D. Or. July 1, 2016)
- **Plumley v. Sempra Energy**, 3:16-cv-00512-BEN-RBB (S.D. Cal. June 6, 2016)
- **Francisco v. Abengoa, S.A.**, 1:15-cv-06279-ER (S.D.N.Y. May 24, 2016)
- **De Vito v. Liquid Holdings Group, Inc.**, 2:15-cv-06969-KM-JBC (D.N.J. Apr. 7, 2016)
- **Ford v. Natural Health Trends Corp.**, 2:16-cv-00255-TJH-AFM (C.D. Cal. Mar. 29, 2016)
- **Levin v. Resource Capital Corp.**, 1:15-cv-07081-LLS (S.D.N.Y. Nov. 24, 2015)
- **Martin v. Altisource Residential Corp.**, 1:15-cv-00024 (D.V.I. Oct. 7, 2015)
- **Paggos v. Resonant, Inc.**, 2:15-cv-01970 SJO (VBKx) (C.D. Cal. Aug. 7, 2015)
- **Fragala v. 500.com Ltd.**, 2:15-cv-01463-MMM (C.D. Cal. July 7, 2015)
- **Stevens v. Quiksilver Inc.**, 8:15-cv-00516-JVS-JCGx. (C.D. Cal. June 26, 2015)
- **In re Ocean Power Technologies, Inc. Sec. Litig.**, 3:14-cv-3799 (FLW) (LHG) (D.N.J. Mar. 17, 2015)
- **In re Energy Recovery Inc. Sec. Litig.**, 3:15-cv-00265 (N.D. Cal. Jan. 20, 2015)
- **Ford v. TD Ameritrade Holding Corporation, et al.**, 8:14-cv-00396 (D. Neb. Dec. 2, 2014)
- **In re China Commercial Credit Sec. Litig.**, 1:15-cv-00557 (ALC) (D.N.J. Oct. 31, 2014)
- **In re Violin Memory, Inc. Sec. Litig.**, 4:13-cv-05486-YGR (N.D. Cal. Feb. 26, 2014)
- **Berry v. KiOR, Inc.**, 4:13-cv-02443 (S.D. Tex. Nov. 25, 2013)
- **In re OCZ Technology Group, Inc. Sec. Litig.**, 3:12-cv-05265-RS (N.D. Cal. Jan. 4, 2013)
- **In re Digital Domain Media Group, Inc. Sec. Litig.**, 2:12-cv-14333 (JEM) (S.D. Fla. Sept. 20, 2012)

“ Vice Chancellor Sam Glasscock, III said “it’s always a pleasure to have counsel who are articulate and exuberant...” and referred to our approach to merger litigation as “wholesome” and “a model of... plaintiffs’ litigation in the merger arena.”

*Ocieczanek v. Thomas Properties Group, C.A. No. 9029-VCG (Del. Ch. May 15, 2014)*

## Derivative, Corporate Governance & Executive Compensation

As a leader in achieving important corporate governance reforms for the benefit of shareholders, the Firm protects shareholders by enforcing the obligations of corporate fiduciaries. Our efforts include the prosecution of derivative actions in courts around the country, making pre-litigation demands on corporate boards to investigate misconduct, and taking remedial action for the benefit of shareholders. In situations where a company's board responds to a demand by commencing its own investigation, we frequently work with the board's counsel to assist with and monitor the investigation, ensuring that the investigation is thorough and conducted in an appropriate manner.

We have also successfully prosecuted derivative and class action cases to hold corporate executives and board members accountable for various abuses and to help preserve corporate assets through longlasting and meaningful corporate governance changes, thus ensuring that prior misconduct does not reoccur. We have extensive experience challenging executive compensation and recapturing assets for the benefit of companies and their shareholders. We have secured corporate governance changes to ensure that executive compensation is consistent with shareholder-approved compensation plans, company performance, and federal securities laws.

The Firm was lead counsel in the derivative action styled **Police & Retirement System of the City of Detroit et al. v. Robert Greenberg et al.**, C.A. No. 2019-0578 (Del. Ch.). The action resulted in a settlement where Skechers Inc. cancelled nearly \$20 million in equity awards issued to Skechers' founder Robert Greenberg and two top officers in 2019 and 2020. Also, under the settlement, Skechers' board of directors must retain a consultant to advise on compensation decisions going forward.

In **In re Google Inc. Class C Shareholder Litigation**, C.A. No. 7469-CS (Del. Ch.), we challenged a stock recapitalization transaction to create a new class of nonvoting shares and strengthen the corporate control of the Google founders. We helped achieve an agreement that provided an adjustment payment to existing shareholders harmed by the transaction as well as providing enhanced board scrutiny of the Google founders' ability to transfer stock. Ultimately, Google's shareholders received payments of \$522 million and total net benefits estimated as exceeding \$3 billion.

In **In re Activision, Inc. Shareholder Derivative Litigation**, Case No. 06-cv-04771-MRP (JTLX) (C.D. Cal.), we were Co-Lead Counsel and challenged executive compensation related to the dating of options. This effort resulted in the recovery of more than \$24 million in excessive compensation and expenses, as well as the implementation of substantial corporate governance changes.

In **Pfeiffer v. Toll** (Toll Brothers Derivative Litigation), C.A. No. 4140-VCL (Del. Ch.), we prevailed in defeating defendants' motion to dismiss in a case seeking disgorgement of profits that company insiders reaped through a pattern of insider-trading. After extensive discovery, we secured a settlement returning \$16.25 million in cash to the company, including a significant contribution from the individuals who traded on inside information.

In **Rux v. Meyer**, C.A. No. 11577-CB (Del. Ch.), we challenged the re-purchase by Sirius XM of its stock from its controlling stockholder, Liberty Media, at an inflated, above-market price. After defeating a motion to dismiss and discovery, we obtained a settlement where SiriusXM recovered \$8.25 million, a substantial percentage of its over-payment.

In **In re EZCorp Inc. Consulting Agreement Derivative Litig.**, C.A. No. 9962-VCL (Del. Ch.), we challenged lucrative consulting agreements between EZCorp and its controlling stockholders. After surviving multiple motions to dismiss, we obtained a settlement where EZCorp was repaid \$6.5 million it had paid in consulting fees, or approximately 33% of the total at issue and the consulting agreements were discontinued.

In **Scherer v. Lu** (Diodes Incorporated), Case No. 13-358-GMS (D. Del.), we secured the cancellation of \$4.9 million worth of stock options granted to the company's CEO in violation of a shareholder-approved plan, and obtained additional disclosures to enable shareholders to cast a fullyinformed vote on the adoption of a new compensation plan at the company's annual meeting.

In **MacCormack v. Groupon, Inc.**, Case No. 13-940-GMS (D. Del.), we caused the cancellation of \$2.3 million worth of restricted stock units granted to a company executive in violation of a shareholder-approved plan, as well as the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan; we also obtained additional material disclosures to shareholders in connection with a shareholder vote on amendments to the plan.

In **Edwards v. Benson** (Headwaters Incorporated), Case No. 13-cv-330 (D. Utah), we caused the cancellation of \$3.2 million worth of stock appreciation rights granted to the company's CEO in violation of a shareholder-approved plan and the adoption of enhanced corporate governance procedures designed to ensure that the board of directors complies with the terms of the plan.

In **Pfeiffer v. Begley** (DeVry, Inc.), Case No. 12-CH-5105 (Ill. Cir. Ct. DuPage Cty.), we secured the cancellation of \$2.1 million worth of stock options granted to the company's CEO in 2008-2012 in violation of a shareholder-approved incentive plan.

In **Basch v. Healy** (EnerNOC), Case No. 13-cv-766 (D. Del.), we obtained a cash payment to the company to compensate for equity awards issued to officers in violation of the company's compensation plan and caused significant changes in the company's compensation policies and procedures designed to ensure that future compensation decisions are made consistent with the company's plans, charters and policies. We also impacted the board's creation of a new compensation plan and obtained additional disclosures to stockholders concerning the board's administration of the company's plan and the excess compensation.

In **Kleba v. Dees**, C.A. 3-1-13 (Tenn. Cir. Ct. Knox Cty.), we recovered approximately \$9 million in excess compensation given to insiders and the cancellation of millions of shares of stock options issued in violation of a shareholder-approved compensation plan. In addition, we obtained the adoption of formal corporate governance procedures designed to ensure that future compensation decisions are made independently and consistent with the plan.

In **Lopez v. Nudelman** (CTI BioPharma Corp.), 14-2-18941-9 SEA (Wash. Super. Ct. King Cty.), we recovered approximately \$3.5 million in excess compensation given to directors and obtained the adoption of a cap on director compensation, as well as other formal corporate governance procedures designed to implement best practices with regard to director and executive compensation.

In **In re i2 Technologies, Inc. Shareholder Litigation**, C.A. No. 4003-CC (Del. Ch.), as Counsel for the Lead Plaintiff, we challenged the fairness of certain asset sales made by the company and secured a \$4 million recovery.

In **In re Corinthian Colleges, Inc. Shareholder Derivative Litigation**, Case No. 06-cv-777-AHS (C.D. Cal.), we were Co-Lead Counsel and achieved a \$2 million benefit for the company, resulting in the re-pricing of executive stock options and the establishment of extensive corporate governance changes.

In **Pfeiffer v. Alpert** (Beazer Homes Derivative Litigation), Case No. 10-cv-1063-PD (D. Del.), we successfully challenged certain aspects of the company's executive compensation structure, ultimately forcing the company to improve its compensation practices.

In **In re Cincinnati Bell, Inc., Derivative Litigation**, Case No. A1105305 (Ohio, Hamilton Cty. C.P.), we achieved significant corporate governance changes and enhancements related to the company's compensation policies and practices in order to better align executive compensation with company performance. Reforms included the formation of an entirely independent compensation committee with staggered terms and term limits for service.

In **Woodford v. Mizel** (M.D.C. Holdings, Inc.), Case No. 1:11-cv-879 (D. Del.), we challenged excessive executive compensation, ultimately obtaining millions of dollars in reductions of that compensation, as well as corporate governance enhancements designed to implement best practices with regard to executive compensation and increased shareholder input.

“...a model for how [the] great legal profession should conduct itself.”

*Justice Timothy S. Driscoll in Grossman v. State Bancorp, Inc., Index No. 600469/2011  
(N.Y. Sup. Ct. Nassau Cnty. Nov. 29, 2011)*

## Mergers & Acquisitions

Levi & Korsinsky has achieved an impressive record in obtaining injunctive relief for shareholders, and we are one of the premier law firms engaged in mergers & acquisitions and takeover litigation, consistently striving to maximize shareholder value. In these cases, we regularly fight to obtain settlements that enable the submission of competing buyout bid proposals, thereby increasing consideration for shareholders.

We have litigated landmark cases that have altered the landscape of mergers & acquisitions law and resulted in multi-million dollar awards to aggrieved shareholders.

In **In re Schuff International, Inc. Stockholders Litigation**, C.A. No. 10323-VCZ (Del. Ch.), we served as Co-Lead Counsel for the plaintiff class in achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.

In **In re Bluegreen Corp. Shareholder Litigation**, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cty., FL), as Co-Lead Counsel, we achieved a common fund recovery of \$36.5 million for minority shareholders in connection with a management-led buyout, increasing gross consideration to shareholders in connection with the transaction by 25% after three years of intense litigation.

In **In re CNX Gas Corp. Shareholder Litigation**, C.A. No. 5377-VCL (Del. Ch.), as Plaintiffs' Executive Committee Counsel, we obtained a landmark ruling from the Delaware Chancery Court that set forth a unified standard for assessing the rights of shareholders in the context of freeze-out transactions and ultimately led to a common fund recovery of over \$42.7 million for the company's shareholders.

In **Chen v. Howard-Anderson**, C.A. No 5878-VCL (Del. Ch.), we represented shareholders in challenging the merger between Occam Networks, Inc. and Calix, Inc., obtaining a preliminary injunction against the merger after showing that the proxy statement by which the shareholders were solicited to vote for the merger was materially false and misleading. Post-closing, we took the case to trial and recovered an additional \$35 million for the shareholders.

In **In re Sauer-Danfoss Stockholder Litig.**, C.A. No. 8396 (Del. Ch.), as one of plaintiffs' co-lead counsel, we recovered a \$10 million common fund settlement in connection with a controlling stockholder merger transaction.



In **In re Yongye International, Inc. Shareholders' Litigation**, Consolidated Case No.: A-12-670468-B (District Court, Clark County, Nevada), as one of plaintiffs' co-lead counsel, we recovered a \$6 million common fund settlement in connection with a management-led buyout of minority stockholders in a China-based company incorporated under Nevada law.

In **In re Great Wolf Resorts, Inc. Shareholder Litigation**, C.A. No. 7328-VCN (Del. Ch.), we achieved tremendous results for shareholders, including partial responsibility for a \$93 million (57%) increase in merger consideration and the waiver of several "don't-ask-don't-waive" standstill agreements that were restricting certain potential bidders from making a topping bid for the company.

In **In re Talecris Biotherapeutics Holdings Shareholder Litigation**, C.A. No. 5614-VCL (Del. Ch.), we served as counsel for one of the Lead Plaintiffs, achieving a settlement that increased the merger consideration to Talecris shareholders by an additional 500,000 shares of the acquiring company's stock and providing shareholders with appraisal rights.

In **In re Minerva Group LP v. Mod-Pac Corp.**, Index No. 800621/2013 (N.Y. Sup. Ct. Erie Cty.), we obtained a settlement in which defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share, representing a recovery of \$2.4 million for shareholders.

In **Stephen J. Dannis v. J.D. Nichols**, C.A. No. 13-CI-00452 (Ky. Cir. Ct. Jefferson Cty.), as Co-Lead Counsel, we obtained a 23% increase in the merger consideration (from \$7.50 to \$9.25 per unit) for shareholders of NTS Realty Holdings Limited Partnership. The total benefit of \$7.4 million was achieved after two years of hard-fought litigation, challenging the fairness of the going-private, squeeze-out merger by NTS's controlling unitholder and Chairman, Defendant Jack Nichols. The unitholders bringing the action alleged that Nichols' proposed transaction grossly undervalued NTS's units. The 23% increase in consideration was a remarkable result given that on October 18, 2013, the Special Committee appointed by the Board of Directors had terminated the existing merger agreement with Nichols. Through counsel's tenacious efforts the transaction was resurrected and improved.

In **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch.), Vice Chancellor Sam Glasscock, III of the Delaware Chancery Court partially granted shareholders' motion for preliminary injunction and ordered that defendants correct a material misrepresentation in the proxy statement related to the acquisition of Parlux Fragrances, Inc. by Perfumania Holding, Inc.

In **In re Complete Genomics, Inc. Shareholder Litigation**, C.A. No. 7888-VCL (Del. Ch.), we obtained preliminary injunctions of corporate merger and acquisition transactions, and Plaintiffs successfully enjoined a "don't-ask-don't-waive" standstill agreement.

In **Forgo v. Health Grades, Inc.**, C.A. No. 5716-VCS (Del. Ch.), as Co-Lead Counsel, our attorneys established that defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize value as required under *Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173 (Del. 1986). We secured an agreement with defendants to take numerous steps to seek a superior offer for the company, including making key modifications to the merger agreement, creating an independent committee to evaluate potential offers, extending the tender offer period, and issuing a "Fort Howard" release affirmatively stating that the company would participate in good faith discussions with any party making a bona fide acquisition proposal.

In **In re Pamrapo Bancorp Shareholder Litigation**, Docket C-89-09 (N.J. Ch. Hudson Cty.) & HUD-L-3608- 12 (N.J. Law Div. Hudson Cty.), we defeated defendants' motion to dismiss shareholders' class action claims for money damages arising from the sale of Pamrapo Bancorp to BCB Bancorp at an allegedly unfair price through an unfair process. We then survived a motion for summary judgment, ultimately securing a settlement recovering \$1.95 million for the Class plus the Class's legal fees and expenses up to \$1 million (representing an increase in consideration of 15-23% for the members of the Class).

In **In re Integrated Silicon Solution, Inc. Stockholder Litigation**, Lead Case No. 115CV279142 (Super. Ct. Santa Clara, Cal.), we won an injunction requiring corrective disclosures concerning "don't-ask-don'twaive" standstill agreements and certain financial advisor conflicts of interests, and contributed to the integrity of a post-agreement bidding contest that led to an increase in consideration from \$19.25 to \$23 per share, a bump of almost 25 percent.

“I think you've done a superb job and I really appreciate the way this case was handled.”

*The Honorable Ronald B. Rubin in Teoh v. Ferrantino, C.A. No. 356627 (Cir. Ct. for Montgomery Cnty., MD 2012)*

## Consumer Litigation

Levi & Korsinsky works hard to protect consumers by holding corporations accountable for defective products, false and misleading advertising, unfair or deceptive business practices, antitrust violations, and privacy right violations.

Our litigation and class action expertise combined with our in-depth understanding of federal and state laws enable us to fight for consumers who have been aggrieved by deceptive and unfair business practices and who purchased defective products, including automobiles, appliances, electronic goods, and other consumer products. The Firm also represents consumers in cases involving data breaches and privacy right violations. The Firm's attorneys have received a number of leadership appointments in consumer class action cases, including multidistrict litigation ("MDL"). Recently, Law.com identified the Firm as one of the top firms with MDL leadership appointments in the article titled, "There Are New Faces Leading MDLs. And They Aren't All Men" (July 6, 2020). Representative settled and ongoing cases include:

In **NV Security, Inc. v. Fluke Networks**, Case No. CV05-4217 GW (SSx) (C.D. Cal. 2005), we negotiated a settlement on behalf of purchasers of Test Set telephones in an action alleging that the Test Sets contained a defective 3-volt battery. We benefited the consumer class by obtaining the following relief: free repair of the 3-volt battery, reimbursement for certain prior repair, an advisory concerning the 3-volt battery on the outside of packages of new Test Sets, an agreement that defendants would cease to market and/or sell certain Test Sets, and a 42-month warranty on the 3-volt battery contained in certain devices sold in the future.

**In Re: Apple Inc. Device Performance Litig.**, Case No. 5:18-md-02827-EJD (N.D. Cal.): Plaintiffs' Executive Committee Counsel in proposed nationwide class action alleging that Apple purposefully throttled iPhone; Apple has agreed to pay up to \$500 million in cash (proposed settlement pending).

**In Re: Intel Corp. CPU Marketing, Sales Practices and Products Liability Litig.**, Case No. 3:18-md-02828 (D. Or.): Co-Lead Interim Class Counsel in proposed nationwide class action alleging that Intel manufactured and sold defective central processing units that allowed unauthorized access to consumer stored confidential information.

**In Re: ZF-TRW Airbag Control Units Products Liability Litig.**, Case No. 2:19-ml-02905-JAK-FFM (C.D. Cal.): Plaintiffs' Steering Committee Counsel in proposed nationwide class action alleging that defendant auto manufacturers sold vehicles with defective airbags.

**In Re: EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litig.**, Case No. 17-md-02785 (D. Kan.): Plaintiffs' Executive Committee Counsel in action alleging that Mylan and Pfizer violated antitrust laws and committed other violations relating to the sale of EpiPens. Nationwide class and multistate classes certified.

**Sung, et al. v. Schurman Retail Group**, Case No. 17-cv-02760-LB (N.D. Cal.): Co-Lead Class Counsel in nationwide class action alleging unauthorized disclosure of employee financial information; obtained final approval of nationwide class action settlement providing credit monitoring and identity theft restoration services through 2022 and cash payments of up to \$400.

**Scott, et al. v. JPMorgan Chase Bank, N.A.**, Case No. 1:17-cv-00249 (D.D.C.): Co-Lead Class Counsel in nationwide class action settlement of claims alleging improper fees deducted from payments awarded to jurors; 100% direct refund of improper fees collected.

**In Re: Citrix Data Breach Litig.**, Case No. 19-cv-61350-RKA (S.D. Fla.): Interim Class Counsel in action alleging company failed to implement reasonable security measures to protect employee financial information; common fund settlement of \$2.25 million pending.

**Bustos v. Vonage America, Inc.**, Case No. 06 Civ. 2308 (HAA) (D.N.J.): Common fund settlement of \$1.75 million on behalf of class members who purchased Vonage Fax Service in an action alleging that Vonage made false and misleading statements in the marketing, advertising, and sale of Vonage Fax Service by failing to inform consumers that the protocol defendant used for the Vonage Fax Service was unreliable and unsuitable for facsimile communications.

**Masterson v. Canon U.S.A.**, Case No. BC340740 (Cal. Super. Ct. L.A. Cty.): Settlement providing refunds to Cannon SD camera purchasers for certain broken LCD repair charges and important changes to the product warranty.

“The quality of the representation... has been extremely high, not just in terms of the favorable outcome in terms of the substance of the settlement, but in terms of the diligence and the hard work that has gone into producing that outcome.”

*The Honorable Joseph F. Bianco, in Landes v. Sony Mobile Communications, 17-cv-02264-JFB-SIL (E.D.N.Y. Dec. 1, 2017)*

**OUR ATTORNEYS**

# Managing Partners



## EDUARD KORSINSKY

### MANAGING PARTNER

Eduard Korsinsky is the Managing Partner and Co-Founder of Levi & Korsinsky LLP, a national securities firm that has recovered billions of dollars for investors since its formation in 2003. For more than 24 years Mr. Korsinsky has represented investors and institutional shareholders in complex securities matters. He has achieved significant recoveries for stockholders, including a \$79 million recovery for investors of E-Trade Financial Corporation and a payment ladder indemnifying investors of Google, Inc. up to \$8 billion in losses on a ground-breaking corporate governance case. His firm serves as lead counsel in some of the largest securities matters involving Tesla, US Steel, Kraft Heinz and others. He has been named a New York "Super Lawyer" by Thomson Reuters and is recognized as one of the country's leading practitioners in class action and derivative matters.

Mr. Korsinsky is also a co-founder of CORE Monitoring Systems LLC, a technology platform designed to assist institutional clients more effectively monitor their investment portfolios and maximize recoveries on securities litigation.

Cases he has litigated include:

- **E-Trade Financial Corp. Sec. Litig.**, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery
- **In re Activision, Inc. S'holder Derivative Litig.**, No. 06-cv-04771-MRP (JTLX)(C.D. Cal. 2006), recovered \$24 million in excess compensation
- **Corinthian Colleges, Inc., S'holder Derivative Litig.**, SACV-06-0777-AHS (C.D. Cal. 2009), obtained repricing of executive stock options providing more than \$2 million in benefits to the company
- **Pfeiffer v. Toll**, C.A. No. 4140-VCL (Del. Ch. 2010), \$16.25 million in insider trading profits recovered
- **In re Net2Phone, Inc. S'holder Litig.**, Case No. 1467-N (Del. Ch. 2005), obtained increase in tender offer price from \$1.70 per share to \$2.05 per share
- **In re Pamrapo Bancorp S'holder Litig.**, C-89-09 (N.J. Ch. Hudson Cty. 2011) & HUD-L-3608-12 (N.J. Law Div. Hudson Cty. 2015), obtained supplemental disclosures following the filing of a motion for preliminary injunction, pursued case post-closing, defeated motion for summary judgment, and obtained an increase in consideration of between 15-23% for the members of the Class
- **In re Google Inc. Class C S'holder Litig.**, C.A. No. 19786 (Del. Ch. 2012), obtained payment ladder indemnifying investors up to \$8 billion in losses stemming from trading discounts expected to affect the new stock
- **Woodford v. M.D.C. Holdings, Inc.**, 1:2011cv00879 (D. Del. 2012), one of a few successful challenges to say on pay voting, recovered millions of dollars in reductions to compensation
- **i2 Technologies, Inc. S'holder Litig.**, C.A. No. 4003-CC (Del. Ch. 2008), \$4 million recovered, challenging fairness of certain asset sales made by the company

- **Pfeiffer v. Alpert (Beazer Homes)**, C.A. No. 10-cv-1063-PD (D. Del. 2011), obtained substantial revisions to an unlawful executive compensation structure
- **In re NCS Healthcare, Inc. Sec. Litig.**, C.A. CA 19786, (Del. Ch. 2002), case settled for approximately \$100 million
- **Paraschos v. YBM Magnex Int'l, Inc.**, No. 98-CV-6444 (E.D. Pa.), United States and Canadian cases settled for \$85 million Canadian

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## PUBLICATIONS

- "Board Diversity: The Time for Change is Now, Will Shareholders Step Up?," *National Council on Teacher Retirement. FYI Newsletter* May 2021
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," *The Texas Association of Public Employee Retirement Systems (TEXPERS) Investment Insights April-May Edition* (2021)
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," *Michigan Association of Public Employee Retirement Systems (MAPERS) Newsletter* (2021)
- "The Dangers of Relying on Custodians to Collect Class Action Settlements.," *Florida Public Pension Trustees Association (FPPTA)* (2021)
- "NY Securities Rulings Don't Constitute Cyan Backlash", *Law360* (March 8, 2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *Building Trades News Newsletter* (2020-2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *The Texas Association of Public Employee Retirement Systems (TEXPERS) Monitor* (2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *Michigan Association of Public Employee Retirement Systems (MAPERS) Newsletter* (2021)
- "Best Practices for Monitoring Your Securities Portfolio in 2021.," *Florida Public Pension Trustees Association (FPPTA)* (2021)
- Delaware Court Dismisses Compensation Case Against Goldman Sachs, *ABA Section of Securities Litigation News & Developments* (Nov. 7, 2011)
- SDNY Questions SEC Settlement Practices in Citigroup Settlement, *ABA Section of Securities Litigation News & Developments* (Nov. 7, 2011)
- New York Court Dismisses Shareholder Suit Against Goldman Sachs, *ABA Section of Securities Litigation News & Developments* (Oct. 31, 2011)

### EDUCATION

- New York University School of Law, LL.M. Master of Law(s) Taxation (1997)
- Brooklyn Law School, J.D. (1995)
- Brooklyn College, B.S., Accounting, *summa cum laude* (1992)

### ADMISSIONS

- New York (1996)
- New Jersey (1996)
- United States District Court for the Southern District of New York (1998)
- United States District Court for the Eastern District of New York (1998)
- United States Court of Appeals for the Second Circuit (2006)
- United States Court of Appeals for the Third Circuit (2010)
- United States District Court for the Northern District of New York (2011)
- United States District Court of New Jersey (2012)
- United States Court of Appeals for the Sixth Circuit (2013)

### AWARDS







## JOSEPH E. LEVI

### MANAGING PARTNER

Joseph E. Levi is a central figure in shaping and managing the Firm's securities litigation practice. Mr. Levi has been lead or co-lead in dozens of cases involving the enforcement of shareholder rights in the context of mergers & acquisitions and securities fraud. In addition to his involvement in class action litigation, he has represented numerous patent holders in enforcing their patent rights in areas including computer hardware, software, communications, and information processing, and has been instrumental in obtaining substantial awards and settlements.

Mr. Levi and the Firm achieved success on behalf of the former shareholders of Occam Networks in litigation challenging the Company's merger with Calix, Inc., obtaining a preliminary injunction against the merger due to material representations and omissions in the proxy solicitation. **Chen v. Howard-Anderson**, No. 5878-VCL (Del. Ch.). Vigorous litigation efforts continued to trial, resulting in a \$35 million recovery for shareholders.

Mr. Levi and the Firm served as lead counsel in **Weigard v. Hicks**, No. 5732-VCS (Del. Ch.), which challenged the acquisition of Health Grades by affiliates of Vestar Capital Partners. Mr. Levi successfully demonstrated to the Court of Chancery that the defendants had likely breached their fiduciary duties to Health Grades' shareholders by failing to maximize shareholder value. This ruling was used to reach a favorable settlement where defendants agreed to a host of measures designed to increase the likelihood of superior bid. Vice Chancellor Strine "applaud[ed]" the litigation team for their preparation and the extraordinary high-quality of the briefing.

“ [The court] appreciated very much the quality of the argument..., the obvious preparation that went into it, and the ability of counsel...”

*Vice Chancellor Sam Glasscock, III in Dias v. Purches, C.A. No. 7199-VCG (Del. Ch. Apr. 5, 2012)*

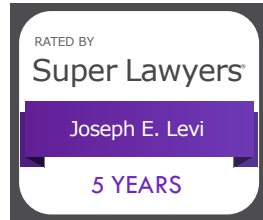
### EDUCATION

- Brooklyn Law School, J.D., *magna cum laude* (1995)
- Polytechnic University, B.S., *summa cum laude* (1984); M.S. (1986)

### ADMISSIONS

- New York (1996)
- New Jersey (1996)
- United States Patent and Trademark Office (1997)
- United States District Court for the Southern District of New York (1997)
- United States District Court for the Eastern District of New York (1997)

### AWARDS





**OUR ATTORNEYS**



Partners



## NICHOLAS I. PORRITT

### PARTNER

Nicholas Porritt prosecutes securities class actions, shareholder class actions, derivative actions, and mergers and acquisitions litigation. He has extensive experience representing plaintiffs and defendants in a wide variety of complex commercial litigation, including civil fraud, breach of contract, and professional malpractice, as well as defending SEC investigations and enforcement actions. Mr. Porritt has helped recover hundreds of millions of dollars on behalf of shareholders. He was one of the Lead Counsel in **In re Google Inc. Class C Shareholder Litigation**, C.A. No. 7469-CS (Del. Ch.), which resulted in a payment of \$522 million to shareholders and overall benefit of over \$3 billion to Google's minority shareholders. He was one of the lead counsel in **Chen v. Howard-Anderson**, No. 5878-VCL (Del. Ch.) that settled during trial resulting in a \$35 million payment to the former shareholders of Occam Networks, Inc., one of the largest quasi-appraisal recoveries for shareholders. Amongst other cases, he is currently lead counsel in **In re Tesla, Inc. Securities Litigation**, No. 3:18-cv-04865-EMC (N.D. Cal.), representing Tesla investors who were harmed by Elon Musk's "funding secured" tweet from August 7, 2018 as well as lead counsel in **Ford v. TD Ameritrade Holding Corp.**, No. 14-cv-396 (D. Neb.), representing TD Ameritrade customers harmed by its improper routing of their orders. Both cases involve over \$1 billion in estimated damages.

Some of Mr. Porritt's recent cases include:

- **In re Tesla, Inc. Sec. Litig.**, 2020 WL 1873441 (N.D. Cal.2020)
- **In Re Aphria, Inc. Securities Litigation**, 2020 WL 5819548 (S.D.N.Y. 2020)
- **Voulgaris, v. Array Biopharma Inc.**, 2020 WL 8367829 (D. Colo. 2020)
- **In Re Aphria, Inc. Securities Litigation**, No. 18 CIV. 11376 (GBD), 2020 WL 5819548 (S.D.N.Y. 2020)
- **In re Clovis Oncology, Inc. Deriv. Litig.**, 2019 WL 4850188 (Del. Ch. 2019)
- **Martin v. Altisource Residential Corp.**, 2019 WL 2762923 (D.V.I. 2019)
- **In re Navient Corp. Sec. Litig.**, 2019 WL 7288881 (D.N.J. 2019)
- **In re Bridgestone Inv. Corp.**, 789 Fed. App'x 13 (9th Cir. 2019)
- **Klein v. TD Ameritrade Holding Corp.**, 327 F.R.D. 283 (D. Neb. 2018)
- **Beezley v. Fenix Parts, Inc.**, 2018 WL 3454490 (N.D. Ill. 2018)
- **In re PTC Therapeutics Sec. Litig.**, 2017 WL 3705801 (D.N.J. 2017)
- **Zaghian v. Farrell**, 675 Fed. Appx. 718 (9th Cir. 2017)
- **Gormley v. magicJack VocalTec Ltd.**, 220 F. Supp. 3d 510 (S.D.N.Y. 2016)
- **Carlton v. Cannon**, 184 F. Supp. 3d 428 (S.D. Tex. 2016)

- **In re Violin Memory Sec. Litig.**, 2014 WL 5525946 (N.D. Cal. Oct. 31, 2014)
- **Garnitschnig v. Horovitz**, 48 F. Supp. 3d 820 (D. Md. 2014)
- **SEC v. Cuban**, 620 F.3d 551 (5th Cir. 2010)
- **Cozzarelli v. Inspire Pharmaceuticals, Inc.**, 549 F.3d 618 (4th Cir. 2008)
- **Teachers' Retirement System of Louisiana v. Hunter**, 477 F.3d 162 (4th Cir. 2007)

Mr. Porritt was selected by Lawdragon as one of the 500 leading plaintiff lawyers in financial litigation and was selected to the 2020 DC Super Lawyers list published by Thomson Reuters.

Mr. Porritt speaks frequently on current topics relating to securities laws and derivative actions, including presentations on behalf of the Council for Institutional Investors, Nasdaq, and the Practising Law Institute. He currently serves as co-chair of the American Bar Association Sub-Committee on Derivative Actions.

Before joining the Firm, Mr. Porritt practiced as a partner at Akin Gump Strauss Hauer & Feld LLP and prior to that was a partner at Wilson Sonsini Goodrich & Rosati PC. Mr. Porritt formerly practiced as a Barrister and Solicitor in Wellington, New Zealand and is a Solicitor of the Senior Courts of England & Wales.

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## PUBLICATIONS

- "Current Trends in Securities Litigation: How Companies and Counsel Should Respond," *Inside the Minds. Recent Developments in Securities Law* (Aspatore Press 2010)

## EDUCATION

- University of Chicago Law School, J.D., With Honors (1996)
- University of Chicago Law School, LL.M. (1993)
- Victoria University of Wellington, LL.B. (Hons.), With First Class Honors, Senior Scholarship (1990)

### ADMISSIONS

- New York (1997)
- District of Columbia (1998)
- United States District Court for the District of Columbia (1999)
- United States District Court for the Southern District of New York (2004)
- United States Court of Appeals for the Fourth Circuit (2004)
- United States Court of Appeals for the District of Columbia Circuit (2006)
- United States Supreme Court (2006)
- United States District Court for the District of Maryland (2007)
- United States District Court for the Eastern District of New York (2012)
- United States Court of Appeals for the Second Circuit (2014)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States Court of Appeals for the Eleventh Circuit (2017)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2019)

### AWARDS





## DONALD J. ENRIGHT

### PARTNER

During his 24 years as a litigator and trial lawyer, Mr. Enright has handled matters in the fields of securities, commodities, consumer fraud and commercial litigation, with a particular emphasis on shareholder M&A and securities fraud class action litigation. He has been named as one of the leading financial litigators in the nation by Lawdragon, as a Washington, DC "Super Lawyer" by Thomson Reuters, and as one of the city's "Top Lawyers" by Washingtonian magazine.

Mr. Enright has shown a track record of achieving victories in federal trials and appeals, including:

- **Nathenson v. Zonagen, Inc.**, 267 F. 3d 400, 413 (5th Cir. 2001)
- **SEC v. Butler**, 2005 U.S. Dist. LEXIS 7194 (W.D. Pa. April 18, 2005)
- **Belizan v. Hershon**, 434 F. 3d 579 (D.C. Cir. 2006)
- **Rensel v. Centra Tech, Inc.**, 2021 WL 2659784 (11th Cir. June 29, 2021)

Most recently, in **In re Schuff International, Inc. Stockholders Litigation**, Case No. 10323-VCZ, Mr. Enright served as Co-Lead Counsel for the plaintiff class in achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.

Similarly, as Co-Lead Counsel in **In re Bluegreen Corp. Shareholder Litigation**, Case No. 502011CA018111 (Cir. Ct. for Palm Beach Cnty., Fla.), Mr. Enright achieved a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders.

Also, in **In re CNX Gas Corp. Shareholders Litigation**, C.A. No. 53377-VCL (Del. Ch. 2010), in which Levi & Korsinsky served upon plaintiffs' Executive Committee, Mr. Enright helped obtain the recovery of a common fund of over \$42.7 million for stockholders.

Mr. Enright has also played a leadership role in numerous securities and shareholder class actions from inception to conclusion. Most recently, he has served as lead counsel in several cryptocurrency-related securities class actions. His leadership has produced multi-million-dollar recoveries in shareholder class actions involving such companies as:

- Allied Irish Banks PLC
- Iridium World Communications, Ltd.
- En Pointe Technologies, Inc.
- PriceSmart, Inc.
- Polk Audio, Inc.
- Meade Instruments Corp.
- Xicor, Inc.
- Streamlogic Corp.
- Interbank Funding Corp.
- Riggs National Corp.
- UTStarcom, Inc.
- Manugistics Group, Inc.

Mr. Enright also has a successful track record of obtaining injunctive relief in connection with shareholder M&A litigation, having won preliminary injunctions or other injunctive relief in the cases of:

- **In re Portec Rail Products, Inc. S'holder Litig.**, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- **In re Craftmade International, Inc. S'holder Litig.**, C.A. No. 6950-VCL (Del. Ch. 2011)
- **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch. 2012)
- **In re Complete Genomics, Inc. S'holder Litig.**, C.A. No. 7888-VCL (Del. Ch. 2012)
- **In re Integrated Silicon Solution, Inc. Stockholder Litig.**, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)



Mr. Enright has also demonstrated considerable success in obtaining deal price increases for shareholders in M&A litigation. As Co-Lead Counsel in the matter of **In re Great Wolf Resorts, Inc. Shareholder Litigation**, C.A. No. 7328-VCN (Del. Ch. 2012), Mr. Enright was partially responsible for a \$93 million (57%) increase in merger consideration and waiver of several “don’t-ask-don’t-waive” standstill agreements that were precluding certain potential bidders from making a topping bid for the company.

Similarly, Mr. Enright served as Co-Lead Counsel in the case of **Berger v. Life Sciences Research, Inc.**, No. SOM-C-12006-09 (NJ Sup. Ct. 2009), which caused a significant increase in the transaction price from \$7.50 to \$8.50 per share, representing additional consideration for shareholders of approximately \$11.5 million.

Mr. Enright also served as Co-Lead Counsel in **Minerva Group, LP v. Keane**, Index No. 800621/2013 (NY Sup. Ct. of Erie Cnty.) and obtained a settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share.

The courts have consistently recognized and praised the quality of Mr. Enright’s work. In **In re Interbank Funding Corp. Securities Litigation** (D.D.C. 02-1490), Judge Bates of the United States District Court for the District of Columbia observed that Mr. Enright had “...skillfully, efficiently, and zealously represented the class, and... worked relentlessly throughout the course of the case.”

Similarly, in **Freeland v. Iridium World Communications, LTD**, (D.D.C. 99-1002), Judge Nanette Laughrey stated that Mr. Enright had done “an outstanding job” in connection with the recovery of \$43.1 million for the shareholder class.

And, in the matter of **Osieczanek v. Thomas Properties Group**, C.A. No. 9029-VCG (Del. Ch. 2013), Vice Chancellor Sam Glasscock of the Chancery Court of Delaware observed that “it’s always a pleasure to have counsel [like Mr. Enright] who are articulate and exuberant in presenting their position,” and that Mr. Enright’s prosecution of a merger case was “wholesome” and served as “a model of . . . plaintiffs’ litigation in the merger arena.”

### PUBLICATIONS

- "SEC Enforcement Actions and Investigations in Private and Public Offerings," Securities: Public and Private Offerings, Second Edition, West Publishing 2007
- "Dura Pharmaceuticals: Loss Causation Redefined or Merely Clarified?" J. Tax'n & Reg. Fin. Inst. September/October 2007, Page 5

### EDUCATION

- George Washington University School of Law, J.D. (1996), where he was a Member Editor of The George Washington University Journal of International Law and Economics from 1994 to 1996
- Drew University, B.A., Political Science and Economics, *cum laude* (1993)

### ADMISSIONS

- Maryland (1996)
- New Jersey (1996)
- United States District Court for the District of Maryland (1997)
- United States District Court for the District of New Jersey (1997)
- District of Columbia (1999)
- United States Court of Appeals for the Fourth Circuit (1999)
- United States Court of Appeals for the Fifth Circuit (1999)
- United States District Court for the District of Columbia (1999)
- United States Court of Appeals for the District of Columbia (2004)
- United States Court of Appeals for the Second Circuit (2005)
- United States Court of Appeals for the Third Circuit (2006)
- United States District Court for the District of Colorado (2017)

### AWARDS





## SHANNON L. HOPKINS

### PARTNER

Shannon L. Hopkins manages the Firm's Connecticut office. She was selected in 2013 as a New York "Super Lawyer" by Thomson Reuters. For more than a decade Ms. Hopkins has been prosecuting a wide range of complex class action matters in securities fraud, mergers and acquisitions, and consumer fraud litigation on behalf of individuals and large institutional clients. Ms. Hopkins has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multimillion-dollar settlements on behalf of shareholders, including:

- **In re Force Protection, Inc. S'holder Litig.**, C.A. No. A-11-651336-B (D. Nev. 2015), \$11 million shareholder recovery
- **Craig Telke v. New Frontier Media, Inc.**, C.A. No. 1:12-cv-02941-JLK (D. Co. 2015), \$2.25 million shareholder recovery
- **Shona Investments v. Callisto Pharmaceuticals, Inc.**, C.A. No. 652783/2012 (NY Sup. Ct. 2015), shareholder recovery of \$2.5 million and increase in exchange ratio from 0.1700 to 0.1799
- **E-Trade Financial Corp. S'holder Litig.**, No. 07-cv-8538 (S.D.N.Y. 2007), \$79 million recovery for the shareholder class
- **In re Cogent, Inc. S'holder Litig.**, C.A. No. 5780-VCP (Del. Ch. 2010), \$1.9 million shareholder recovery and corrective disclosures relating to the Merger
- **In re CMS Energy Sec. Litig.**, Civil No. 02 CV 72004 (GCS) (E.D. Mich. Sept. 6, 2007), \$200 million recovery
- **In re Sears, Roebuck and Co. Sec. Litig.**, No. 02-cv-07527 (N.D. Ill. Jan. 8, 2007), \$200 million recovery
- **In re El Paso Electric Co. Sec. Litig.**, C.A. No. 3:03-cv-00004-DB (W.D. Tex. Sept. 15, 2005), \$10 million recovery
- **In re Novastar Fin. Sec. Litig.**, 4:04-cv-00330-ODS (W.D. Mo. Apr. 14, 2009), \$7.25 million recovery

The quality of Ms. Hopkin's work has been noted by courts. In **In re Health Grades, Inc. Shareholder Litigation**, C.A. No. 5716-VCS (Del. Ch. 2010), where Ms. Hopkins was significantly involved with the briefing of the preliminary injunction motion, then Vice Chancellor Strine "applaud[ed]" Co-Lead Counsel for their preparation and the extraordinary high-quality of the briefing.

In addition to her legal practice, Ms. Hopkins is a Certified Public Accountant (1998 Massachusetts). Prior to becoming an attorney, Ms. Hopkins was a senior auditor with PricewaterhouseCoopers LLP, where she led audit engagements for large publicly held companies in a variety of industries.

### PUBLICATIONS

- “Cybercrime Convention: A Positive Beginning to a Long Road Ahead,” 2 J. High Tech. L. 101 (2003)

### EDUCATION

- Suffolk University Law School, J.D., *magna cum laude* (2003), where she served on the Journal for High Technology and as Vice Magister of the Phi Delta Phi International Honors Fraternity
- Bryant University, B.S.B.A., Accounting and Finance, *cum laude* (1995), where she was elected to the Beta Gamma Sigma Honor Society

### ADMISSIONS

- Massachusetts (2003)
- United States District Court for the District of Massachusetts (2004)
- New York (2004)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the District of Colorado (2004)
- United States Court of Appeals for the First Circuit (2008)
- United States Court of Appeals for the Third Circuit (2010)
- Connecticut (2013)

### AWARDS



“ In appointing the Firm Lead Counsel, the Honorable Gary Allen Feess noted our “significant prior experience in securities litigation and complex class actions.”

*Zaghian v. THQ, Inc., 2:12-cv-05227-GAF-JEM (C.D. Cal. Sept. 14, 2012)*



## GREGORY M. NESPOLE

### PARTNER

Gregory Mark Nespole is a Partner of the Firm, having been previously a member of the management committee of one of the oldest firms in New York, as well as chair of that firm's investor protection practice. He specializes in complex class actions, derivative actions, and transactional litigation representing institutional investors such as public and labor pension funds, labor health and welfare benefit funds, and private institutions. Prior to practicing law, Mr. Nespole was a strategist on an arbitrage desk and an associate in a major international investment bank where he worked on structuring private placements and conducting transactional due diligence.

For over twenty years, Mr. Nespole has played a lead role in numerous shareholder securities fraud and merger and acquisition matters and has been involved in recovering multi-million-dollar settlements on behalf of shareholders, including:

- Served as co-chair of a Madoff Related Litigation Task Force that recovered over several hundred million dollars for wronged investors;
- Obtained a \$90 million award on behalf of a publicly listed company against a global bank arising out of fraudulently marketed auction rated securities;
- Successfully obtained multi-million-dollar securities litigation recoveries and/or corporate governance reforms from Cablevision, JP Morgan, American Pharmaceutical Partners, Sepracor, and MBIA, among many others.

Mr. Nespole's peers have elected him a "Super Lawyer" in the class action field annually since 2009. He is active in his community as a youth sports coach.

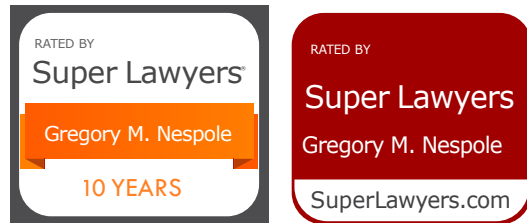
### EDUCATION

- Brooklyn Law School, J.D. (1993)
- Bates College, B.A. (1989)

### ADMISSIONS

- New York (1994)
- United States District Court for the Southern District of New York (1994)
- United States District Court for the Eastern District of New York (1994)
- United States Court of Appeals for the Second Circuit (1994)
- United States Court of Appeals for the Fourth Circuit (1994)
- United States Court of Appeals for the Fifth Circuit (1994)
- United States District Court for the Northern District of New York (2018)
- United States Court of Appeals for the Eighth Circuit (2019)
- United States Court of Appeals for the Third Circuit (2020)

### AWARDS





## DANIEL TEPPER

### PARTNER

Daniel Tepper is a Partner of the Firm with extensive experience in shareholder derivative suits, class actions and complex commercial litigation. Before he joined Levi & Korsinsky, Mr. Tepper was a partner in one of the oldest law firms in New York. He is an active member of the CPLR Committee of the New York State Bar Association and was an early member of its Electronic Discovery Committee. Mr. Tepper has been selected as a New York “Super Lawyer” in 2016 – 2020.

Some of the notable matters where Mr. Tepper had a leading role include:

- **Siegmund v. Bian**, Case No. 16-62506 (S.D. Fla.), achieving an estimated recovery of \$29.93 per share on behalf of a class of public shareholders of Linkwell Corp. who were forced to sell their stock at \$0.88 per share.
- **In re Platinum-Beechwood Litigation**, Case No. 18-06658 (S.D.N.Y.), achieved dismissal on behalf of an individual investor in Platinum Partners-affiliated investment fund.
- **Lakatamia Shipping Co. Ltd. v. Nobu Su**, Index No. 654860/2016 (Sup. Ct., N.Y. Co. 2016), achieved dismissal on suit attempting to domesticate a \$40 million UK judgment in New York State.
- **Zelouf Int’l Corp. v. Zelouf**, 45 Misc.3d 1205(A) (Sup.Ct. N.Y. Co., 2014), representing the plaintiff in an appraisal proceeding triggered by freeze-out merger of closely-held corporation. Achieved a \$10 million verdict after eleven day trial, with the Court rejecting a discount for lack of marketability.
- **Sacher v. Beacon Assocs. Mgmt. Corp.**, 114 A.D.3d 655 (2d Dep’t 2014), affirming denial of defendants’ motion to dismiss shareholder derivative suit by Madoff feeder fund against fund’s auditor for accounting malpractice.
- **In re Belzberg**, 95 A.D.3d 713 (1st Dep’t 2012), compelling a non-signatory to arbitrate brokerage agreement dispute arising under doctrine of direct benefits estoppel.
- **Estate of DeLeo**, Case No. 353758/A (Surrog. Ct., Nassau Co. 2011), achieving a full plaintiff’s verdict after a seven day trial which restored a multi-million dollar family business to its rightful owner.
- **CMIA Partners Equity Ltd. v. O’Neill**, 2010 NY Slip Op 52068(U) (Sup. Ct. N.Y. Co., 2010). Representing the independent directors of a Cayman Islands investment fund, won a dismissal on the pleadings in the first New York state case examining shareholder derivative suits under Cayman Islands law.
- **Hecht v. Andover Assocs. Mgmt. Corp.**, 27 Misc 3d 1202(A) (Sup. Ct. Nassau Co., 2010), aff’d, 114 A.D.3d 638 (2d Dep’t 2014). Participated in a \$213 million global settlement in the first Madoffrelated feeder fund in the country to defeat a motion to dismiss.

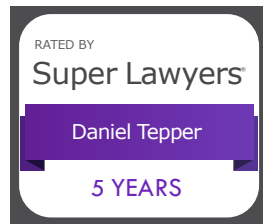
### EDUCATION

- New York University School of Law, J.D. (2000)
- The University of Texas at Austin, B.A. with Honors (1997), National Merit Scholar

### ADMISSIONS

- Massachusetts (retired)
- New York (2002)
- United States District Court for the Eastern District of New York (2004)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Western District of New York (2019)

### AWARDS







## ELIZABETH K. TRIPODI

### PARTNER

Elizabeth K. Tripodi focuses her practice on shareholder M&A litigation, representing shareholders of public companies impacted by mergers, acquisitions, tender offers, and other change-in-control transactions. Ms. Tripodi has been named as a Washington, DC “Super Lawyer” and was selected as a “Rising Star” by Thomson Reuters for several consecutive years.

Ms. Tripodi has played a lead role in obtaining monetary recoveries for shareholders in M&A litigation:

- **In re Schuff International, Inc. Stockholders Litigation**, Case No. 10323-VCZ, achieving the largest recovery as a percentage of the underlying transaction consideration in Delaware Chancery Court merger class action history, obtaining an aggregate recovery of more than \$22 million -- a gross increase from \$31.50 to \$67.45 in total consideration per share (a 114% increase) for tendering stockholders.
- **In re Bluegreen Corp. S’holder Litig.**, Case No. 502011CA018111 (Circuit Ct. for Palm Beach Cty., FL), creation of a \$36.5 million common fund settlement in the wake of a majority shareholder buyout, representing a 25% increase in total consideration to the minority stockholders
- **In re Cybex International S’holder Litig**, Index No. 653794/2012 (N.Y. Sup. Ct. 2014), recovery of \$1.8 million common fund, which represented an 8% increase in stockholder consideration in connection with management-led cash-out merger
- **In re Great Wolf Resorts, Inc. S’holder Litig**, C.A. No. 7328-VCN (Del. Ch. 2012), where there was a \$93 million (57%) increase in merger consideration
- **Minerva Group, LP v. Keane**, Index No. 800621/2013 (N.Y. Sup. Ct. 2013), settlement in which Defendants increased the price of an insider buyout from \$8.40 to \$9.25 per share

Ms. Tripodi has played a key role in obtaining injunctive relief while representing shareholders in connection with M&A litigation, including obtaining preliminary injunctions or other injunctive relief in the following actions:

- **In re Portec Rail Products, Inc. S’holder Litig**, G.D. 10-3547 (Ct. Com. Pleas Pa. 2010)
- **In re Craftmade International, Inc. S’holder Litig**, C.A. No. 6950-VCL (Del. Ch. 2011)
- **Dias v. Purches**, C.A. No. 7199-VCG (Del. Ch. 2012)
- **In re Complete Genomics, Inc. S’holder Litig**, C.A. No. 7888-VCL (Del. Ch. 2012)
- **In re Integrated Silicon Solution, Inc. Stockholder Litig.**, Lead Case No. 115CV279142 (Sup. Ct. Santa Clara, CA 2015)

Prior to joining Levi & Korsinsky, Ms. Tripodi was a member of the litigation team that served as Lead Counsel in, and was responsible for, the successful prosecution of numerous class actions, including: Rudolph v. UTStarcom (stock option backdating litigation obtaining a \$9.5 million settlement); Grecian v. Meade Instruments (stock option backdating litigation obtaining a \$3.5 million settlement).

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### EDUCATION

- American University Washington College of Law, *cum laude* (2006), where she served as Editor in Chief of the Business Law Brief, was a member of the National Environmental Moot Court team, and interned for Environmental Enforcement Section at the Department of Justice
- Davidson College, B.A., Art History (2000)

### ADMISSIONS

- Virginia (2006)
- District of Columbia (2008)
- United States District Court for the Eastern District of Virginia (2006)
- United States District Court for the District of Columbia (2010)

### AWARDS





## ADAM M. APTON

### PARTNER

Adam M. Apton focuses his practice on investor protection. He represents institutional investors and high net worth individuals in securities fraud, corporate governance, and shareholder rights litigation. Prior to joining the firm, Mr. Apton defended corporate clients against complex mass tort, commercial, and products liability lawsuits. Thomson Reuters has selected Mr. Apton to the Super Lawyers Washington, DC “Rising Stars” list every year since 2016, a distinction given to only the top 2.5% of lawyers.

Mr. Apton’s past representations and successes include:

- **In re Tesla, Inc. Securities Litigation**, No. 3:18-cv-04865-EMC (N.D. Cal.) (lead counsel in class action representing Tesla investors who were harmed by Elon Musk’s “funding secured” tweet from August 7, 2018)
- **In re Navient Corp. Securities Litigation**, 17-8373 (RBK/AMD) (D.N.J.) (lead counsel in class action against leading provider of student loans for alleged false and misleading statements about compliance with consumer protection laws)
- **In re Prothena Corporation Plc Securities Litigation**, 1:18-cv-06425-ALC (S.D.N.Y.) (\$15.75 million settlement fund against international drug company for false statements about development of lead biopharmaceutical product)
- **Martin v. Altisource Residential Corporation**, et al., 15-00024 (AET) (GWC) (D.V.I.) (\$15.5 million settlement fund against residential mortgage company for false statements about compliance with consumer regulations and corporate governance protocols)
- **Levin v. Resource Capital Corp., et al.**, 1:15-cv-07081-LLS (S.D.N.Y.) (\$9.5 million settlement in class action over fraudulent statements about toxic mezzanine loan assets)
- **Rux v. Meyer (Sirius XM Holdings Inc.)**, No. 11577 (Del. Ch.) (recovery of \$8.25 million against SiriusXM’s Board of Directors for engaging in harmful related-party transactions with controlling stockholder, John. C. Malone and Liberty Media Corp.)

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### PUBLICATIONS

- “Pleading Section 11 Liability for Secondary Offerings” American Bar Association: *Practice Points* (Jan. 4, 2017)
- “Second Circuit Rules in *Indiana Public Retirement System v. SAIC, Inc.*” American Bar Association: *Practice Points* (Apr. 4, 2016)
- “Second Circuit Applies *Omnicare* to Statements of Opinion in *Sanofi*” American Bar Association: *Practice Points* (Mar. 30, 2016)
- “Second Circuit Rules in *Action AG v. China North*” American Bar Association: *Practice Points* (Sept. 14, 2015)

### EDUCATION

- New York Law School, J.D., *cum laude* (2009), where he served as Articles Editor of the New York Law School Law Review and interned for the New York State Supreme Court, Commercial Division
- University of Minnesota, B.A., Entrepreneurial Management & Psychology, With Distinction (2006)

### ADMISSIONS

- New York (2010)
- United States District Court for the Southern District of New York (2010)
- United States District Court for the Eastern District of New York (2010)
- District of Columbia (2013)
- United States Court of Appeals for the Ninth Circuit (2015)
- United States Court of Appeals for the Second Circuit (2016)
- United States Court of Appeals for the Third Circuit (2016)
- California (2017)
- United States District Court for the Northern District of California (2017)
- United States District Court for the Central District of California (2017)
- United States District Court for the Southern District of California (2017)
- New Jersey (2020)
- United States District Court for the District of New Jersey (2020)

### AWARDS





## MARK S. REICH

### PARTNER

Mark Samuel Reich is a Partner of the Firm. Mark's practice focuses on consumer class actions, including cases involving privacy and data breach issues, deceptive and unfair trade practices, advertising injury, product defect, and antitrust violations. Mark, who has experience and success outside the consumer arena, also supports the Firm's securities and derivative practices.

Mark is attentive to clients' interests and fosters their activism on behalf of class members. Clients he has worked with consistently and enthusiastically endorse Mark's work:



Mark attentively guided me through each stage of the litigation, prepared me for my deposition, and ensured that I and other wronged consumers were compensated and that purchasers in the future could not be duped by the appliance manufacturer's misleading marketing tactics."

- Katherine Danielkiewicz, Michigan



After my experience working with Mark and his colleague, any hesitancy I may have had in the past about leading or participating in a class action has gone away. Mark expertly countered every roadblock that the corporate defendant tried using to dismiss our case and we ultimately reached a resolution that exceeded my expectations"

- Barry Garfinkle, Pennsylvania

Before joining Levi Korsinsky, Mark practiced at the largest class action firm in the country for more than 15 years, including 8 years as a Partner. Prior to becoming a consumer and shareholder advocate, Mark practiced commercial litigation with an international law firm based in New York, where he defended litigations on behalf of a variety of corporate clients.

Mark has represented investors in securities litigation, devoted to protecting the rights of institutional and individual investors who were harmed by corporate misconduct. His case work involved **State Street Yield Plus Fund Litig.** (\$6.25 million recovery); **In re Doral Fin. Corp. Sec. Litig., SDNY** (\$129 million recovery); **Lockheed Martin Corp. Sec. Litig.** (\$19.5 million recovery); **Tile Shop Holdings, Inc.** (\$9.5 million settlement); **Curran v. Freshpet Inc.** (\$10.1 million settlement); **In re Jakks Pacific, Inc.** (\$3,925,000 settlement); **Fidelity Ultra Short Bond Fund Litig.** (\$7.5 million recovery); and **Cha v. Kinross Gold Corp.** (\$33 million settlement).



Never having been involved in a class action, I was uninformed and apprehensive. Mark and his colleagues not only explained the complexities, but maintained extensive ongoing, communications, involved us fully in all phases of the process; provided appropriate professional counsel and guidance to each participant, and achieved results that satisfied the original goals of the litigation”

- Fred Sharp, New York



It was a pleasure being represented by Mark. Above all he was patient throughout the tedious process of litigation. He is a good listener and a good communicator, which enhanced my participation and understanding of the process. He also provided excellent follow up throughout, making the process feel more like a team effort.”

- Louise Miljenovic, New Jersey

At his prior firm, Mark achieved notable success challenging unfair mergers and acquisitions in courts throughout the country. Among the M&A litigation that Mark handled or participated in, his notable cases include: **In re Aramark Corp. S’holders Litig.**, where he attained a \$222 million increase in consideration paid to shareholders of Aramark and a substantial reduction to management’s voting power – from 37% to 3.5% – in connection with the approval of the going-private transaction; **In re Delphi Fin. Grp. S’holders Litig.**, resulting in a \$49 million post-merger settlement for Class A Delphi shareholders; **In re TD Banknorth S’holders Litig.**, where Mark played a significant role in raising the inadequacy of the \$3 million initial settlement, which the court rejected as wholly inadequate, and later resulted in a vastly increased \$50 million recovery. Mark has also been part of ERISA litigation teams that led to meaningful results, including **In re Gen. Elec. Co. ERISA Litig.**, which resulting in structural changes to company’s 401(k) plan valued at over \$100 million, benefiting current and future plan participants.



We contacted Mark about our concerns about our oven’s failure to perform as advertised. He worked with us to formulate a strategy that ultimately led to a settlement that achieved our and others’ goals and specific needs.”

- Candace Oliarny, Idaho



My wife and I never having been involved with a law firm or Class Action had no idea what to expect. Within the first few phone meetings with Mark, we became assured as Mark explained in detail how the process worked, Mark is a great communicator. Mr. Reich is a true professional, his integrity through the years he worked with us was impeccable. Working with Mark was a truly positive experience, and have no reservations if we ever had to call on his services again.”

- Richard Thome, California

Before joining the Firm, Mark graduated with a Bachelor of Arts degree from Queens College in New York. He earned his Juris Doctor degree from Brooklyn Law School, where he served on the Moot Court Honor Society and The Journal of Law and Policy.

Mark regularly practices in federal and state courts throughout the country and is a member of the bar in New York. He has been recognized for his legal work by being named a New York Metro Super Lawyer by Super Lawyers Magazine every year since 2013. Mark is active in his local community and has been distinguished for his neighborhood support with a Certificate of Recognition by the Town of Hempstead.

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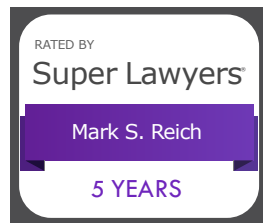
### EDUCATION

- Brooklyn Law School, J.D. (2000)
- Queens College, B.A., Psychology and Journalism (1997)

### ADMISSIONS

- New York (2001)
- United States District Court for the Southern District of New York (2001)
- United States District Court for the Eastern District of New York (2001)
- United States District Court for the Northern District of New York (2005)
- United States District Court for the Eastern District of Michigan (2017)

### AWARDS



**OUR ATTORNEYS**

# Counsel





## ANDREW E. LENCYK

### COUNSEL

Andrew E. Lencyk is Counsel to the Firm. Prior to joining the Firm, Mr. Lencyk was a partner in an established boutique firm in New York specializing in securities litigation. He was graduated magna cum laude from Fordham College, New York, with a B.A. in Economics and History, where he was a member of the College's Honors Program, and was elected to Phi Beta Kappa. Mr. Lencyk received his J.D. from Fordham University School of Law, where he was a member of the Fordham Urban Law Journal. He was named to the 2013, 2014, 2015, 2016, 2017, 2018 and 2019 Super Lawyers ®, New York Metro Edition.

Mr. Lencyk has co-authored the following articles for the Practising Law Institute's Accountants' Liability Handbooks:

- Liability in Forecast and Projection Engagements: Impact of Luce v. Edelstein
- An Accountant's Duty to Disclose Internal Control Weaknesses
- Whistle-blowing: An Accountants' Duty to Disclose A Client's Illegal Acts
- Pleading Motions under the Private Securities Litigation Reform Act of 1995
- Discovery Issues in Cases Involving Auditors (co-authored and appeared in the 2002 PLI Handbook on Accountants' Liability After Enron.)

In addition, he co-authored the following article for the Association of the Bar of the City of New York, Corporate & Securities Law Updates:

- Safe Harbor Provisions for Forward-Looking Statements (co-authored and published by the Association of the Bar of the City of New York, Corporate & Securities Law Updates, Vol. II, May 12, 2000)

Cases in which Mr. Lencyk actively represented plaintiffs include:

- **Kirkland et al. v. WideOpenWest, Inc.**, Index No. 653248/2018 (Sup. Ct, NY County) (substantially denying defendants' motion to dismiss Section 11 and 12(a)(2) claims)
- **In re Community Psychiatric Centers Securities Litigation**, SA CV-91-533-AHS (Eex) (C.D. Cal.) and McGann v. Ernst & Young, SA CV-93-0814-AHS (Eex) (C.D. Cal.)(recovery of \$54.5 million against company and its outside auditors)
- **In re Danskin Securities Litigation**, Master File No. 92 CIV. 8753 (JSM) (S.D.N.Y.);
- **In re JWP Securities Litigation**, Master File No. 92 Civ. 5815 (WCC) (S.D.N.Y.) (class recovery of approximately \$36 million)

- **In re Porta Systems Securities Litigation**, Master File No. 93 Civ. 1453 (TCP) (E.D.N.Y.);
  - **In re Leslie Fay Cos. Securities Litigation**, No. 92 Civ. 8036 (S.D.N.Y.)((\$35 million recovery)
  - **Berke v. Presstek, Inc.**, Civ. No. 96-347-M (MDL Docket No. 1140) (D.N.H.) (\$22 million recovery)
  - **In re Micro Focus Securities Litigation**, No. C-01-01352-SBA-WDB (N.D. Cal.)
  - **Dusek v. Mattel, Inc., et al.**, CV99-10864 MRP (C.D. Cal.) (\$122 million global settlement)
  - **In re Sonus Networks, Inc. Securities Litigation-II**, No. 06-CV-10040 (MLW) (D. Mass.)
  - **In re AIG ERISA Litigation**, No. 04 Civ. 9387 (JES) (S.D.N.Y.) (\$24.2 million recovery)
  - **In re Mutual Funds Investment Litigation**, MDL No. 1586 (D. Md.)
  - **In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner**, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md.)
  - **In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter**, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md.)
  - **In re AIG ERISA Litigation II**, No. 08 Civ. 5722 (LTS) (S.D.N.Y.) (\$40 million recovery); and
  - **Flynn v. Sientra, Inc.**, CV-15-07548 SJO (RAOx) (C.D. Cal.) (\$10.9 million recovery) (co-lead counsel)
- Court decisions in which Mr. Lencyk played an active role on behalf of plaintiffs include:
- **Pub. Empls' Ret. Sys. of Miss. v. TreeHouse Foods**, 2018 U.S. Dist. LEXIS 22717 (N.D. Ill. Feb. 12, 2018) (denying defendants' motion to dismiss in its entirety)
  - **Flynn v. Sientra, Inc.**, 2016 U.S. Dist. LEXIS 83409 (C.D. Cal. June 9, 2016) (denying in substantial part defendants' motions to dismiss Section 10(b), Section 11 and 12(b)(2) claims), motion for reconsideration denied, slip op. (C.D. Cal. Aug 12, 2016)
  - **In re Principal U.S. Property Account ERISA Litigation**, 274 F.R.D. 649 (S.D. Iowa 2011) (denying defendants' motion to dismiss)
  - **In re AIG ERISA Litigation II**, No. 08 Civ. 5722(LTS), 2011 U.S. Dist. LEXIS 35717 (S.D.N.Y. May 31, 2011) (denying in substantial part defendants' motions to dismiss), renewed motion to dismiss denied, slip op. (S.D.N.Y. June 26, 2014)
  - **In re Mutual Funds Investment Litigation**, 384 F. Supp. 2d 845 (D. Md. 2005) (denying in substantial part defendants' motions to dismiss), *In re Alger, Columbia, Janus, MFS, One Group, Putnam, Allianz Dresdner*, MDL No. 15863-JFM - Allianz Dresdner subtrack (D. Md. Nov. 3, 2005) (denying in substantial part defendants' motions to dismiss), and *In re Alliance, Franklin/Templeton, Bank of America/Nations Funds and Pilgrim Baxter*, MDL No. 15862-AMD – Franklin/Templeton subtrack (D. Md. June 27, 2008) (same)
  - **In re AIG ERISA Litigation**, No. 04 Civ. 9387 (JES) (S.D.N.Y. Dec. 12, 2006) (denying defendants' motions to dismiss in their entirety)

- **Dusek v. Mattel, Inc., et al.**, CV99-10864 MRP (C.D. Cal. Dec. 17, 2001) (denying defendants' motions to dismiss Section 14(a) complaint in their entirety)
- **In re Micro Focus Sec. Litig.**, Case No. C-00-20055 SW (N.D. Cal. Dec. 20, 2000) (denying motion to dismiss Section 11 complaint);
- **Zuckerman v. FoxMeyer Health Corp.**, 4 F. Supp.2d 618 (N.D. Tex. 1998) (denying defendants' motion to dismiss in its entirety in one of the first cases decided in the Fifth Circuit under the Private Securities Litigation Reform Act of 1995)
- **In re U.S. Liquids Securities Litigation**, Master File No. H-99-2785 (S.D. Tex. Jan. 23, 2001) (denying motion to dismiss Section 11 claims)
- **Sands Point Partners, L.P., et al. v. Pediatrix Medical Group, Inc., et al.**, Case No. 99-6181-CIV-Zloch (S.D. Fla. June 6, 2000) (denying defendants' motion to dismiss in its entirety)
- **Berke v. Presstek, Inc.**, Civ. No. 96-347-M (MDL Docket No. 1140) (D.N.H. Mar. 30, 1999) (denying defendants' motion to dismiss)
- **Chalverus v. Pegasystems, Inc.**, 59 F. Supp. 2d 226 (D. Mass. 1999) (denying defendants' motion to dismiss);
- **Danis v. USN Communications, Inc.**, 73 F. Supp. 2d 923 (N.D. Ill. 1999) (denying defendants' motion to dismiss)

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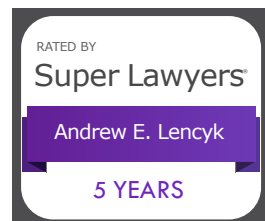
## EDUCATION

- Fordham University School of Law, J.D. (1992)
- Fordham College, B.A. *magna cum laude*, 1988)

## ADMISSIONS

- New York (1993)
- Connecticut (1992)
- United States District Court for the Southern District of New York (2004)
- United States District Court for the Eastern District of New York (2004)
- United States Court of Appeals for the Second Circuit (2015)

## AWARDS





## KRISTINA MENTONE

### COUNSEL

Kristina Mentone is Counsel at the Firm. She is a seasoned litigator with more than 15 years of experience in complex securities litigation. Ms. Mentone previously represented investors in residential mortgage backed securities, helping to recover several billions of dollars of damages for her clients. She has represented both plaintiffs and defendants in complex class actions and has represented major financial institutions in high-stakes regulatory investigations.

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#### EDUCATION

- Fordham University School of Law, J.D., *cum laude*, Order of the Coif (2003)
- New York University, B.A., *cum laude* (1999)

#### ADMISSIONS

- New York (2004)
- United States District Court for the Southern District of New York (2005)
- United States District Court for the Eastern District of New York (2009)

**OUR ATTORNEYS**

Associates



## STEPHANIE A. BARTONE

### ASSOCIATE

Stephanie A. Bartone practices in all areas of the firm, with a focus on securities fraud litigation. Prior to joining the firm, Ms. Bartone worked for the Connecticut Judicial System where she assisted state court judges in civil and family matters. Ms. Bartone also previously worked for a firm specializing in civil litigation and criminal defense at the state and federal level. While attending The University of Connecticut School of Law, Ms. Bartone was the Symposium Editor of the Connecticut Law Review.

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### EDUCATION

- The University of Connecticut School of Law, J.D. (2012)
- The University of New Hampshire, B.A., Psychology and Justice Studies, *summa cum laude* (2008)

### ADMISSIONS

- Connecticut (2012)
- Massachusetts (2012)
- United States District Court for the District of Colorado (2013)
- United States District Court for the District of Connecticut (2015)
- United States District Court for the District of Massachusetts (2016)
- United States Court of Appeals for the Third Circuit (2020)



## JORDAN A. CAFRITZ

**ASSOCIATE**

Jordan Cafritz is an Associate with the Firm's Washington, D.C. office. While attending law school at American University he was an active member of the American University Business Law Review and worked as a Rule 16 attorney in the Criminal Justice Defense Clinic. After graduating from law school, Mr. Cafritz clerked for the Honorable Paul W. Grimm in the U.S. District Court for the District of Maryland.

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### **EDUCATION**

- American University Washington College of Law, J.D. (2014)
- University of Wisconsin-Madison, B.A., Economics & History (2010)

### **ADMISSIONS**

- Maryland (2014)
- District of Columbia (2018)



## DAVID C. JAYNES

### ASSOCIATE

David C. Jaynes focuses his practice on investor protection and securities fraud litigation. In addition to his law degree, Mr. Jaynes has graduate degrees in business administration and finance. Prior to joining the firm, David worked in the Enforcement Division of the U.S Securities and Exchange Commission in the Salt Lake Regional Office as part of the Student Honors Program. Mr. Jaynes began his career as a prosecutor and has significant trial experience.

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### EDUCATION

- University of Utah, M.S., Finance (2020)
- University of Utah, M.B.A (2020)
- The George Washington University Law School, J.D. (2015)
- Brigham Young University, B.A., Middle East Studies and Arabic (2009)

### ADMISSIONS

- Maryland (2015)
- Utah (2016)
- United States District Court for the District of Utah (2016)





## CORREY A. KAMIN

### ASSOCIATE

Correy A. Kamin is an experienced litigator with a focus on shareholder derivative suits, class actions, and complex commercial litigation. Ms. Kamin began her career with the Investor Protection Bureau of the Office of the New York State Attorney General and spent four years prosecuting shareholder derivative actions and securities fraud litigation at one of the oldest firms in the country. Prior to joining Levi & Korsinsky, Ms. Kamin represented both individuals and corporations in complex business disputes at a New York litigation boutique. Ms. Kamin's unflappable disposition and composure reflect a pragmatic approach to both litigation and negotiation. She thrives under pressure and serves as an aggressive advocate for her clients in the most high-stakes situations. Ms. Kamin has been recognized as a Super Lawyers Rising Star every year since 2017.

### EDUCATION

- The Ohio State University Moritz College of Law, J.D. (2011)
- Georgetown University, B.S.B.A. (2008)

### ADMISSIONS

- New Jersey (2011)
- New York (2012)
- United States District Court for the Southern District of New York (2015)
- United States District Court for the Eastern District of New York (2015)
- United States District Court for the District of New Jersey (2016)

### PUBLICATIONS

- "Unsafe Sexting: The Dangerous New Trend and the Need for Comprehensive Legal Reform," 9 Ohio St. J. Crim. L. 405 (2011)

### AWARDS





## MICHAEL KEATING

### ASSOCIATE

Michael Keating is an Associate with the Firm's Stamford office focusing on federal securities litigation. Mr. Keating previously interned with the Division of Enforcement for the Securities and Exchange Commission while attending law school.

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### EDUCATION

- University of Connecticut School of Law, J.D. (2019)
- University of Connecticut, B.A Psychology (2014)

### ADMISSIONS

- Connecticut (2019)



## ALEXANDER KROT

### ASSOCIATE

#### EDUCATION

- American University, Kogod School of Business, M.B.A. (2012)
- Georgetown University Law Center, LL.M., Securities and Financial Regulation, With Distinction (2011)
- American University Washington College of Law, J.D. (2010)
- The George Washington University, B.B.A., Finance and International Business (2003)

#### ADMISSIONS

- Maryland (2011)
- District of Columbia (2014)
- United States District Court for the District of Colorado (2015)
- United States Court of Appeals for the Tenth Circuit (2016)
- United States District Court for the Eastern District of Wisconsin (2017)
- United States Court of Appeals for the Third Circuit (2018)



Then Vice Chancellor Leo E. Strine, Jr. praised the Firms’  
“exceedingly measured and logical” argument

*Forgo v. Health Grades, Inc., C.A. No. 5716-VCS (Del. Ch. Sept. 3, 2010)*



## COURTNEY E. MACCARONE

### ASSOCIATE

Courtney E. MacCarone focuses her practice on prosecuting consumer class actions. Prior to joining Levi & Korsinsky, Ms. MacCarone was an associate at a boutique firm in New York specializing in class action litigation. While attending Brooklyn Law School, Ms. MacCarone served as the Executive Symposium Editor of the Brooklyn Journal of International Law and was a member of the Moot Court Honor Society. Her note, "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights" was published in the Spring 2011 edition of the Brooklyn Journal of International Law.

Ms. MacCarone also gained experience in law school as an intern to the Honorable Martin Glenn of the Southern District of New York Bankruptcy Court and as a law clerk at a New York City-based class action firm. Ms. MacCarone has been recognized as a Super Lawyer "Rising Star" for the New York Metro area for the past seven consecutive years.

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### EDUCATION

- Brooklyn Law School, J.D., *magna cum laude* (2011)
- New York University, B.A., *magna cum laude* (2008)

### ADMISSIONS

- New Jersey (2011)
- New York (2012)
- United States District Court for the District of New Jersey (2012)
- United States District Court for the Eastern District of New York (2012)
- United States District Court for the Southern District of New York (2012)

### PUBLICATIONS

- "Crossing Borders: A TRIPS-Like Treaty on Quarantines and Human Rights," published in the Spring 2011 edition of the *Brooklyn Journal of International Law*

### AWARDS





## ADAM C. MCCALL

**ASSOCIATE**

Mr. McCall is an Associate with the Firm. Prior to joining Levi & Korsinsky, Mr. McCall was an extern at the Securities and Exchange Commission's Division of Corporate Finance.

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### **EDUCATION**

- Georgetown University Law Center, LL.M., Securities and Financial Regulation (2015)
- California Western School of Law, J.D., *cum laude* (2013)
- Santa Clara University, Certificate of Advanced Accounting Proficiency (2010)
- University of Southern California, B.A. Economics (2008)

### **ADMISSIONS**

- California (2014)
- United States District Court for the Central District of California (2015)
- United States District Court for the Eastern District of California (2015)
- United States District Court for the Northern District of California (2015)
- United States District Court for the Southern District of California (2015)
- United States Court of Appeals for the Ninth Circuit (2016)
- District of Columbia (2017)



## RYAN MESSINA

### ASSOCIATE

Ryan Messina is an Associate in Levi and Korsinsky's New York office. During law school, he worked at The Land Use and Sustainable Development Clinic helping to draft ordinances for developing communities and create conservation easements. He also interned for the Commercial Division of the New York Supreme Court.

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### EDUCATION

- West Virginia University College of Law, J.D. (2019)
- West Virginia College of Business and Economics, M.B.A (2019)
- West Virginia University, B.A. *cum laude* (2016)

### ADMISSIONS

- West Virginia (2019)
- New York (2020)



## MELISSA MULLER

### ASSOCIATE

Melissa Muller is an Associate with the Firm's New York Office focusing on federal securities litigation. Ms. Muller previously worked as a paralegal for the New York office while attending law school.

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### EDUCATION

- New York Law School, J.D., Dean's Scholar Award, member of the Dean's Leadership Council (2018)
- John Jay College of Criminal Justice, B.A. (2013), *magna cum laude*

### ADMISSIONS

- New York (2019)
- United States District Court for the Southern District of New York (2020)



## GREGORY M. POTREPKA

### ASSOCIATE

Gregory M. Potrepka is an Associate in Levi & Korsinsky's Connecticut office. Mr. Potrepka is an experienced lawyer having litigated cases in State, Federal, and Tribal courts, at both the trial and appellate levels. While in law school, Mr. Potrepka clerked in the Civil Division of the United States Attorney's Office for the District of Columbia.

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### EDUCATION

- University of Connecticut School of Law, J.D. (2015)
- University of Connecticut Department of Public Policy, M.P.A. (2015)
- University of Connecticut, B.A., Political Science (2010)

### ADMISSIONS

- Connecticut (2015)
- Mashantucket Pequot Tribal Court (2015)
- United States District Court for the District of Connecticut (2016)
- United States District Court for the Southern District of New York (2018)
- United States District Court for the Eastern District of New York (2018)
- United States Court of Appeals for the Third Circuit (2020)





## ANDREW ROCCO

### ASSOCIATE

Andrew Rocco is an Associate with the Firm in the Connecticut office. As a law student, he interned for the Office of the Attorney General for the State of Connecticut in the Employment Rights Department and served as the Editor-in-Chief of the Quinnipiac Probate Law Journal.

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### EDUCATION

- Quinnipiac University School of Law, J.D., *summa cum laude* (2017)
- Champlain College, B.A., Legal Studies, *summa cum laude* (2014)

### ADMISSIONS

- Connecticut (2017)



## BRIAN STEWART

### ASSOCIATE

Brian Stewart is an Associate with the Firm practicing in the Washington, D.C. office. Prior to joining the firm, Mr. Stewart was an associate at a small litigation firm in Washington D.C. and a regulatory analyst at the Financial Industry Regulatory Authority (FINRA). During law school, he interned for the Enforcement Divisions of the SEC and CFPB.

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### EDUCATION

- American University Washington College of Law, J.D. (2012)
- University of Washington, B.S., Economics and Mathematics (2008)

### ADMISSIONS

- Maryland (2012)
- District of Columbia (2014)
- United States District Court for the District of Maryland (2017)
- United States District Court for the District of Colorado (2017)



## MAX WEISS

### ASSOCIATE

Max Weiss focuses his practice on investor protection and securities fraud litigation. He is proficient in litigation, legal research, motion practice, case evaluation and settlement negotiation. Prior to joining the firm, Max practiced in the general liability area and has extensive experience litigating high-exposure personal injury claims in New York State and federal trial and appellate courts. While in law school, Max gained experience helping pro se debtors prepare and file Chapter 7 and Chapter 13 petitions with the New York Legal Assistance Group (**NYLAG**) Bankruptcy Project and served as an intern to the Honorable Sean Lane of the Southern District of New York Bankruptcy Court.

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### EDUCATION

- St. John's School of Law, J.D. (2018), where he served as the Senior Executive Editor of the Journal of Civil Rights & Economic Development
- Colgate University, B.A., Political Science (2011)

### ADMISSIONS

- New York (2019)
- United States District Court for the Southern District of New York (2019)
- United States District Court for the Eastern District of New York (2019)

# EXHIBIT A-44

UNITED STATES DISTRICT COURT

DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF W MARK LANIER
This Document Relates To:	)	FILED ON BEHALF OF THE LANIER LAW
CONSUMER CLASS CASES.	)	FIRM, PC IN SUPPORT OF APPLICATION
_____	)	FOR AWARD OF EXPENSES
	)	

I, W. Mark Lanier, declare as follows:

1. I am Partner in the firm of The Lanier Law Firm, P.C. (the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. This Firm is counsel of record for certain Class Plaintiffs in this action.
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
4. The Firm seeks an award of 887,889.86 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of August, 2021, at Houston, Texas.

  
\_\_\_\_\_  
W. Mark Lanier

# **EXHIBIT A**

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)

The Lanier Law Firm, PC  
Inception through June 30, 2021

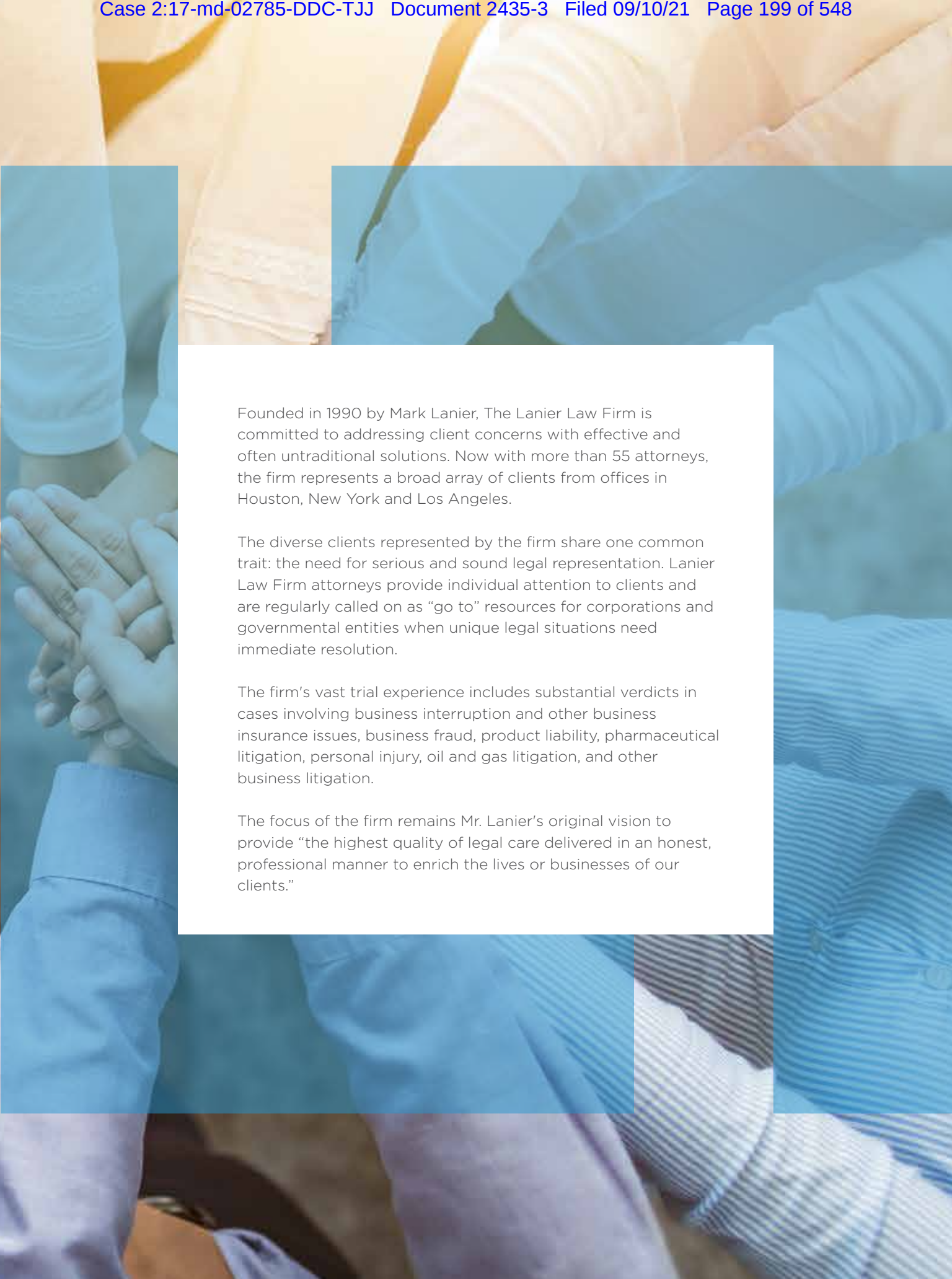
<b><i>CATEGORY</i></b>		<b><i>AMOUNT</i></b>
Transportation, Hotels & Meals		\$82,604.02
Telephone, Facsimile		\$128.81
Postage		\$8.16
Messenger, Overnight Delivery		\$1,926.90
Experts/Consultants/Investigators		\$848.85
Beacon Legal Support	\$534.82	
Mediconnect.Net	\$117.54	
Verscend Technologies	\$27.95	
Cotiviti, Inc.	\$168.54	
Photocopies		\$14,948.99
Outside:	\$12,955.34	
In-House: (13,291 copies at \$0.15 per page)	\$1,993.65	
Online Legal and Financial Research		\$15,759.32
Litigation Fund Contribution		\$700,000.00
Miscellaneous		\$71,664.81
<b><i>TOTAL</i></b>		<b><i>\$887,889.86</i></b>



# **EXHIBIT B**

It's More Than A Case  
**It's a Cause**





Founded in 1990 by Mark Lanier, The Lanier Law Firm is committed to addressing client concerns with effective and often untraditional solutions. Now with more than 55 attorneys, the firm represents a broad array of clients from offices in Houston, New York and Los Angeles.

The diverse clients represented by the firm share one common trait: the need for serious and sound legal representation. Lanier Law Firm attorneys provide individual attention to clients and are regularly called on as “go to” resources for corporations and governmental entities when unique legal situations need immediate resolution.

The firm’s vast trial experience includes substantial verdicts in cases involving business interruption and other business insurance issues, business fraud, product liability, pharmaceutical litigation, personal injury, oil and gas litigation, and other business litigation.

The focus of the firm remains Mr. Lanier’s original vision to provide “the highest quality of legal care delivered in an honest, professional manner to enrich the lives or businesses of our clients.”



## Mark Lanier

Founder & CEO, The Lanier Law Firm

A Message From Mark:

Thank you for your interest in our firm and for taking a few moments to review the highlights of our approach, history and the individuals responsible for our success.

Since The Lanier Law Firm was founded in 1990, every attorney on our team has worked tirelessly to build a reputation of commitment, perseverance and total devotion to our clients.

That reputation is known and respected by legal counsel we work with and by those we face in courtrooms across the nation.

We have the skills, experience and resources to effectively manage all phases of complex and high-stakes trials, and the results speak for themselves. We've also found that our involvement in a case can sometimes mean the difference between protracted litigation and a favorable settlement.

If you are a company pursuing or defending a business-related claim, an individual seeking justice or an attorney interested in support for a pending matter, let us be that difference for you.

Mark Lanier

## Why The Lanier Law Firm?

For more than 30 years, The Lanier Law Firm has proven to be one of the most tenacious courtroom advocates in the nation, with a reputation of meticulous preparation, creative connections with juries, skill in managing public and media interest, and a passion to do what's right for clients, whether as plaintiffs or defendants.

While perhaps best known for its work in representing consumers in high-profile product liability and personal injury matters, the firm has an impressive record in successfully resolving a wide range of business disputes for professionals and corporations.

This dedicated team of attorneys — experienced in all aspects of civil trials, as well as appellate matters — levels the playing field, even when matched against the resources of multinational corporations and formidable opposing counsel.

The firm has been engaged in complex litigation across the United States, including:

- The representation of homeowners in two Central Florida neighborhoods built atop abandoned phosphate mines against mining and real estate development defendants. The lawsuit claims that the companies failed to warn residents about widespread contamination in neighborhoods that were developed over reclaimed strip mines.
- The representation of a whistleblower in federal litigation on charges that a major pharmaceutical company bilked federal and state governments out of \$1.5 billion by misrepresenting clinical studies on the effectiveness of its product.
- A precedent-setting settlement for a national sugar association trade group and several of the largest U.S. sugar manufacturers regarding a false-promotion lawsuit against one of the world's leading distributors of artificial sweeteners.
- The Lanier Law Firm was a pioneer in Vioxx litigation, most notably winning a \$253.5 million verdict against Merck & Co. in the nation's first Vioxx trial.
- The representation of the state of Texas in an investigation and lawsuit against Google alleging anticompetitive practices and policies in the digital advertising market.
- Serving as lead trial counsel in ongoing federal multidistrict litigation against major pharmaceutical companies allegedly responsible for damages incurred by state and local governments to address the opioid addiction epidemic.
- The representation of syringe manufacturer Retractable Technologies in an antitrust case against Becton Dickinson & Company that resulted in a nine-figure settlement for the company. The case served as the basis for the movie *Puncture*, starring Chris Evans.



## Success in the Courtroom

### Notable Verdicts & Settlements

For almost three decades, the attorneys of The Lanier Law Firm have defined success in high-profile trials and important settlements. In representing the victims of dangerous medical devices, pharmaceuticals or other products, the firm is perhaps unequaled in its ability to present persuasive and convincing evidence to a jury. With deep experience in navigating multidistrict litigation and class actions, The Lanier Law Firm is regularly called to lead in the critical development of the representative cases and to bring those complex claims to trial.

On the eve of what would have been the first federal trial related to damages caused by the opioid addiction epidemic, five pharmaceutical companies reached a **\$260 million settlement**. Mr. Lanier was lead trial counsel for the two Ohio counties named as plaintiffs in the case.

In state court in St. Louis, the firm achieved a record-setting **\$4.69 billion verdict** on behalf of 22 women and their families who alleged that decades of regular use of Johnson & Johnson's asbestos-laden talcum powder products caused the women's ovarian cancer. The verdict was the largest delivered in the U.S. in 2018, according to *The National Law Journal*. Johnson & Johnson took the verdict to the United States Supreme Court. On June 1st, 2021 the court rejected the J&J appeal in a brief written order, effectively ending the case and leaving in place a Missouri appellate court ruling against the company.

The first bellwether trial involving the claims of five plaintiffs in multidistrict litigation, resulting in a **\$1.05 billion verdict** against DePuy Orthopaedics Inc. and Johnson & Johnson.





- ┌ A **\$528 million verdict** against DePuy Orthopaedics Inc. and Johnson & Johnson resulted from the second bellwether trial and involved the claims of five plaintiffs in multidistrict litigation in the Northern District of Texas.
- ┌ A **\$247 million verdict** against DePuy Orthopaedics Inc., an affiliate of Johnson & Johnson, was based on allegations that the Pinnacle brand of metal-on-metal hip implants was defective and caused severe injuries. This third bellwether trial involved the claims of six plaintiffs in multidistrict litigation in the Northern District of Texas.
- ┌ In litigation heard in the U.S. District Court for the Western District of Louisiana, the jury returned a **\$9 billion verdict** against Takeda Pharmaceutical Co. Ltd. and Eli Lilly & Co. The allegations were based on claims that the companies failed to warn patients of the risks of bladder cancer, heart failure and other side-effects associated with a diabetes drug.
- ┌ A commercial truck driver won a **\$1 million settlement** from several Midland, Texas-based companies for extensive injuries he suffered because of the structural failure of the tractor-trailer he was driving. Documents revealed that the defendants failed to disclose a previous major accident to the rig and that the owners did nothing when the plaintiff raised concerns.
- ┌ A group of Missouri gun owners in a class-action lawsuit against Remington Arms Co. and its corporate parent, DuPont, reached a **significant settlement** over a dangerous trigger defect in Remington Model 700 rifles. The rifles were found to have a defective trigger mechanism that could cause the rifles to fire without the trigger being pulled.
- ┌ The family of a former University of Mississippi student athlete reached a **notable, wide-ranging settlement** in a wrongful-death lawsuit filed against the university and the NCAA. The lawsuit alleged that athletic department officials violated NCAA guidelines covering the intensity of practices, particularly for players with the sickle cell trait. As a result of the settlement, the NCAA agreed to update information and recommendations for member schools regarding athletes with the sickle cell trait.
- ┌ Two women from Midland, Texas, reached a **\$2 million settlement** over injuries sustained in a devastating car crash. The women sustained serious and permanent injuries after being struck by a truck driven by an oilfield services worker. In addition to claims against the driver, the lawsuit alleged that the driver's employer was negligent in its hiring practices and failed to properly train and supervise its drivers.
- ┌ An industrial manufacturer won a **\$1.45 million verdict** against a Waco, Texas-based insurance company after jurors found that the broker violated the Texas Deceptive Trade Practices Act and Texas Insurance Code by misrepresenting the validity of an insurance policy following a burglary of more than \$850,000 of components from the manufacturer's warehouse.

In San Antonio, The Lanier Law Firm secured a **\$54.2 million verdict** against Peoria, Illinois-based Caterpillar Inc. and San Antonio-based Holt Texas Ltd. after a jury found that defects and lax maintenance of construction equipment led to a North Texas worker being paralyzed at a job site.

An oilfield worker who sustained life-altering injuries when struck by a falling pipe on a job site received a **\$6.5 million verdict** after jurors found that negligence on the part of two West Texas drilling companies caused the man's injuries.

In the first trial involving the use of Vioxx, a painkiller and arthritis medicine manufactured by Merck, Inc., a state court jury awarded **\$253 million** to the family of a Southeast Texas man. Evidence at trial supported allegations that the drug increased the risk of heart attack and stroke and that the manufacturer concealed those facts.

In what was the largest verdict of its kind at that time, a Texas jury awarded **\$115.6 million** to 21 steelworkers for an asbestos-related disease they contracted at an Alabama steel mill. The jury found that the Carborundum Co., which manufactured an asbestos-containing grinding wheel used to cut steel pipe, acted with gross negligence and malice in failing to warn workers of the associated health dangers.

After a four-week trial, a South Texas jury ordered Amoco Production Co. to pay **\$417 million** to Rubicon Petroleum Inc. for breach of contract and fraud. The jury found that Amoco had wrongly backed out of a 1990 contract to sell a Wyoming oilfield to Rubicon for \$18 million.

Serving as trial counsel for a pharmaceutical company in a case brought by multiple insurance companies looking to recover billions of dollars in alleged damages, The Lanier Law Firm reached a **confidential settlement** on the eve of trial.

The Lanier Law Firm negotiated a **precedent-setting settlement** during the second week of trial for a national trade group and several large U.S. manufacturers regarding a false-promotion and unfair-competition lawsuit.

Based on legal claims by 130 corporate employees over unpaid bonuses related to the sale of a company subsidiary, The Lanier Law Firm negotiated a highly satisfactory **confidential settlement**.







## Preserving Verdicts

Once a verdict has been handed down, the work continues. Companies can be counted on to appeal any significant verdict that doesn't go their way, so a portion of our work focuses on making sure those appeals are defeated. Our Appellate team includes:

**Kevin P. Parker** – Mr. Parker is the head of the Issues and Appeals section of The Lanier Law Firm. His pretrial work is instrumental in ensuring that a case can withstand an appeal. Mr. Parker was a key member of the firm's Pinnacle bellwether trial team that won a \$1 billion combined jury verdict and a \$502 million jury verdict in 2016. He is Board Certified in Civil Appellate Law by the Texas Board of Legal Specialization.

**Kenneth W. Starr** – Judge Starr joined The Lanier Law Firm in 2018 in an Of Counsel capacity for a range of appellate matters, as well as in other legal issues and causes of special interest. Judge Starr has argued before the U.S. Supreme Court, including during his service as U.S. Solicitor General. He served as United States Circuit Judge for the District of Columbia Circuit, as Counselor and Chief of Staff to U.S. Attorney General William French Smith and as law clerk to both Chief Justice Warren E. Burger and Fifth Circuit Judge David W. Dyer. He was appointed to serve as Independent Counsel for five investigations, including Whitewater, from 1994 to 1999.

**Arthur R. Miller** – Mr. Miller joined The Lanier Law Firm in 2013 in an Of Counsel capacity, working with The Lanier Law Firm's attorneys and clients in business litigation, personal injury and other complex litigation matters. One of the nation's most distinguished legal scholars in the areas of civil litigation, Mr. Miller has authored more than 40 books and numerous scholarly articles, arguing cases in all of the U.S. Circuit Courts of Appeals and several before the U.S. Supreme Court. He has served as a Member and Reporter for the Advisory Committee of Civil Rules of the Judicial Conference of the United States. President Gerald Ford also appointed Mr. Miller a Commissioner of the United States Commission on New Technological Uses of Copyrighted Works.



## Product Liability

When a consumer buys a product, he or she rightfully expects it to perform safely and efficiently. Unfortunately, that isn't always the case. The use of defective products — whether those problems are due to flawed design, inadequate warnings, manufacturing defects or some other reason — can result in tragic consequences.

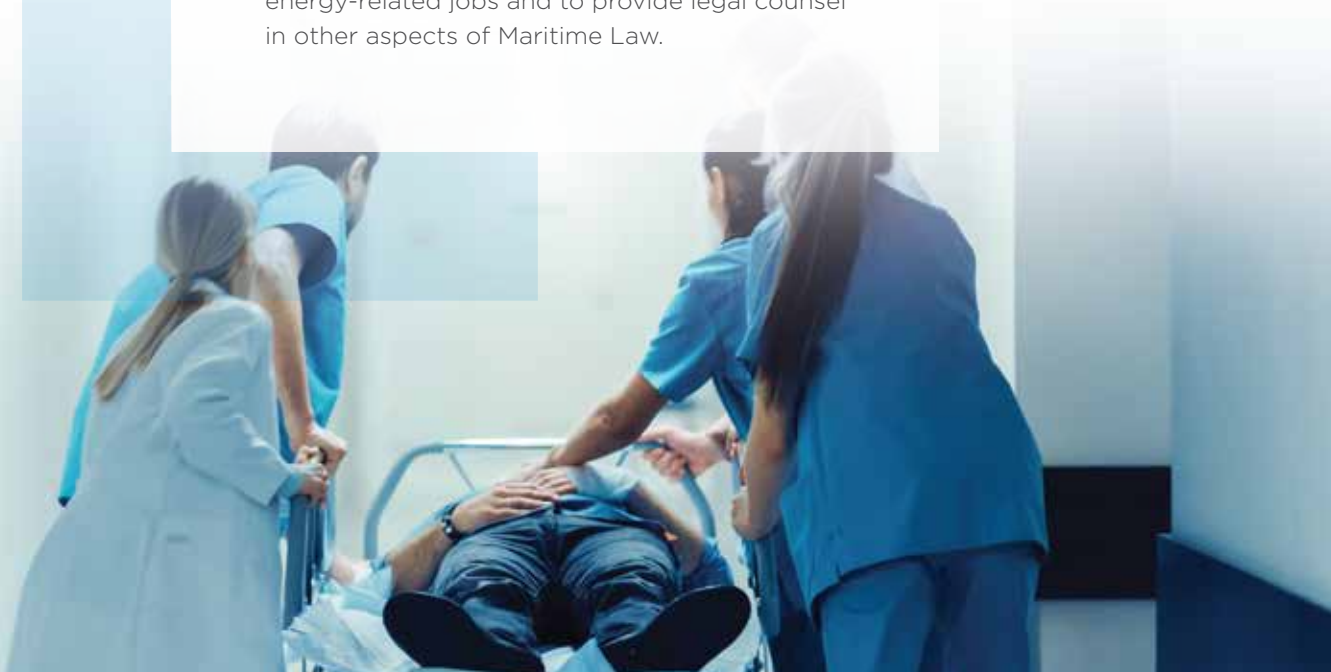
For decades, The Lanier Law Firm has represented the victims of products, as well as those injured as a result of the negligence of others. When faced with the often-significant legal resources of major corporations and insurance companies, the firm's courtroom experience and state-of-the-art preparation put its clients on a level playing field. This work has resulted not only in financial recoveries — including some of the most significant and largest verdicts in history — but has also pressured manufacturers to design safer products or completely remove those products from the market. While no amount of money can truly compensate clients for a debilitating injury or the loss of a loved one, there is gratification in knowing that future consumers might not be put at the same risk.



## Personal Injury Litigation

The Lanier Law Firm represents the victims of injuries, negligence and abuse and, over the years, has obtained substantial recoveries for individuals and their families. Backed with state-of-the-art preparation, decades of courtroom experience, and a reputation for principled and passionate representation, the firm is always ready to advocate for its clients. The firm's attorneys approach each case with understanding and empathy, recognizing the emotional, financial and physical difficulties that those injured are likely facing.

The firm's work has included a wide range of claims involving catastrophic accidents and injuries, and the firm also has a dedicated team to assist those injured while working in offshore energy-related jobs and to provide legal counsel in other aspects of Maritime Law.



## Mesothelioma, Asbestos & Toxic Torts

The Lanier Law Firm is one of the nation's most experienced in assessing the scientific and medical issues that are common in asbestos and toxic-exposure claims and has represented thousands of families and victims based on asbestos exposure in schools, workplaces and through the use of certain consumer products.

The Lanier Law Firm's founder, Mark Lanier, is a pioneer in the fight for mesothelioma and lung cancer victims, caused by exposure to asbestos. His groundbreaking asbestos research, extensive investigations, jury verdicts and settlements have helped shape the mesothelioma litigation landscape nationwide. Now, after more than 30 years later, The Lanier Law Firm is one of the largest law firms in the country protecting the victims of mesothelioma and lung cancer.

This experience at trial and knowledge of the specialized clinical issues associated with asbestos, and with medical conditions such as mesothelioma, have resulted in substantial recoveries based on the defendants' liability for fraudulent marketing, failure to warn of the dangers of asbestos, negligence and malice. This success and a reputation for courtroom excellence give the firm added leverage to negotiate significant settlements in advance of trial.

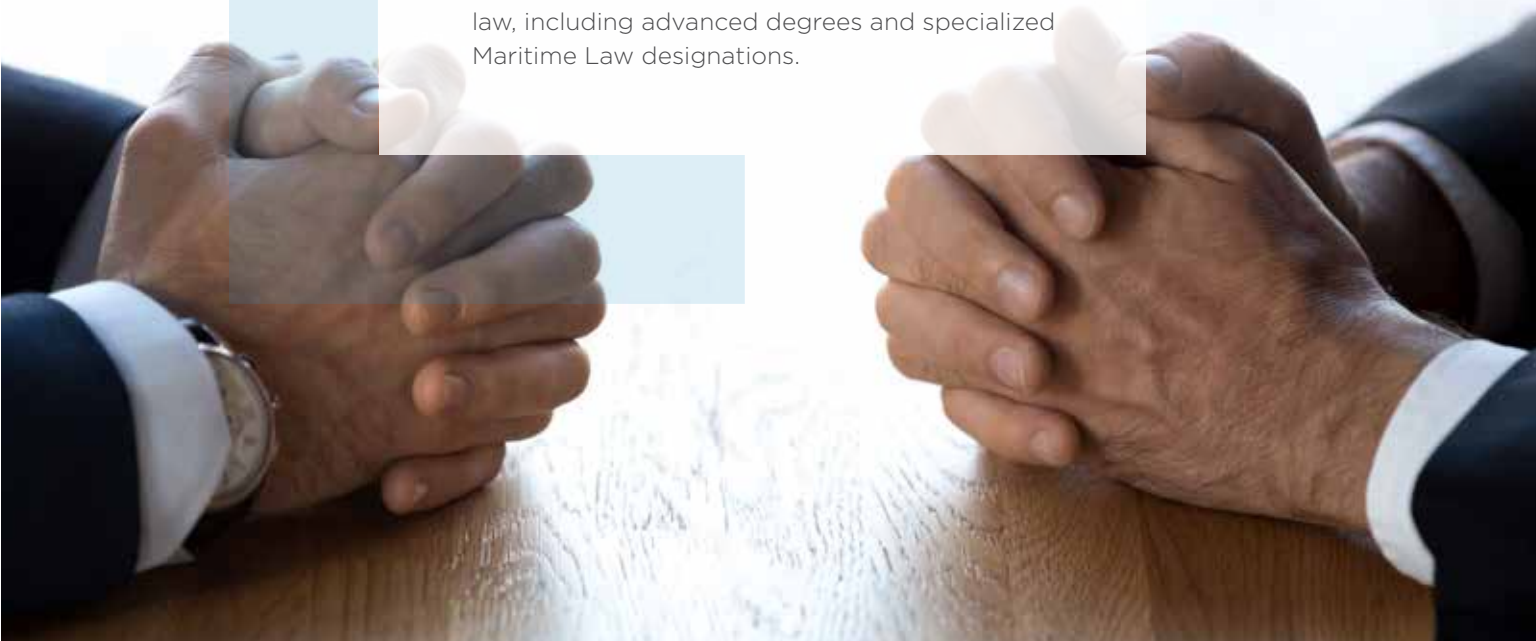
We are proud of our record of substantial out-of-court settlements and our track record in the courtroom on behalf of victims of asbestos cancer.



## Business Litigation

In addition to representing individuals, The Lanier Law Firm has significant experience working on behalf of businesses in cases involving breach of contract, patent infringement, oil and gas litigation, employment disputes, antitrust, fraud and other causes of action. In several instances, these legal actions have been brought against companies using unfair and illegal business practices to gain a competitive edge. The firm's aggressive approach to business litigation has resulted in several noteworthy — and often highly confidential — recoveries for its clients.

In addition, the firm has represented a broad range of clients in claims specific to Maritime Law, including environmental contamination and remediation, as well as financial, contractual, construction and other operational disputes. Several of the lawyers at the firm have a wealth of knowledge concerning this distinct area of law, including advanced degrees and specialized Maritime Law designations.



# Our Team

## W. Mark Lanier

Over the past 35 years, **Mark Lanier** has earned international recognition as one of the top trial attorneys in the United States. His courtroom experience is renowned and diverse, with significant verdicts that include:



- A record-setting \$4.69 billion verdict on behalf of 22 women and their families who alleged that decades of daily use of Johnson & Johnson's asbestos-laden talcum powder products caused the women's ovarian cancer. This verdict was named *The National Law Journal's* Top Verdict of 2018.
- A collection of four verdicts in 2016-2017 ranging from \$247 million to \$1.1 billion against DePuy Orthopaedics Inc., a subsidiary of health care giant Johnson & Johnson, over Pinnacle metal-on-metal hip implants.
- A record-setting April 2014 verdict of more than \$9 billion against Takeda Pharmaceutical Co. Ltd. and Eli Lilly & Co. regarding the diabetes drug Actos.
- A \$473 million verdict for a small oil company in a business-fraud case against Amoco.
- A \$253 million verdict in the nation's first trial over the painkiller Vioxx.
- A \$118 million verdict on behalf of 21 asbestos victims — one of the largest asbestos liability awards in U.S. history.
- A \$1.8 billion reversal of judgment in a trial centered on corporate fraud.

Mr. Lanier's courtroom work has resulted in feature articles in *The Wall Street Journal*, *The New York Times*, *Los Angeles Times*, *The Boston Globe*, Bloomberg News and the *Houston Chronicle*, among many others. He also is a frequent guest on news shows such as CNBC's *Squawk Box*, Fox News' *Your World with Neil Cavuto* and Fox Business' highly-rated *Varney & Co.*

He is Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization and is licensed to practice in all Texas state and federal courts, New York state courts and the U.S. Supreme Court. He is further Board Certified in Complex Litigation by the National Board of Trial Advocates and is a Founding Board Member certified in Complex Litigation.



## Rachel Lanier

**Rachel Lanier** has dedicated her practice to representing injured clients and their families who have been harmed by toxic substances and defective products.

Prior to joining The Lanier Law Firm in 2016, Ms. Lanier was an associate at a mid-sized firm in Manhattan, where she focused on representing individuals suffering from asbestos-induced diseases, such as mesothelioma and lung cancer.

A native of Houston, Ms. Lanier earned her law degree from St. John's University School of Law in New York, where she served as a legal advocate for domestic abuse victims through the Domestic Violence Litigation Clinic. She also worked as a teaching fellow for Dean Michael A. Simons and was a recipient of the Dean's Award for Excellent Service for her extensive pro bono work.



## Alex Abston

**Alex Abston** is a member of The Lanier Law Firm's trial team, focusing her practice on client advocacy within mass-tort federal multidistrict litigation and state court cases involving product liability, pharmaceutical liability and toxic torts. The work has included assisting with the intricate litigation surrounding the devastating opioid epidemic and advocating for women diagnosed with ovarian cancer due to long-term exposure to Johnson & Johnson's talcum powder products.

Ms. Abston earned her law degree from the University of Houston Law Center, where she was honored as "Editor of the Year" for her work on the *Houston Business and Tax Law Journal*. She received her undergraduate degree with high honors from Abilene Christian University.



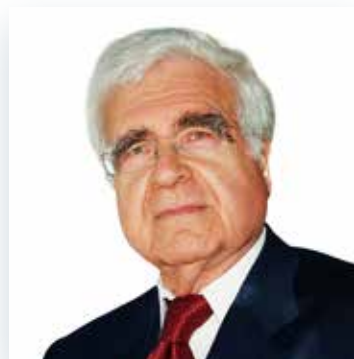
## Jason Goldstein

**Jason S. Goldstein** is an experienced trial lawyer in the firm's New York City office, working in the areas of pharmaceutical and product liability. Mr. Goldstein has contributed to hundreds of mass torts at the state and federal levels, including a \$247 million verdict against DePuy Orthopaedics, accused of selling patients faulty hip replacements. He also played a role in the \$4.69 billion verdict against Johnson & Johnson on behalf of 22 women who alleged they contracted ovarian cancer after daily use of the company's talcum powder over a period of several decades.



## Arthur Miller

**Arthur R. Miller** joined the firm in 2013 in an Of Counsel capacity and works with the firm's attorneys and clients in business litigation, personal injury and other complex litigation matters. He has argued cases in all of the U.S. Circuit Courts of Appeals and several before the U.S. Supreme Court. Professor Miller has served as a Member and Reporter for the Advisory Committee of Civil Rules of the Judicial Conference of the United States, and as a commissioner for the United States Commission on New Technological Uses of Copyrighted Works.



## Harvey Brown

**Harvey Brown** joined The Lanier Law Firm in 2019 as a member of the Issues and Appeals practice group, following distinguished service as a District Judge in Harris County and as a Justice on the First Court of Appeals for the state of Texas. While on the appellate court, Judge Brown also served on the Texas state multidistrict litigation panel.

Judge Brown served on the First Court of Appeals bench from 2010 to 2018. During his tenure, he was named Appellate Judge of the Year by the Association of Civil Trial and Appellate Specialists and Mentor of the Year by the Houston Young Lawyers Association and the Texas Young Lawyers Association. He authored more than 1,000 opinions while on the court.



## Cristina Delise

**Cristina Delise** represents clients in a variety of civil litigation matters, centering on mass torts and class actions. In this work, she has assisted in securing millions of dollars in settlements for plaintiffs involving dangerous pharmaceuticals and medical devices and in complex business litigation.

She has served as a speaker and panelist at multiple legal forums regarding product liability litigation and is accredited by the United States Department of Veterans Affairs to assist with the preparation, presentation and prosecution of VA benefit claims. Admitted to practice in New York state courts, the Eastern District of New York and the Southern District of New York, she is a member of the New York City Bar Association and served on the association's National Moot Court Competition Committee.







## Honors and Accolades

**Recognition for excellence by peers, media and professional organizations reinforces the reputation of The Lanier Law Firm and its individual attorneys. Below are just some of the firm's honors and awards in recent years.**

Houston Lawyer of the Year, Product Liability Litigation - Mark Lanier  
*Best Lawyers in America* - 2020

Best Law Firms, Tier 1 Ranking - The Lanier Law Firm  
*U.S. News/Best Lawyers* - 2013-2020

Best Lawyers in America - 12 Lanier Attorneys Recognized  
*Best Lawyers in America* - 2020

America's Leading Lawyers for Business - Mark Lanier  
*Chambers USA* - 2012-2020

Most Impressive Plaintiff Verdict - *Ingham v. Johnson & Johnson*  
Courtroom View Network - 2019

Trial Lawyer of the Year - Mark Lanier  
The National Trial Lawyers - 2019

Elite Trial Lawyers Award - Mark Lanier  
*The National Law Journal* - 2015-2019

Top 10 Super Lawyers in Texas - Mark Lanier  
*Texas Super Lawyers/Thomson Reuters* - 2007, 2009, 2010, 2012-2019

Texas Super Lawyers - 9 Lanier Attorneys  
*Super Lawyers/Thomson Reuters* - 2019

New York Super Lawyers - 3 Lanier Attorneys  
*Super Lawyers/Thomson Reuters* - 2019

Largest Verdict in the Nation in 2018 - *Ingham v. Johnson & Johnson*  
*The National Law Journal* - 2019



Top 100 Trial Lawyers in America – Mark Lanier  
*Benchmark Litigation* – 2017-2020

500 Leading Lawyers in America – Mark Lanier  
Lawdragon – 2007-2020

Verdicts Hall of Fame – Mark Lanier  
*The National Law Journal* – Top 100 Verdicts – 2003-2018

MVP in Product Liability Litigation – Mark Lanier  
Law360 – 2018

Leading Lawyers in Plaintiffs' Dispute Resolution – Mark Lanier  
*The Legal 500, U.S. Edition* – 2018-2019

Houston Lawyer of the Year, Mass Tort/Class Actions – Mark Lanier  
*Best Lawyers in America* – 2012, 2016, 2018

Houston Lawyer of the Year, Personal Injury Litigation – Mark Lanier  
*Best Lawyers in America* – 2017

Trial Lawyer Hall of Fame – Mark Lanier  
The National Trial Lawyers – 2017

Largest Verdict in Texas – *Andrews v. DePuy Orthopaedics Inc.*  
*Texas Lawyer* – 2016

Fourth-Largest Verdict in the Nation – *Andrews v. DePuy Orthopaedics Inc.*  
*The National Law Journal* – 2016

Lifetime Achievement Award – Mark Lanier  
American Association for Justice – 2015

Texas Litigation Firm of the Year: Mid-Size Firms  
*Texas Lawyer* – 2015

Ronald D. Secrest Outstanding Trial Lawyer Award – Mark Lanier  
Texas Bar Foundation – 2015

Texas Verdicts Hall of Fame – Mark Lanier  
*Texas Lawyer* – 2014

Most Feared Plaintiffs Firms – The Lanier Law Firm  
Law360 – 2014



## Giving Back

The Lanier Law Firm is committed to supporting professional excellence, educational advancement and community-based missions, with attorneys donating time, energy and resources to a wide range of worthy causes that include:

### **Texas Tech University School of Law**

A Texas Tech alumnus, Mark Lanier currently serves on the law school's Foundation Board. In 2008, Texas Tech opened the Mark and Becky Lanier Professional Development Center.

### **The Lanier Trial Academy**

Each year, The Lanier Law Firm offers an intensive two-day seminar focused on plaintiffs' lawyers, led by Mark Lanier. The seminar's goal is to teach attorneys the strategies, secrets and techniques that have led to some of the firm's groundbreaking verdicts.

### **Guatemala SANA**

Mark Lanier has become a major contributor to and has organized several events on behalf of Guatemala SANA. The organization provides health and education services in Santa Maria de Jesus, a town of 30,000 near Antigua, Guatemala. These initiatives include medical and dental services, as well as a preschool.

### **Continuing Legal Education**

Mark Lanier and several attorneys at The Lanier Law Firm are prolific speakers, traveling frequently across the country to speak and lecture on some of the most pressing legal issues of the day.

## **The Lanier Law Firm**

Houston | Los Angeles | New York

713 659 5200 | [lanierlawfirm.com](http://lanierlawfirm.com)



# EXHIBIT A-45

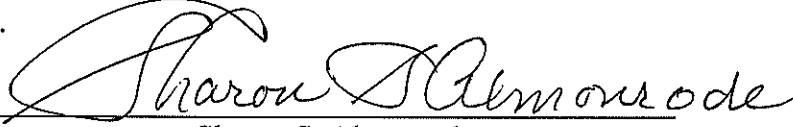
UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF SHARON S. ALMONRODE FILED ON BEHALF OF
This Document Relates To:	)	THE MILLER LAW FIRM, P.C. IN
CONSUMER CLASS CASES.	)	SUPPORT OF APPLICATION FOR
_____	)	AWARD OF EXPENSES
	)	

I, Sharon S. Almonrode, declare as follows:

1. I am Partner in the firm of The Miller Law Firm, P.C. (or the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. I served on the Plaintiff’s Steering Committee.
3. This Firm is also counsel of record for certain Class Plaintiffs in this action.
4. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
5. The Firm seeks an award of \$391,199.17 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
6. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 31st day of August, 2021, at Rochester, Michigan.

  
Sharon S. Almonrode

# **EXHIBIT A**



**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
 No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
 The Miller Law Firm, P.C.  
 Inception through June 30, 2021

<b><i>CATEGORY</i></b>		<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees		\$539.00
Transportation, Hotels & Meals		\$14,717.37
Postage		\$311.82
Messenger, Overnight Delivery		\$1,156.72
Photocopies		\$20,698.95
Outside:	\$45.00	
In-House: (73,702 copies at \$0.25 per page)	\$18,425.50	
In-House: (6,367 copies at \$0.35 per page)	\$2,228.45	
Online Legal and Financial Research		\$3,775.31
Litigation Fund Contribution		\$350,000.00
<b><i>TOTAL</i></b>		<b><i>\$391,199.17</i></b>

# **EXHIBIT B**

# **THE MILLER LAW FIRM**

## **A Professional Corporation**

**950 W. University Dr., Ste. 300  
Rochester, MI 48307  
(248) 841-2200**

**[www.millerlawpc.com](http://www.millerlawpc.com)**

## THE MILLER LAW FIRM, P.C. | FIRM RESUME

The Miller Law Firm, P.C. (the “Firm”) is one of the premier litigation law firms in the United States and Michigan’s leading financial class action firm. A recognized leader in the area of complex commercial litigation, the Firm is ranked Tier 1 in Detroit by *U.S. News-Best Lawyers* “Best Law Firms” for commercial litigation. Since the Firm’s founding in 1994, the Firm has developed a national reputation for successfully prosecuting securities fraud and consumer class actions on behalf of its clients. As Lead Counsel or Co-Lead Counsel appointed by judges throughout the United States in some of the country’s largest and most complex cases, the Firm has achieved over \$3 billion in settlements, recoveries and/or verdicts on behalf of injured class members.

### **Highlights of Results Obtained**

2021      Simmons, et al v. Apple, Inc.  
(Superior Court of the State of California, County of Santa Clara)  
(Case No. 17CV312251) (Co-Lead Counsel)

Result: \$9,750,000

2019      Carl Palazzolo, et al. Fiat Chrysler Automobiles N.V., et al.  
(United States District Court, Eastern District of Michigan)  
(Case No. 16-cv-12803) (Co-Lead Counsel)

Result: \$14,750,000

Zimmerman v. Diplomat Pharmacy, Inc., et al.  
(United States District Court, Eastern District of Michigan)  
(Case No. 2:16-cv-14005) (Liaison Counsel)

Result: \$14,100,000

2018      In re Freight Forwarders Antitrust Litigation  
(United States District Court, Eastern District of New York)  
(Case No. 08-cv-00042) (Counsel for Class Representative)

Result: \$1 billion settlement amount

2017      Foster v. L3 Communications, EO Tech  
(United States District Court, Western District of Missouri)  
(Case No. 15-cv-03519) (Co-Lead Counsel)

Result: \$51 million (100% recovery)

2016      In re Automotive Parts Antitrust Litigation  
(United States District Court, Eastern District of Michigan)  
(Case No. 12-md-02311) (Liaison Counsel)

Result: Over \$1 billion in settlements

GM Securities Class Action/New York Teachers Retirement System v. General Motors Company

(United States District Court, Eastern District of Michigan)  
(Case No. 4:14-cv-11191) (Local Counsel)

Result: \$300 million settlement

ERISA Class Action/Davidson v. Henkel Corporation

(United States District Court, Eastern District of Michigan)  
(Case No. 12-cv-14103) (Lead Counsel)

Result: \$3.35 million settlement (100% Recovery for 41 member class)

Pat Cason-Merenda and Jeffrey A. Suhre v. VHS of Michigan, Inc., dba Detroit Medical Center (Antitrust)

(United States District Court, Eastern District of Michigan)  
(Case No. 2:06-cv-15601) (Special Trial Counsel)

Result: \$42 million settlement

2015

In re AIG 2008 Securities Litigation

(United States District Court, Southern District of New York)  
(Case No. 08-cv-04772) (Co-Lead Counsel)

Result: \$970.5 million settlement

City of Farmington Hills Employees Retirement System v. Wells Fargo Bank, N.A.

(United States District Court, District of Minnesota)  
(Case No. 10-cv-04372) (Co-Lead Counsel)

Result: \$62.5 million settlement approved

2014

In re Refrigerant Compressors Antitrust Litigation

(United States District Court, Eastern District of Michigan)  
(Case No. 09-md-02042) (Interim Co-Lead)

Result: \$30,000,000 settlement

2013

The Board of Trustees of the City of Birmingham Employees et. al. v. Comerica Bank et. al.

(United States District Court, Eastern District of Michigan)  
(Case No. 2:09-13201) (Co-Lead Counsel)

Result: \$11,000,000 settlement

In Re Caraco Pharmaceutical Laboratories, Ltd. Securities Litigation

(United States District Court, Eastern District of Michigan)  
(Case No. 2:09-cv-12830) (Co-Lead Counsel for the Class)

Result: \$2,975,000 settlement

General Retirement System of the City of Detroit and Police and Fire Retirement System of the City of Detroit vs. UBS Securities, LLC (Structured Investment Vehicle)

(United States District Court, Eastern District of Michigan)  
(Case No. 2:10-cv-13920) (Lead Counsel)

Result: Confidential settlement

In Re TechTeam Global Inc. Shareholder Litigation

(Oakland County Circuit Court, State of Michigan)  
(Case No. 10-114863-CB) (Liaison Counsel)

Result: \$1,775,000 settlement

2010

Epstein, et al v. Heartland Industrial Partners, L.P., et al  
(United States District Court, Eastern District of Michigan)  
(Case No. 2:06-CV-13555) (Substantial role)

Result: \$12,262,500 settlement

In Re Skilled Healthcare Group, Inc. Securities Litigation

(United States District Court, Central District of California)  
(Case No. 09-5416) (Substantial role)

Result: \$3,000,000 settlement

2009

In Re Proquest Company Securities Litigation

(United States District Court, Eastern District of Michigan)  
(Case No. 4:06-CV-11579) (Substantial role; argued Motion to Dismiss)

Result: \$20,000,000 settlement

In Re Collins & Aikman Corporation Securities Litigation  
(United States District Court, Eastern District Michigan)  
(Case No. 03-CV-71173) (Substantial role)

Result: \$10,800,000 settlement

In re IT Group Securities Litigation  
(United States District Court, Western District of Pennsylvania)  
(Civil Action No. 03-288) (Co-Lead Counsel)

Result: \$3,400,000 settlement

2008

In re Mercury Interactive Securities Litigation  
(United States District Court, Northern District of California)  
(Civil Action No. 03:05-CV-3395-JF) (Substantial role)

Result: \$117,000,000 settlement

In Re General Motors Corporation Securities and Derivative Litigation  
(United States District Court, Eastern District of Michigan)  
(Master Case No. 06-MD-1749) (Co-Lead)

Status: Obtained major corporate governance reforms to address accounting deficiencies

2007

Wong v. T-Mobile USA, Inc.  
(United States District Court, Eastern District of Michigan)  
(Case No. 05-CV-73922) (Co-Lead)

Result: Settlement for 100% of damages.

In re CMS Energy Corporation Securities Litigation  
(United States District Court, Eastern District Michigan)  
(Master File No. 2:02 CV 72004) (Substantial role)

Result: \$200,000,000 settlement

2005

In re Comerica Securities Fraud Litigation  
(United States District Court, Eastern District of Michigan)  
(Case No. 2:02-CV-60233) (Substantial role)

Result: \$21,000,000, divided between related cases at \$15,000,000 and \$6,000,000

Street v. Siemens  
(Philadelphia State Court)  
(Case No. 03-885) (Co-Lead)

Result: \$14,400,000, including 100% recovery for more than 1,000 workers wrongfully deprived of pay.

Redmer v. Tournament Players Club of Michigan  
(Wayne County Circuit Court) (Case No. 02-224481-CK) (Co-Lead)

Result: \$3,100,000 settlement

2004 Passucci v. Airtouch Communications, Inc.  
(Wayne County Circuit Court) (Case No. 01-131048-CP) (Co-Lead)

Result: Estimated settlement valued between: \$30,900,000 to \$40,300,000.

Johnson v. National Western Life Insurance  
(Oakland County Circuit Court)  
(Case No. 01-032012-CP) (Substantial role)

Result: \$10,700,000 settlement on behalf of nation-wide class of purchasers of annuities.

2003 Felts v. Starlight  
(United States District Court, Eastern District Michigan)  
(Case No. 01-71539) (Co-Lead)

Result: Starlight agrees to stop selling ephedrine as an ingredient in its weight loss dietary supplement product.

In re Lason Securities Litigation  
(United States District Court, Eastern District Michigan)  
(Case No. 99-CV-76079) (Co-Lead)

Result: \$12,680,000 settlement

2001 Mario Gasperoni, et al v. Metabolife International, Inc.  
(United States District Court, Eastern District Michigan)  
(Case No. 00-71255) (Co-Lead)



Result: Nationwide settlement approved mandating changes in advertising and labeling on millions of bottles of dietary supplement, plus approximately \$8,500,000 in benefits.

1999

Pop v. Art Van Furniture and Alexander Hamilton Insurance Company  
(Wayne County Circuit Court) (Case No. 97-722003-CP) (Co-Lead)

Result: Changes in sales practices and \$9,000,000 in merchandise.

Schroff v Bombardier  
(United States District Court, Eastern District Michigan)  
(Case No. 99-70327) (Co-Lead)

Result: Recall of more than 20,000 defective Seadoos throughout North America; repair of defect to reduce water ingestion problem; extended warranties; and approximately \$4,000,000 in merchandise.

In re National Techteam Securities Litigation  
(United States District Court, Eastern District Michigan)  
(Master File No. 97-74587) (Substantial role)

Result: \$11,000,000 settlement

In Re F&M Distributors, Inc., Securities Litigation  
(United States District Court, Eastern District Michigan)  
(Case No. 95-CV-71778-DT) (Minor role)

Result: \$20,000,000 settlement

1998

In Re Michigan National Corporation Securities Litigation  
(United States District Court, Eastern District Michigan)  
(Case No 95 CV 70647 DT) (Substantial role)

Result: \$13,300,000 settlement

1995

In re Intel Pentium Processor Litigation  
(Superior Court, Santa Clara County, California)  
(Master File No. 745729) (Substantial role)

Result: Intel agreed to replace millions of defective Pentium chips on demand without any cost to consumers.

**THE MILLER LAW FIRM**  
Selected Attorney Resumes



248-841-2200 | WWW.MILLER.LAW

**ROCHESTER**  
950 W. UNIVERSITY DR.  
SUITE 300  
ROCHESTER, MI 48307

**DETROIT**  
1001 WOODWARD AVE.  
SUITE 850  
DETROIT, MI 48226

## E. POWELL MILLER, PARTNER



✉ [EPM@millerlawpc.com](mailto:EPM@millerlawpc.com)

Powell Miller has been recognized as Michigan's number one ranked attorney by Super Lawyers Magazine for 2020. He has also been named one of the Top 10 lawyers in Michigan for twelve consecutive years, from 2009-2020, by Super Lawyers Magazine, and in 2010, 2015, 2019, and 2020 he was the recipient of the Best Lawyers – Lawyer of the Year in the category of Bet-The-Company Litigation. In 2017, Mr. Miller was the recipient of the Judge Friedman and Cook Civility Award, which is awarded to only one lawyer each year. He has been named as one of the Best Lawyers in America every year since 2005. Mr. Miller has earned

Martindale-Hubbell's highest rating, AV<sup>®</sup> Preeminent<sup>™</sup> 5/5.0 for legal ethics and ability and a 10/10 from AVVO a public rating system. Mr. Miller is also ranked as only one of nine in Michigan to receive the highest Band 1 rating by Chambers USA, describing Mr. Miller as a "Superb trial lawyer" who "routinely acts for high-profile clients based across the [United] states."

Mr. Miller focuses his practice on all aspects of litigation. He has been retained by many Fortune 500 and other clients to represent them in litigation throughout the United States, including in Michigan, New York, New Jersey, Pennsylvania, Arkansas, Florida, Texas, Kentucky, Ohio, California, Colorado, Indiana, and Illinois.

Mr. Miller recently won an arbitration against Jimmy Johns in the amount of \$4.8 million including a \$1 million attorney fee award. He has never lost a trial, including verdicts in excess of \$5 million, \$10 million and \$23 million. Mr. Miller has also obtained in excess of \$3 billion in settlements. These settlements are regularly among the top ten in Michigan each year, including a high-profile verdict in May, 2016 for 100% liability.

In October, 2019 Mr. Miller defended a consumer goods manufacturer against Plaintiffs asserting complex price discrimination and antitrust claims, and alleging millions of dollars in damages. Following a 3-week trial and seven hours of deliberations, a California jury returned a unanimous verdict in favor of his client, rejecting all of Plaintiffs' claims.

Mr. Miller has previously served as Co-President of the Detroit Chapter of the Federal Bar Association Antitrust and Securities Committees. He also serves on the Executive Committee for the Wayne State University Law School Board of Visitors and has served a Co-Chair of the American Bar Association Procedures Subcommittee on class actions and multi-district litigation. He lectures regularly on securities litigation at the University of Michigan School of Law. He has also served as an Adjunct Professor at the University of Detroit Law School teaching trial practice. In addition, Mr. Miller regularly speaks at continuing legal education seminars on securities fraud class actions. Mr. Miller also serves as a Master member of The Oakland County Bar Association Inns of Court.

Mr. Miller graduated third in his class from Wayne State University Law School, magna cum laude, in 1986. He was named to the honor society, Order of the Coif and he was an Editor of the Wayne Law Review. In 1986, Mr. Miller joined the Detroit law firm of Honigman Miller Schwartz and Cohn, where he was elected partner in 1990. In 1994, he formed his own firm.



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Mr. Miller has been recognized as a top debater in the United States. He won first place at the Harvard University National Debate Tournament as a freshman at Georgetown University. He also represented Georgetown in a special international debating exhibition against the Oxford Debating Union of Great Britain.

Mr. Miller is a proud supporter of the Detroit Urban Debate League, a nonprofit that supports the creation of debate programs in under-served high schools; the University of Detroit Jesuit High School and Academy; The Joe Niekro Foundation, which is committed to aiding in the research and treatment of aneurysm patients and families; and Charlotte's Wings, a nonprofit that is dedicated to supporting ailing children in Southeast Michigan through donations of new books to the children and their families in hospital and hospice care.

**EDUCATION:**

**UNIVERSITY OF DETROIT JESUIT HIGH SCHOOL, 1979**

**GEORGETOWN UNIVERSITY, B.A., 1983**

**WAYNE STATE UNIVERISTY LAW SCHOOL, J.D., 1986**

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**SHARON S. ALMONRODE, PARTNER**

✉ [SSA@millerlawpc.com](mailto:SSA@millerlawpc.com)

Sharon S. Almonrode is a partner at The Miller Law Firm, where she is also the Chair of the Firm's Class Action and Multi-District Litigation Department.. She has a complex litigation practice with an emphasis on prosecuting large, high-risk, significant damage exposure cases on behalf of clients. Her practice includes ERISA and pension fund litigation, breach of fiduciary duty, consumer products and commercial litigation. She has represented commercial clients in products liability and patent and trademark related litigation. She has successfully represented clients in multi-million dollar cases, including the successful resolution of an actuarial claim for \$110 million dollars.

Ms. Almonrode was appointed to the Plaintiffs' Steering Committee in ongoing litigation against Mylan Pharmaceuticals and other drug companies regarding their anti-competitive conduct in the sale of EpiPen epinephrine auto-injectors, resulting in a monopoly that has made them billions of dollars at the expense of consumers and third party payors. *See In Re: Epipen (Epinephrine Injection, UPS) Marketing, Sales Practices and Antitrust Litigation*, No. 17-md-02785 (D.Kan.). Ms. Almonrode also served as co-lead counsel in *In Re: Foster v. L3 Communications, EO Tech*, No. 15-cv-03519 (E.Mich.) which settled in excess of \$51 million, as well as co-lead counsel in the ERISA class action *Davidson v. Henkel Corporation*, No. 12-cv-14103 (E.Mich.) which settled for \$3.35 million, resulting in a 100% recovery for the class.

In 2010, she received the special distinction of Michigan Leader in the Law, awarded by *Michigan Lawyers' Weekly*. For the past ten years, Ms. Almonrode has been named a Super Lawyer. For the past eight years, she has been named one of the top 50 Women Super Lawyers in the State of Michigan (out of approximately 11,000 women practicing in the state). For the past seven years, she has been named one of the top 100 Lawyers in Michigan (out of 34,204 lawyers in the state). She was named one of the top five Consumer Lawyers in the State of Michigan for 2016. Ms. Almonrode was named among the most notable women lawyers in Michigan by *Crain's Detroit Business* for 2017. Recently, she was admitted to the inaugural class of the Michigan Lawyers' Weekly Hall of Fame. She has earned Martindale-Hubbell's highest rating, AV<sup>®</sup>Preeminent<sup>™</sup> 5/5.0 for legal ethics and ability.

Ms. Almonrode was admitted to practice in the State of Michigan in 1982. She is also admitted to practice in the U.S. District Court Eastern District of Michigan, U.S. District Court Western District of Michigan, U.S. Bankruptcy Court Eastern District of Michigan, U.S. Bankruptcy Court Western District of Michigan, U.S. District Court – Northern District of Illinois, U.S. Court of Appeals 6th Circuit, the State of New York, the U.S. District Court for Southern District of New York, the U.S. District Court for the Eastern District of New York, the U.S. Court of Appeals 2nd Circuit, and the U.S. Supreme Court.

Before joining The Miller Law Firm, P.C. in 2012, Ms. Almonrode was a Partner at Sullivan, Ward, Asher & Patton, P.C., and Supervisor-Salaried Personnel at General Motors Corp.

Ms. Almonrode's pro bono activities have included working with the Detroit Institute of Arts and the Detroit Film Theatre Board.

**Oakland University, B.S., 1978**

**University of Detroit Mercy School of Law, J.D. 1981**

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### MELVIN “BUTCH” HOLLOWELL, PARTNER

✉ [MBH@MillerLawPC.com](mailto:MBH@MillerLawPC.com)



Melvin Butch Hollowell serves as Managing Partner of [The Miller Law Firm Detroit](#) where he oversees the firm’s practice at its downtown Detroit location. Hollowell specializes in complex commercial litigation, class action matters, government and administrative law, and election law. Hollowell is a seasoned litigator in the state and Federal courts of Michigan, and multiple jurisdictions across the United States and Canada. He has handled disputes for a full range of clients, from publicly traded and Fortune 100 companies to small businesses, nonprofits, government officials and agencies and civil rights organizations. Recently Hollowell was appointed to leadership by the Michigan Court of Claims in the mass tort litigation arising out of the May 2020 catastrophic flooding caused by the failure of the Midland and Edenville dams.

Some of Attorney Hollowell’s representative clients include GFL USA, Inc., Bedrock, Somerset Collection Mall, Mirage Resorts, Yanfeng U.S.A., Edward C. Levy & Co, Strong Steel Products, First Independence Bank, nonprofit entities such as the NAACP and the Skillman Foundation, major real estate developers Carson Equities, City Club Apartments/Jonathan Holtzman, Firm Real Estate, M J Bennett-Norm Pappas Financial, and the Roxbury Group, clients in the cannabis industry, as well as public clients such as Detroit Mayor Mike Duggan, the Michigan Legislative Black Caucus, Wayne County Prosecutor Kym Worthy, various Members of the Detroit City Council, Members of the Michigan House and Senate, the City of Flint, the City of Detroit General Retirement System Pension Board, and other elected officials, candidates, and voting rights nonprofit entities in election law matters.

Hollowell is a “Fellow” of the Michigan State Bar Foundation, a recognition reserved for the top five percent of Michigan lawyers. He was selected by Michigan Lawyers Weekly as a “Leader in the Law,” one of the most select and prestigious recognitions in the State’s legal profession. Hollowell was named a “Leading Lawyer” in 2019 and 2020, and as a “Super Lawyer” in 2020, and 2021, which are coveted peer review professional recognitions. He received the Wolverine Bar Association’s “President’s Award,” the Association’s highest honor, and is rated “AV Preeminent” by Martindale-Hubbell, the highest possible rating for attorneys in the United States and Canada. He is a Life Member of the Judicial Conference of the U.S. Court of Appeals for the Sixth Circuit.

Immediately prior to his association with The Miller Law Firm, Hollowell completed a four-year term as Corporation Counsel of the City of Detroit, the City’s chief legal officer. He was appointed to the position by Detroit Mayor Mike Duggan and unanimously confirmed by the Detroit City Council. In this capacity he assumed the role of Director of the City’s 70-attorney Law Department, lead counsel to the Mayor, City Council, City Clerk, Police and Fire Departments, and all City departments, boards, commissions and agencies. In this role he also served as the City’s chief criminal prosecutor, and as a Commissioner of the Detroit Election Commission and Trustee of the City’s Police and Fire Pension Board.

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### **Among his accomplishments as Corporation Counsel were:**

- Reducing litigation payouts by nearly 50%, from a historic average of \$30 million per year to \$16 million in 2016
- Led and won the case ending 11 years of Department of Justice oversight of the Detroit Police Department, saving the City \$86,000 per month and establishing the DPD as a constitutional policing agency
- Managed the City's legal process through the 2014 Chapter 9 bankruptcy proceedings
- Recouped \$20 million from bankruptcy consultants for overbilling
- Created the Commercial Blight Unit to hold property owners accountable for compliance with City standards. This unit collected over \$601,650 in judgments from non-compliant property owners, and never lost a case
- Created the Income Tax Unit to ensure citizens and businesses in the City pay their fair share for City services which collected over \$5.3 million and never lost a case
- Created Project Clean Slate, a pioneering program in which 100 volunteer lawyers and 100 volunteer law students provide free legal representation in non-violent criminal expungements in exchange for the applicant agreeing to sign up for the City's job readiness program. The participating lawyers and law students in this project never lost a case
- Worked with the Duggan Administration and the City Council to write and implement the City's first medical marijuana ordinances which took effect March 1, 2016; and he oversaw regulation and compliance with the ordinances, alongside the Police Department and the Buildings Safety Engineering and Environmental Department, and defended the ordinances in court. The Law Department lost none of these cases

When he announced that he was stepping down from his position at City Hall to accept the position as Managing Partner of The Miller Law Firm Detroit, Mayor Duggan thanked Hollowell for his service and praised his accomplishments: "Under Butch Hollowell's leadership, not only has the city saved millions of dollars in lawsuit settlements that can be used for critical city services, his vigorous efforts to address the issues of commercial blight, illegal graffiti and illegal dumping have greatly improved the quality of life in Detroit's neighborhoods. It's no surprise The Miller Law Firm recognized Butch's outstanding abilities as a lawyer and administrator and recruited him to their team." City Council President Brenda Jones added, "I appreciate Butch Hollowell's service to the Detroit City Council. He represented us in key legislation, cut the flow of lawsuit payouts in half and worked to ensure the best interests of the city were protected. Under Butch's leadership, excellent legal advice was provided to City Council and we wish him well in this new chapter of his life."

Attorney Hollowell presently serves on the Board of the Directors of the City of Detroit's Downtown Development Authority, as a Mayoral appointee. He also serves on the Board of Directors of the City of Detroit Public Lighting Authority by joint appointment of the Mayor and the City Council.

Hollowell was appointed General Counsel for the 2018 Gretchen Whitmer for Michigan Governor primary campaign, and that same year served on Michigan Attorney General Dana Nessel's Transition Team. Hollowell served as Insurance Consumer Advocate for the State of Michigan by appointment of Governor Jennifer Granholm, now U.S. Secretary of Energy. He was appointed to Vice President Al

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Gore's litigation team in Miami (*pro hac vice*), under Kendall Coffey, during the 2000 Presidential Recount. He was elected the first African American Chairman of the Michigan Democratic Party, was a Member of the Democratic National Committee, and was elected to the Rules Committee of the 2016 Democratic National Convention.

In 1995 and again in 2018, Hollowell was appointed General Chairman of the Detroit Branch NAACP Fight for Freedom Fund Dinner, the largest sit-down dinner in the world, and the largest annual fundraiser for civil rights in the United States. He is a rare 2-time Chairman of this iconic event. Hollowell has served on the National NAACP Legal Committee by appointment of the Association's Chair.

Hollowell is admitted to practice before the United States Supreme Court, the U.S. Court of Appeals for the Sixth Circuit, the U.S. District Court for the Eastern District of Michigan, the U.S. District Court for the Western District of Michigan and the courts of the State of Michigan. He is a member of the State Bar of Michigan and the American Bar Association.

Hollowell received his Juris Doctor from the University of Virginia School of Law in 1984 where he was President of the Black Law Students Association. He received his Bachelor of Arts degree from Albion College in 1981 where he was elected commencement speaker. He is a graduate of the University of Detroit Jesuit High School and Academy, Class of 1977.

Hollowell was born at Tripler Army Hospital in Honolulu, Oahu, Hawaii, speaks Spanish, is a competitive tennis player, has traveled widely, and plays acoustic guitar. He has two children: Melvin III and Desiree, and three grandchildren: Jack, Allie, and Jordan. He lives in downtown Detroit.

**Albion College, B.A., 1981**

**University of Virginia School of Law, J.D., 2011**



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### EMILY E. HUGHES, PARTNER

✉ [EEH@millerlawpc.com](mailto:EEH@millerlawpc.com)

Emily E. Hughes is a partner at The Miller Law Firm. Ms. Hughes concentrates her practice in consumer class actions, complex commercial litigation, bankruptcy adversary proceedings and ERISA litigation.

Ms. Hughes routinely litigates complex commercial and business disputes, including cases involving breach of non-competition and non-solicitation agreements, shareholder oppression, fraudulent transfer claims and intellectual property disputes involving music royalties. Ms. Hughes has defended against U.S. Securities and Exchange Commission investigations and a U.S. Securities and Exchange Commission municipal securities enforcement action. She also has substantial experience with eDiscovery.

In 2015, Ms. Hughes was a member of the litigation team which obtained summary judgment on liability on behalf of a certified class of retirees against the Henkel Corporation in the United States District Court, Eastern District of Michigan for claims brought under the civil enforcement provisions of ERISA. *See Davidson v. Henkel Corp.*, No. 12-cv-14103.

Ms. Hughes has been recognized as a “Rising Star” in Michigan Super Lawyers in the area of General Litigation for 2010-2014.

Ms. Hughes graduated cum laude from the University of Illinois College of Law in 2005, where she was nominated for the Rickert Award for Excellence in Trial Advocacy. She began her law school career at Syracuse University College of Law, where she received an award for Best Oralist in Appellate Advocacy in her legal writing section. Ms. Hughes received her Bachelor of Arts Degree in Political Science from the University of Michigan in 2001.

Prior to joining The Miller Law Firm, Ms. Hughes served as in-house counsel for a large labor organization from 2005 until 2007, where she conducted numerous arbitrations, handled matters involving the National Labor Relations Board, and conducted several training seminars on a variety of labor-management issues.

Ms. Hughes is admitted to practice in Michigan, the U.S. District Court of the Eastern District of Michigan and the Bankruptcy Court of the Eastern District of Michigan. She is currently a member of the Women Lawyers Association of Michigan.

**University of Michigan, B.A., 2001**

**University of Illinois College of Law, J.D., 2005, *cum laude***

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**DENNIS A. LIENHARDT, ASSOCIATE**

✉ [DAL@millerlawpc.com](mailto:DAL@millerlawpc.com)

Dennis Lienhardt litigates complex class action and commercial litigation cases, including consumer protection, data breach, product liability, environmental, ERISA, antitrust, and securities cases. He has prosecuted dozens of class actions on behalf of consumers in federal courts in Michigan, New York, California, Illinois, Ohio, Kansas, and Arkansas.

Mr. Lienhardt has served as a counsel of record for plaintiffs and class members in the following matters, among others, which resulted in significant settlements for consumers nationwide: (1) settlement of securities class action against pharmaceutical services company valued at over \$14 million; (2) settlement of securities class action against OEM valued at over \$14 million; and (3) settlement against OEM for misstating vehicle fuel efficiency.

Mr. Lienhardt received his law degree from Wayne State University Law School in 2016 after receiving the Jason L. Honigman Scholarship and the Bruce A. Miller Scholarship. While at Wayne Law he served as Editor-in-Chief of the Wayne Law Review and also received special accolades for his oral advocacy skills in Moot Court, including being chosen to represent Wayne Law at the Tulane Sports Law Moot Court Invitational in New Orleans. Prior to law school, Mr. Lienhardt received a Bachelor of Arts from the University of Michigan – Dearborn in 2013. While at UM-Dearborn, he served as President of the Student Government, President of the Political Science Association, was named a University “Distinguished Student Leader,” and delivered the commencement address.

Mr. Lienhardt is involved in the Federal Bar Association and the Detroit Bar Association.

**University of Michigan-Dearborn, B.A., 2013**

**Wayne State University Law School, J.D., 2016**

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**WILLIAM KALAS, ASSOCIATE**

✉ [WK@MillerLawPC.com](mailto:WK@MillerLawPC.com)

William Kalas is an associate at The Miller Law Firm. His practice currently focuses on complex commercial and class action litigation.

Mr. Kalas received his law degree from The University of Chicago in 2017. While in law school, he served as a judicial intern for the Honorable George Caram Steeh at the United States District Court for the Eastern District of Michigan. In addition, he was also a member of the Law School's Corporate Lab, where he had gained legal experience working with large commercial enterprises.

Mr. Kalas received his Bachelor of Arts degree in Philosophy from Oakland University in 2014, graduating *magna cum laude*. While at Oakland, he competed with the University's ethics debate team, qualifying for a national championship. He was also selected as an Oakland University Business Scholar.

Mr. Kalas is admitted to practice law in the State of Michigan.

**Oakland University. B.A., 2014**

**University of Chicago Law School, J.D., 2017**

# EXHIBIT A-46

UNITED STATES DISTRICT COURT

DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF ELIZABETH C. PRITZKER ON BEHALF OF PRITZKER LEVINE LLP IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES/CHARGES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Elizabeth C. Pritzker, declare as follows:

1. I am Partner in the firm of Pritzker Levine LLP (“Pritzker Levine” or “the Firm”).

I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.

2. On February 27, 2020, the Court appointed me as one the attorneys serving as Co-Lead Counsel for Class Plaintiffs in this litigation. ECF No. 2018. Prior to that, beginning on September 12, 2017, I served as the Chair of the Court-appointed Class Plaintiffs’ Steering Committee in this action. ECF No. 40.

3. The information in this declaration regarding Pritzker Levine’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. Pritzker Levine seeks an award of \$447,029.31 in expenses and charges in connection with the prosecution of the litigation through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.

5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 1<sup>st</sup> day of September, 2021, at Emeryville, California.



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ELIZABETH C. PRITZKER

# **EXHIBIT A**

**EXHIBIT A**

*In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)

**PRITZKER LEVINE LLP**  
**Expenses/Charges**  
**Inception through June 30, 2021**

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees	\$400.00
Transportation, Hotels & Meals	\$14,070.78
Messenger, Overnight Delivery	\$402.37
Photocopies - In-House: (42,101 copies at \$0.075 per page)	\$3,157.58
Online Legal and Financial Research	\$3,998.58
Litigation Fund Contribution	\$425,000.00
<b><i>TOTAL</i></b>	<b><i>\$447,029.31</i></b>



# **EXHIBIT B**

# PRITZKER LEVINE LLP

PHONE: 415.692.0772  
FAX: 415.366.6100  
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**Pritzker Levine LLP** is a boutique law firm focused on complex litigation and trial work nationwide. Our attorneys bring a unique blend of expertise, efficiency and sound judgment to the vigorous representation of clients in individual and class cases.

Pritzker Levine attorneys have successfully represented corporate clients, public entities, pension funds, small businesses, nonprofit groups, labor unions, whistleblowers and injured persons in cases involving antitrust violations, privacy violations, unfair competition, securities fraud and derivative claims, commercial disputes, employment law and personal injuries – resulting in recoveries in excess of \$1.5 billion.

Founding partners, Elizabeth Pritzker and Jonathan Levine, each have more than 30 years of experience in complex, multi-party and class litigation. The firm’s highly accomplished attorneys have repeatedly been recognized as “*Top Attorneys*,” “*Super Lawyers*” or “*Rising Stars*” in their fields for their work serving their clients’ interests in courtrooms, mediations and arbitrations across the country.

Pritzker Levine LLP maintains offices in California and New York, and represents clients in state and federal courts throughout the United States.

## ANTITRUST

Pritzker Levine has served as a lead or co-lead counsel in antitrust litigation matters representing plaintiff classes alleging price fixing, monopolization and other anticompetitive conduct. We serve in a court-appointed leadership capacity in certain cases, and contribute as members of a court-approved executive committee or in a supportive role for the lead law firms in other cases.

While our leadership role varies, our contributions are always valuable. Our leadership experience includes the following antitrust matters:

## PRITZKER LEVINE LLP

- ***In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation***, MDL No. 2785 (D. Kan.): Co-Lead Class Counsel Elizabeth Pritzker represents a certified class of end-payer plaintiffs in a nationwide RICO and multi-state antitrust class action alleging that Mylan NV and Pfizer, Inc., the seller and manufacturer of the life-saving EpiPen, respectively, engaged in an unlawful scheme to sharply increase the price of the device while at the same time stifling competition seeking to enter the market. The case is pending before Judge Daniel D. Crabtree in the U.S. District Court of Kansas. A \$345 million settlement with Pfizer is pending final approval in October 2021. A jury trial against remaining defendant, Mylan, is scheduled for trial in January 2022.
- ***In re National Collegiate Athletic Association Grant-In-Aid Cap Antitrust Litigation***, MDL No. 2541 (N.D. Cal.): Additional Class Counsel Elizabeth Pritzker and Pritzker Levine represent college football and basketball players in an antitrust class-action against the National Collegiate Athletic Association (NCAA) and the NCAA's most powerful conference members, the Pac-12, Big Ten, Big-12, SEC and ACC, claiming that these entities have agreed in violation of national antitrust laws to unlawfully cap the value of athletic scholarships. Firm clients, Justine Hartman and Afure Jemerigbe, both former University of California-Berkeley women's basketball players, serve as class representatives in the case. Nationwide classes seeking injunctive relief have been certified, and \$208 million class damages class settlement received final court approval in 2017. The injunctive relief case was tried, successfully, before the Hon. Claudia Wilken in 2018. The U.S. Supreme Court unanimously affirmed the judgment in June 2021. *Nat'l Collegiate Athletic Ass'n v. Alston*, \_\_\_ U.S. \_\_\_, 141 S. Ct. 2141 (June 21, 2021).
- ***In re Packaged Seafood Products Antitrust Litigation***, MDL No. 2670 (S.D. Cal.): Elizabeth Pritzker and Pritzker Levine serve on the Indirect Purchaser Plaintiffs' Steering Committee, representing a certified class of consumers in a multi-district antitrust case alleging price-fixing by the major producers of canned or packaged tuna products. The district court's class certification decision is currently pending *en banc* review before the Ninth Circuit Court of Appeals. This multi-district litigation has been assigned by the Judicial Panel on Multidistrict Litigation to Judge Janis L. Sammartino in the U.S. District Court for the Southern District of California, and is in active litigation.

## PRITZKER LEVINE LLP

- ***Al's Discount Plumbing, LLC et al., v. Viega, LLC***, Case No. 1:19-cv-159 (M.D. PA): In her court-appointed role as Co-Lead Class Counsel, Elizabeth Pritzker represented indirect purchasers in a multi-state class action alleging anticompetitive and exclusionary conduct by a leading manufacturer of copper press pipe fittings. Chief Judge Christopher C. Conner in the U.S. District Court for the Middle District of Pennsylvania granted final approval of a class settlement in December 2020.
- ***Staley et al., v. Gilead Sciences et al.***, Case No. 3:19-cv-02573-EMC (N.D. Cal.): Pritzker Levine represents plaintiffs and putative class members in a class action lawsuit against drug manufacturer Gilead and others, including Johnson & Johnson and Bristol-Meyers Squibb, for knowingly colluding to raise the price of anti-HIV drugs, and wrongfully raising the price of treatment for the one million people in the United States living with HIV. The case is pending before Judge Edward Chen in the U.S. District Court for the Northern District of California and is active litigation.
- ***In Re Google Store Antitrust Litigation***, Case No. 3:21-md-02981-JD (N.D. Cal.), Elizabeth Pritzker, as court-appointed Liaison Counsel, represents consumer class plaintiffs who use the Android OS operating system on their smart phone devices and who have downloaded or purchased applications (“apps”) through the Google Play Store. Plaintiffs allege that Google has knowingly created, and continues to exert, an unlawful monopoly over the market for the distribution of apps through the Android OS, making it impossible for users to purchase apps other than through the Google Play Store. The case is pending before Judge James Donato in the U.S. District Court for the Northern District of California, and is in active litigation.
- ***Wood Mountain Fish LLC, et al, v. Mowi ASA (fka Marine Harvest ASA), et al.***, Case No. 19-cv-22128-RS (S.D. Fla.): Elizabeth Pritzker and Pritzker Levine serve on the Plaintiffs’ Steering Committee and represent an indirect purchaser plaintiff class in a multi-state antitrust class action alleging price fixing by the major producers of farm-raised salmon and salmon products. The case is pending before Judge Rodney Smith in the U.S. District Court for the Southern District of Florida (Ft. Lauderdale) and is in active litigation.

## PRITZKER LEVINE LLP

- ***In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation***, MDL No. 2542 (S.D.N.Y.): Pritzker Levine serves on the Indirect Purchaser Plaintiff Litigation Committee and represents consumers and a proposed class of indirect purchasers in a nationwide class action against Keurig Green Mountain, Inc., Green Mountain Roasters, Inc., and Keurig, Inc. (collectively “Keurig”), for allegedly monopolizing the U.S. market for the sale of single-serve portion packages of coffee, tea, cocoa and other beverages. This multi-district litigation has been consolidated before Judge Vincent S. Broderick in U.S. District Court for the Southern District of New York, who recently granted final approval to a class settlement.
- ***In re Disposable Contact Lens Antitrust Litigation***, MDL No. 2626 (M.D. Florida): In its role on the Plaintiffs’ Steering Committee, Pritzker Levine represents plaintiffs and a certified class in an antitrust class action against contact lens manufacturers alleging that they colluded to maintain the retail prices of contact lenses by imposing resale price maintenance restrictions on those products. This multi-district litigation has been consolidated before Judge Harvey E. Schlesinger in the U.S. District Court for the Middle District of Florida, and has resulted in multiple class settlements. The case is scheduled for trial in 2022.
- ***In re Transpacific Passenger Air Transportation Antitrust Litigation***, Case No. 07-cv-5634-CRB (N.D. Cal.): Elizabeth Pritzker, as a member of Plaintiffs’ Executive Committee, represented a class of consumers and direct purchasers in a multi-district class action alleging fuel surcharge price-fixing by airlines in the transpacific passenger airline market. Plaintiffs have secured settlements totaling approximately \$160 million. The case is pending before Judge Charles Breyer in the U.S. District Court for the Northern District of California.
- ***In re TFT-LCD (Flat Panel) Antitrust Litigation***, MDL No. 1827 (N.D. Cal.): Liaison Counsel Elizabeth Pritzker represented a certified class of direct purchaser plaintiffs in a multi-district antitrust class action alleging price-fixing by foreign and domestic manufacturers of Thin Film Transistor Liquid Crystal Display (TFT-LCD) panels and products. The case resulted in class settlements of \$473 million, and an \$87 million jury verdict before trebling. *TFT-LCD* is considered to be one of the largest antitrust MDL actions in the United States. The case was litigated

## PRITZKER LEVINE LLP

and tried to verdict before Northern District of California Judge Susan Illston.

- ***Il Fornaio (America) Corporation et al. v. Lazzari Fuel Company, LLC et al.***, Case No. 13-cv-05197-WHA (N.D. Cal.): Class Counsel Elizabeth Pritzker represented a certified class of direct purchasers in antitrust class action alleging customer allocation and bid rigging among sellers of restaurant grade mesquite charcoal. Northern District of California Judge William Alsup granted final approval of a class-wide settlement that resulted in settlement payments to class members representing approximately 85% of actual antitrust damages.
- ***In re Lithium Ion Rechargeable Batteries Antitrust Litigation***, MDL No. 2420 (N.D. Cal.): Elizabeth Pritzker and Pritzker Levine served as on the court-appointed Plaintiffs' Steering Committee, representing direct purchasers in a multi-district antitrust class action alleging price-fixing by the major manufacturers of lithium ion rechargeable batteries. Direct purchaser plaintiffs secured over \$70 million in settlements. Northern District of California Judge Yvonne Gonzalez Rogers granted final settlement approval on May 8, 2018.
- ***In re Domestic Drywall Antitrust Litigation***, MDL No. 2437 (E.D. Pa.): Pritzker Levine served as a member of the Plaintiffs Steering Committee, representing 501(c)(3) nonprofit community development organizations and a proposed class of indirect purchasers, in a class action alleging a conspiracy among gypsum board manufacturers and distributors to fix the prices of gypsum board. This multi-district litigation resulted in several indirect purchaser class settlements. Eastern District of Pennsylvania Judge Michael M. Baylson presided over the case.

### UNFAIR COMPETITION AND PRIVACY VIOLATIONS

Pritzker Levine and its attorneys have represented consumers injured by violations of a wide variety of deceptive practices and consumer protection laws. We have brought claims for all types of consumers, including credit card holders and purchasers of prescription drugs, motor vehicles, cosmetics, consumer electronics, and time shares interests. We also prosecute privacy class actions for consumers impacted by computer

## PRITZKER LEVINE LLP

malware or data breaches. Examples of some of our consumer law cases include:

- ***In re ZF-TRW Airbag Control Units Products Liability Litigation***, Case No. 2:19-ml-02905-JAK-FFM (C.D. Cal.): Jonathan Levine serves as Plaintiffs’ Liaison Counsel in a multi-district action alleging that certain vehicles are installed with a defective Airbag Control Unit (“ACU”) designed by ZF Friedrichshafen AG. Plaintiffs allege that this defective ACU causes a critical component that monitors signals from crash sensors throughout affected vehicles to be unreasonably susceptible to damage from electrical overstress, which can result in malfunctioning airbags and seatbelts. The consolidated actions are pending before Central District of California Judge John A. Kronstadt, and are in active litigation.
- ***In re Google RTB Consumer Privacy Litigation***, Case No. 5:21-cv-02155-LHK-VKD (N.D. Cal.): Elizabeth Pritzker serves as court-appointed Interim Class Counsel in this consolidated class action on behalf of a nationwide class of Google account holders alleging that class members’ personal information is improperly sold and disseminated by Google to thousands of companies through Google’s proprietary advertising auction process, which is effectuated through real-time bidding (“RTB”) auctions (the “Google RTB”) in violation of California and federal law. The consolidated actions are pending before Northern District of California Judge Lucy H. Koh and are in active litigation.
- ***Corcoran v. CVS Pharmacy, Inc.***, Case No. 15-cv-02624-YGR (N.D. Cal.): Pritzker Levine serves as Co-lead Class Counsel in a multi-state class action alleging a common fraudulent and deceptive pricing scheme by CVS to overcharge customers with third-party health care plans for generic prescription drugs purchased at CVS pharmacies. A multi-state class was certified, and an appeal of the district court’s summary judgment order was successfully appealed and reversed by the Ninth Circuit Court of Appeals. A jury trial was held in June 2021. An appeal is currently pending before the Ninth Circuit Court of Appeals.
- ***In Re: Lenovo Adware Litigation***, MDL No. 2624 (N.D. Cal): Pritzker Levine, as Co-Lead Class Counsel, represented a certified class of more than 800,000 consumers in a nationwide multi-district class action against Lenovo and Superfish for

## PRITZKER LEVINE LLP

damages arising from the surreptitious installation of a Superfish spyware program by Lenovo on certain notebook computer models sold in the United States. The Superfish program “VisualDiscovery” allowed Superfish to monitor and alter computer users’ internet search results, and made those computers vulnerable to security breaches and data theft. The litigation resulted in an \$8.3 million settlement to compensate purchasers of the affected Lenovo computers.

- ***Hubbard v. Google LLC***, Case No. 5:19-cv-07016-BLF (N.D. Cal.): Pritzker Levine, as plaintiffs’ counsel, represents a proposed class of minor children and their parents or guardians throughout the United States in litigation alleging that Google, YouTube and certain other companies that develop and advertise content on the YouTube platform illegally tracked and collected personal information and persistent identifiers for minor children viewing children’s content on YouTube. The case is pending before Northern District of California Judge Beth Freeman.
- ***In re Adobe Systems, Inc., Privacy Litigation***, Case No. 13-cv-05226-LHK (N.D. Cal.): As a member of the Plaintiffs’ Executive Committee, Pritzker Levine partner Elizabeth Pritzker represented consumers and a proposed class of users of Adobe software products whose personal private information or property was compromised as a result of allegedly substandard security practices at Adobe that lead to a massive data and security breach in September 2013. The parties reached a settlement which required Adobe to substantially strengthen its security controls, including by undertaking new intrusion detection and encryption measures.
- ***In re Countrywide Financial Corp. Data Security Breach Litigation***, Case No. 3:08-MD-1988 (W.D. Ky.): As a member of the Plaintiffs’ Executive Committee, Pritzker Levine partner Jonathan Levine represented a nationwide class of more than 2.4 million customers and potential customers of Countrywide whose personal information was stolen by a former employee and then sold to competing mortgage lenders. The case settled for more than \$10 million of cash and other benefits as well as changes in Countrywide’s business practices.
- ***Beringer v. Certegy Check Services, Inc.***, Case No. 8:07-cv-1657-SDM (M.D. Fla.): As a member of the Plaintiffs’ Executive Committee, Pritzker Levine partner



## PRITZKER LEVINE LLP

Jonathan Levine represented a nationwide class of more than 5.5 million consumers whose financial records were stolen by a company employee and then resold to a third-party marketer. The case settled for in excess of \$100 million of cash and other benefits as well as changes in Certegy's business practices.

- ***In re Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation***, MDL No. 2672 (N.D. Cal): As cooperating plaintiffs' counsel, Pritzker Levine represented class representatives in multi-district litigation stemming from Volkswagen's admission to federal regulators in September 2015 that the company used illegal software to cheat emissions tests on certain of its four-cylinder diesel cars, including the popular TDI models of the VW Jetta, Passat, Golf and Beetle, and the Audi A3 TDI diesel sedan. A set of class settlements for monetary compensation and auto repairs totaling more than \$10.3 billion has received final court approval.
- ***Gathron v. Chrysler Group, LLC***, Case No. 4:13-cv-05922-WHO (N.D. Cal.): As Co-lead Counsel, Pritzker Levine partners Elizabeth Pritzker and Bethany Caracuzzo represented a proposed class of owners and lessees of 2011-2012 Dodge Chargers alleging that factory-installed headlight harnesses in these model year vehicles were defective and posed a serious safety hazard. The case was filed in the U.S. District Court for the Northern District of California, before Judge William H. Orrick. As a result of plaintiffs' efforts, Chrysler instituted a recall and repair program that included reimbursement benefits to vehicle lessees and owners.
- ***In re GIB LLC Cases***, J.C.C.P. No. 4657 (Cal. Sup. Ct., County of Los Angeles): As Co-lead Class Counsel in this California State Court Judicial Council Coordinated Proceeding, Elizabeth Pritzker represented certified classes of salon owners, hair stylists and consumers who were exposed to off-gassing formaldehyde and other harsh chemicals from the Brazilian Blowout line of hair smoothing products and hair treatments that were deceptively advertised as “formaldehyde free” and as not containing harmful chemicals. In January 2014, the Los Angeles Superior Court granted final approval to a class settlement that provided substantial monetary benefits distributed to stylists and consumers, together with business practice changes with respect to the marketing, sale, handling, use, and disposition of Brazilian Blowout products.

## PRITZKER LEVINE LLP

- ***Benedict v. Diamond Resorts Corp., et al.***, Case No. 1:2012cv00183 (D. Hawaii): Pritzker Levine partners Elizabeth Pritzker and Jonathan Levine, as Co-lead Counsel, represented a class of timeshare owners challenging the imposition of an unauthorized Special Assessment fee for the repair of one of the timeshare resorts in Hawaii. Judge David A. Ezra granted final approval to a class action settlement of the matter in June 2013.
- ***Berrien v. New Raintree Resorts, International, LLC, et al.***, Case No. 4:10-cv-03125-CW (N.D. Cal): Pritzker Levine partners Jonathan Levine and Elizabeth Pritzker, as Class Counsel, represented timeshare vacation program members of Raintree Vacation Club and Club Regina who were charged a Special Assessment Fee. Following favorable decisions on defendants' motions to dismiss by Northern District of California Judge Claudia Wilken and plaintiffs' motion for class certification, the case resulted in a court-approved class settlement.
- ***Wixon v. Wyndham Resort Development Corp., et al.***, Case No. C 07-2361- JSW (BZ) (N.D. Cal.): Pritzker Levine partners Jonathan Levine and Elizabeth Pritzker, as Lead Class and Derivative Counsel, represented time-share owners in a nationwide class action challenging pricing of WorldMark resorts and in derivative litigation against the WorldMark Board of Directors challenging corporate governance matters. After more than four years of litigation in federal and state court, the case was settled on favorable terms. Northern District of California Judge Jeffrey S. White finally approved the class settlement.
- ***In re Providian Credit Card Cases***, J.C.C.P. No. 4085 (Cal. Sup. Ct., County of San Francisco): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a nationwide class of Providian credit card holders in this California State Court Judicial Council Consolidated Proceeding. The lawsuit alleged that Providian engaged in unlawful, unfair and fraudulent business practices by charging its customers unauthorized fees and charges. The case resulted in a \$105 million settlement, plus injunctive relief – one of the largest class action recoveries arising out of consumer credit card litigation.
- ***In re GM Cases***, J.C.C.P. No. 4396 (Cal. Sup. Ct., County of Los Angeles): Pritzker Levine partner Elizabeth Pritzker, as Class Counsel, represented a certified class of

## PRITZKER LEVINE LLP

owners and lessees of Chevrolet Silverado trucks whose vehicle engines had abnormal “knock, ping or slap” noise. The complaint alleged that GM maintained an Engine Knock Noise Adjustment Program that gave owners and lessees who complained free extended warranties and other benefits, but that GM failed to notify all affected owners and lessees of the Adjustment Program and its benefits, in violation of California’s Secret Warranty Law. This hotly contested litigation included two unsuccessful appeals by General Motors. The Los Angeles Superior Court finally approved a class settlement in 2009, which was ratified by the Bankruptcy Court for the Southern District of New York in 2011 after GM filed for bankruptcy.

- ***In re Ipod Cases***, J.C.C.P. No. 4355 (Cal. Sup. Ct., County of San Mateo): Pritzker Levine partner Elizabeth Pritzker, as Co-lead Class Counsel, represented consumers in a nationwide class action lawsuit alleging that Apple’s advertising about the battery life of its First and Second Generation iPods was false and misleading. This Judicial Council Coordinated Proceeding, which was filed in California State Court, resulted in a settlement conservatively valued at \$15 million, which provided warranty extensions, battery replacements, cash payments, and store credits for class members. The Honorable Beth Labson Freeman, now a Northern District of California Judge, presided over the case and settlement.

### SHAREHOLDER AND SECURITIES FRAUD LITIGATION

Pritzker Levine’s attorneys are leading advocates for individual and institutional investors, and have a deserved reputation for success in representing shareholder interests in derivative or shareholder litigation. Our experience in matters involving shareholder disputes or securities fraud includes the following matters.

- ***Young v. Henderson***, Case No. RG-15-778891 (Cal. Sup. Ct., County of Alameda): We represent shareholders in direct and derivative litigation filed in California State Court, alleging individual and derivative claims on behalf of six California limited liability companies, and asserting claims for breaches of fiduciary duty, conversion, breaches of contract, and related claims arising out of defendants’ alleged misuse and misappropriation of foreign investment funds provided under

## PRITZKER LEVINE LLP

the federal Immigration Investment, or EB-5, program. Pritzker Levine successfully moved for appointment of a receiver, and facilitated the sale of commercial real estate assets (including the landmark Oakland Tribune Tower), recouping approximately \$30 million for foreign investors. The litigation is still pending in the California State Court, but has spawned a parallel federal enforcement action by the Securities and Exchange Commission (SEC). The SEC action is currently pending before Northern District of California Judge Richard Seeborg.

- ***Securities and Exchange Commission v. Bivona, et al.***, Case No. 3:16-cv-01386-EMC (N.D. Cal.): Pritzker Levine currently represents a majority investor group comprising approximately seventy percent of the membership interests in certain investment funds at issue as real parties in interest in a federal enforcement action by the SEC against a prior fund manager. The investors seek to assume management responsibilities of the funds, which are now the subject of a federal receivership, in order to protect their investments and further the investment purposes of the funds. This matter is currently pending before Northern District of California Judge Edward Chen, who has approved a resolution and plan of distribution as advocated by Pritzker Levine’s clients.
- ***In re Lehman Brothers Debt/Equity Securities Litigation***, Case No. 1:08-cv-05523-LAK:GWC (S.D.N.Y): Pritzker Levine partner Jonathan Levine represented as Class Counsel a certified class of retail investors in Lehman-issued structured products sold by UBS Financial Services, Inc. The plaintiffs alleged that UBS violated federal securities laws by selling the structured products pursuant to offering documents that misrepresented Lehman’s financial condition and failed to disclose that the “principal protection” feature of many of the notes depended upon Lehman’s solvency. The case resulted in a settlement that created a \$120 million fund to resolve the claims.
- ***In re SLM Corporation Securities Litigation***, Case No. 08 Civ. 1029 (WHP) (S.D.N.Y): Pritzker Levine partner Jonathan Levine, as Lead Counsel, represented a nationwide class of investors of SLM Corporation (“Sallie Mae”) in litigation alleging that Sallie Mae, the leading provider of student loans in the U.S., misled the public about its financial performance in order to inflate stock prices. The case resulted in settlement that created a \$35 million fund to resolve investors’ claims.

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- ***In re Winstar Communications Securities Litigation***, Case No. 01 Civ. 3014 (GBD) (S.D.N.Y.): Pritzker Levine partner Jonathan Levine represented Allianz of America, Inc., Fireman’s Fund and other large private institutional investors in federal securities litigation against the senior executives of Winstar Communications Inc., Lucent Technologies Inc. and Grant Thornton LLP, arising out of plaintiffs’ investments in Winstar Communications, Inc. The case was resolved through several confidential settlements, the last one achieved on the eve of trial.
- ***In re American Express Financial Advisors Securities Litigation***, Case No. 04 Civ. 1773 (DAB) (S.D.N.Y.): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a nationwide class of individuals who bought financial plans and invested in mutual funds from American Express Financial Advisors. The case alleged that American Express steered its clients into underperforming “shelf space funds” to reap kickbacks and other financial benefits. The case resulted in a cash settlement of \$100 million.
- ***Rosen v. Macromedia, Inc.***, Case No. 988526 (Cal. Sup. Ct., County of San Francisco): Pritzker Levine partner Jonathan Levine, as Co-lead Counsel, represented a certified nationwide class of investors of Macromedia in litigation alleging that the company and certain of its executives misled the public about its financial performance and products in order to inflate its stock price. The case resulted in a settlement with a \$48 million fund to resolve investors’ claims.
- ***In Re Gupta Corporation Securities Litigation***, Case No. C 94-1517 FMS (N.D. Cal.): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a certified nationwide class of investors of Gupta Corporation in litigation alleging that Gupta and its senior-most executives misled the public about the company’s financial performance in order to inflate the company’s stock price. The case resulted in a \$15 million settlement fund to resolve investors’ claims.
- ***Provenz v. Miller***, Case No. CV-92-20159-RMW (N.D. Cal.): Pritzker Levine partner Jonathan Levine represented as Co-lead Counsel a certified nationwide class of investors of MIPS Technologies, Inc. in litigation alleging that MIPS and certain of its executives misled the public about its financial performance and products in order to inflate the company’s stock price. The case resulted in a settlement that

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established a \$15 million fund to resolve investors' claims.

### BUSINESS LITIGATION

Pritzker Levine has successfully handled litigation matters for corporate and business clients involving breach of contract, breaches of fiduciary duty, unfair competition, deceptive labeling, trade libel and other matters. While we employ our legal and business acumen to resolve business disputes amicably, the firm's attorneys are respected and skillful trial counsel. Some recent cases and trial successes include:

- ***Farmhouse DTLA Inc. v. LA Farmers Inc.***, Case No. A245061-24 (Judicate West – Los Angeles): Partner Jonathan Levine and the Pritzker Levine firm represent a local tech company in a breach of contract and breach of fiduciary duty arbitration matter arising from an investment in and the subsequent sale of a marijuana grow operation and dispensary in Los Angeles, California. The matter was arbitrated in February 2021, resulting in a favorable arbitration award for the firm's client.
- ***ITyX Solutions, AG v. Kodak Alaris Inc.***, Case No. 1:16-cv-10250-ADB (D. Mass.): As chief trial counsel, firm partners Elizabeth Pritzker and Jonathan Levine successfully litigated an international business dispute involving artificial intelligence technologies. After a 10-day trial in the District Court of Massachusetts, the jury returned a unanimous \$9.2 million verdict in favor of Pritzker Levine's clients, and United States District Court Judge Allison D. Burroughs entered judgment in favor of the firm's clients on equitable claims. Pritzker Levine also successfully defended the jury verdict after the defendant appealed to the First Circuit Court of Appeals.
- ***BeUbiq, Inc. v. CCG, Inc.***, Case No. 114cv270691 (Cal. Sup. Ct., County of Santa Clara): Partners Jonathan Levine and Bethany Caracuzzo represented a Silicon Valley tech start-up in a breach of contract action against a software development company that BeUbiq hired to develop the software platform for its principal product, and obtained a California State Court jury verdict favorable to their clients.

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- ***BTI Group v. Forrests Music***, Case No. C-17-00780 (Cal. Sup. Ct., County of Contra Costa): Pritzker Levine represented local business owners who were sued for breach of contract in connection with the sale of their business. Following several months of litigation, Pritzker Levine was able to obtain a dismissal with prejudice for its clients.

### PERSONAL INJURY

Pritzker Levine LLP offers personal, attentive and professional legal services to those who have suffered pain or trauma as result of the negligent or wrongful conduct of others. The firm's attorneys have experience representing personal injury cases involving toxic chemicals, pharmaceuticals, dangerous products, medical malpractice and unsafe conditions. Our lawyers have helped clients in wrongful death cases, and in cases involving serious, permanent and debilitating injuries, such as spine and traumatic brain injuries, severe burns, cancer, and other devastating losses.

In all personal injury cases, from class actions to mass actions to individual cases, we rigorously represent every claim and every client. Some of our significant cases include:

- ***In Re Aqueous Film-Forming Foams Products Liability Litig.***, MDL No. 2873 (D.S.C): Elizabeth Pritzker (as a member of the Plaintiffs' Executive Committee) and Pritzker Levine represent current and former firefighters and some of their spouses in multi-district litigation against manufacturers, designers, sellers, suppliers, and distributors of Class B firefighting foams as well as protective clothing (turnouts) specifically designed for firefighters. Each of the firefighter plaintiffs has been diagnosed with and treated for cancers that Plaintiffs allege were caused by years of on-the-job exposure to per- and polyfluoroalkyl (PFAS) substances present in the firefighting foams they used and the protective clothing they wore. The firm currently represents dozens of firefighter families in five active cases.
- ***Jane Doe and John Doe v. Steven Lawrence Katz, M.D., et al.***: Pritzker Levine attorneys represented a mother and child in an action against a fertility clinic for

## PRITZKER LEVINE LLP

accidentally transferring an embryo belonging to another couple into the mother and the intentional cover-up of the mistake until the child was 10 months old. The other couple then sought and later obtained shared custody of the child in unrelated family court proceedings. The case resulted in a \$1 million settlement for the mother and child despite MICRA limitations in medical malpractice actions.

- ***McKay v. Caltrans***: Pritzker Levine attorneys represented a husband and wife in dangerous road condition action against Caltrans, in which the husband was severely injured by a motorist whose vehicle crossed the median barrier on Highway 80 and struck him head-on. Plaintiffs alleged that Caltrans knew its median barriers could cause such cross-median accidents and failed to take any preventative action. The case resulted in \$2.9 million settlement.
- ***Andrade v. JSS Restaurant Group, et al.*** The firm represented a recently-retired client who was hospitalized and treated for severe hemolytic uremic syndrome (HUS) resulting from E. coli bacterium poisoning caused by eating contaminated meal prepared and served by an artisanal burger chain. The case was litigated in the Contra Costa County Superior Court and settled close to trial for a significant monetary sum.
- ***Clergy Sexual Abuse/Coordinated Proceedings***. Pritzker Levine attorneys represented a woman who was sexually abused as a child by her parish priest. Part of landmark action against the Los Angeles Archdiocese and the Diocese of Orange. The 562 cases, spanning four generations of victims, settled for \$660 million.
- ***Mallard v. Mills Peninsula Health Services, et al.*** Pritzker Levine represented a client who, as a result of negligent care and treatment at both a hospital and skilled nursing facility, suffered injuries which became necrotic and infected, necessitating amputation of his leg below the knee. The client died in the course of the litigation. The case was filed, litigated and resolved, prior to trial, in a favorable monetary settlement for the client's estate.



## PRITZKER LEVINE LLP

### ATTORNEY PROFILES

#### Elizabeth C. Pritzker

Elizabeth C. Pritzker is a co-founding partner of Pritzker Levine LLP, where she represents consumers, shareholders and businesses harmed by corporate wrongdoing and unfair competition. Elizabeth practices exclusively in the areas of litigation, trial and client counseling. She has prosecuted cases against monopolists, price-fixing cartels, big tech, major manufacturers, pharmaceutical companies, and the NCAA.

Elizabeth is frequently appointed by courts to lead major complex cases. Most recently, Elizabeth was appointed to serve as: (1) Interim Class Counsel in *In re Google RTB Consumer Privacy Litigation*, a putative nationwide class action on behalf of Google account holders alleging that class members' personal information is improperly sold and disseminated by Google through Google's proprietary advertising auction process, which is effectuated through real-time bidding ("RTB") auctions in violation of California and federal law; (2) Co-Lead Counsel in the *In Re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, a nationwide RICO and multi-state antitrust class action alleging that Mylan NV and Pfizer, Inc., the seller and manufacturer of the life-saving EpiPen, respectively, engaged in an unlawful scheme to sharply increase the price of the device while at the same time stifling competition from others seeking to enter the market; and (3) as Liaison Counsel for the consumer plaintiff class in the *In re Google Play Store Antitrust Litigation*, a multi-district antitrust class action alleging that Google has knowingly created, and continues to exert, an unlawful monopoly over the market for the distribution of apps through the Android OS, making it impossible for users to purchase apps other than through the Google Play Store.

Elizabeth also serves as Additional Class Counsel in *In re NCAA Grant-in-Aid Cap Antitrust Litigation*, in which a trial verdict on behalf of a nationwide class of college athletes challenging NCAA-imposed caps on athletic scholarships has recently been upheld in a unanimous decision by the U.S. Supreme Court in June 2021. *Nat'l Collegiate Athletic Ass'n v. Alston*, \_\_\_ U.S. \_\_\_, 141 S. Ct. 2141 (June 21, 2021).

Additionally, Elizabeth serves on the leadership team in the *In re Packaged Seafood Products Antitrust Litigation*, a certified class action on behalf of consumers harmed by price-fixing cartelists in the packaged tuna industry, and as Co-Lead Class Counsel in *Corcoran v. CVS Pharmacy, Inc.*, a certified multi-state class action on behalf of insured consumers who were allegedly overcharged at CVS pharmacies for their generic prescription drugs.

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Elizabeth's past work includes her appointment as Plaintiffs' Class Counsel in *Il Fornaio (America) Corporation v. Lazzari Fuel Company, LLC*, an antitrust class action alleging customer allocation and bid rigging among sellers of restaurant grade mesquite charcoal. She was appointed to the Direct Purchaser Plaintiffs' Steering Committee in the *In re Lithium Ion Rechargeable Batteries Antitrust Litigation*, and Liaison Counsel in the *In re TFT-LCD (Flat Panel) Antitrust Litigation*.

Elizabeth heads up the firm's antitrust practice, with additional leadership roles in *In re German Automotive Manufacturers Antitrust Litigation* (Plaintiffs' Steering Committee); *In re Transpacific Passenger Air Transportation Antitrust Litigation* (Plaintiffs' Executive Committee); *In re Domestic Drywall Antitrust Litigation* (Liability Team Leader/Plaintiffs' Steering Committee); and *In re Keurig Green Mountain Single-Serve Coffee Antitrust Litigation* (Indirect Purchaser Plaintiffs' Litigation Committee).

Elizabeth is experienced and successful in trial work. As a recent example, in addition to her work in the NCAA trial, she and law firm partner, Jonathan Levine, obtained a \$9.2 million federal jury trial verdict for a German-based tech start-up in *ITyX AG v. Kodak Alaris, Inc*, No. 16-cv-10250-ADB (D. MA), that has been upheld by the First Circuit.

Elizabeth and the Pritzker Levine firm are leading the charge in several personal injury matters on behalf of firefighters who have been diagnosed with cancer and other serious illnesses as a result of their exposure to PFAS chemicals in Class B firefighter foams and firefighter protective gear ("turnouts").

Elizabeth speaks French and is learning to speak German.

### Education

- University of San Francisco School of Law, J.D.
- McGill University, B.A (Economics)

### Admissions

- California
- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Courts for the Northern, Central, Southern and Eastern Districts of California, the District of Colorado, and the Eastern District of Michigan

### Honors/Appointments

- *Daily Journal* "Top Antitrust Lawyer in 2020"

## PRITZKER LEVINE LLP

- Northern California “Super Lawyer”
- Northern California “Top 100 Lawyers”
- Northern California “Top 50 Women Lawyers”
- Immediate Past Chair, Antitrust and Unfair Competition Law Section of the California Lawyers Association, and founder of Section’s Diversity & Inclusion Fellowship Program
- Past Editor-in-Chief, *Competition* - Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association
- Past Executive Committee Member of the Antitrust and Unfair Competition Law Section of the California Lawyers Association (formerly the State Bar of California)
- Appointed Lawyer Representative, Ninth Circuit Conference Executive Committee
- Appointed Lawyer Representative, United States District Court for the Northern District of California
- Member/Contributing Author, Duke Law Committee on Standards and Best Practices for Increasing Diversity in Mass Tort and Class Action Leadership
- Board of Governors of Consumer Attorneys of California
- Board Member, Legal Aid Society of San Mateo County
- Board Member, Bay Area Lawyers for Individual Freedom

### Memberships

- American Bar Association, Antitrust Law Section
- California Lawyers Association, Antitrust & UCL Section
- American Association for Justice
- Consumer Attorneys of California
- Alameda County Bar Association
- Bay Area Lawyers for Individual Freedom

### Publications/Speaking Engagements

- Speaker, *Apple Meets Amex – Two-Sided Liability*, American Bar Association, Antitrust Law Section (June 2020)
- Speaker, *Matters That Involve Antitrust – Some You Expect, Some You Don’t*, Annual Meeting of the California Lawyers Association (September 2019)
- Speaker, *Third Annual Celebration of Women in Competition Law: Why Majority Women Trial Teams Make Sense*, Antitrust UCL & Privacy Section of the California Lawyers Association (March 2019)
- Speaker, *Advising Clients on Antitrust Issues*, Annual Meeting of the California Lawyers Association (September 2018)

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- Author, *"Making the Intangible Concrete: Litigating Intangible Harms in a Post-Spokeo World,"* Competition - The Journal of the Antitrust, UCL and Privacy Section of the State Bar of California, Vol. 26, No. 1 (Spring 2017)
- Speaker, *"Antitrust 101,"* Annual Convention of the State Bar of California (August 2017; September 2016)
- Speaker, *"Multistate Indirect Purchaser Class Actions: Using Consumer Protection Statutes to Hurdle the Illinois Brick Wall,"* American Bar Association, Antitrust Law Section (December 2015)
- Moderator, *"Emerging Standards Under the FTAIA,"* Antitrust, UCL and Privacy Section of the State Bar of California (February 2015)
- Lecturer, *"Post-Brinker Employment Class Action Seminar,"* 46th Annual Consumer Attorneys of California Convention (November 2012)
- Presenter, *"Class Actions under Dukes,"* Cambridge International Forums: Plaintiffs Class Action Forum (April 2012)
- Lecturer, *Summary Judgment Seminar,* San Francisco Trial Lawyers Association (February 2012)
- Moderator, *Judicial Perspectives on Class Actions,* Consumer Attorneys of California (March 2012)

### Jonathan K. Levine

Jonathan K. Levine is a co-founding partner of Pritzker Levine LLP, where he represents investors, multi-national corporations, small businesses, whistleblowers and consumers in individual, derivative and class action litigation. Jonathan has more than 30 years of experience prosecuting complex securities fraud, business, antitrust and consumer class action litigation in state and federal courts.

Jonathan has served in a leadership role in numerous cases brought under federal and state securities, antitrust and consumer statutes. He also has successfully represented whistleblowers before the U.S. Securities and Exchange Commission, the U.S. Commodity Futures Trading Commission and the U.S. Department of Justice. Jonathan currently serves as Co-Lead Counsel in *In re Lenovo Adware Litigation*, where he represents more than 800,000 consumers in a nationwide multidistrict class action against Lenovo and Superfish for damages arising from the surreptitious installation of computer spyware on certain Lenovo computer models sold in the United States, and in *Corcoran v. CVS Pharmacy, Inc.*, a class action alleging that CVS wrongfully overcharges consumers who are insured and have third-party prescription drug coverage for commonly prescribed generic prescription drugs. He is also serving on the leadership team in the *In re ZF-TRW*

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*Airbag Control Units Products Liability Litigation*, a nationwide multidistrict class action concerning defective airbag control units in certain vehicles.

Jonathan has an active business litigation and trial practice. He served as lead trial counsel, with firm partner Elizabeth Pritzker, in *ITyX Solutions, AG v. Kodak Alaris Inc.*, representing several German companies and their executives in an international business dispute involving breaches of contract and fiduciary duty. After a 10-day trial in the District Court of Massachusetts, the jury returned a unanimous \$9.2 million verdict in favor of Pritzker Levine's clients. Jonathan also served as lead trial counsel, with firm partner Bethany Caracuzzo, in *BeUbiq, Inc. v. CCG, Inc.*, a breach of contract dispute, in which the firm obtained a favorable jury verdict for their Silicon Valley tech start-up clients.

Jonathan currently represents a local tech entrepreneur in an ongoing breach of contract, breach of fiduciary duty and derivative action arising from his ownership interests in several related limited liability companies and partnerships. That action, while ongoing, has already resulted in the recovery of more than \$29 million of misappropriated investor funds. Jonathan also currently represents a group of more than 130 accredited investors in a securities fraud action brought by the SEC against the managers of several investment funds. In that case, he successfully argued for the adoption of a receivership distribution plan different than the plan proposed by the SEC.

### Education

- Fordham University School of Law, J.D.
- Columbia University, B.A.

### Admissions

- California
- New York
- Connecticut.
- United States Supreme Court
- United States Courts of Appeals for the Second, Fourth, Ninth and Eleventh Circuits
- United States District Courts for the Southern and Eastern Districts of New York, the Northern, Central, Southern and Eastern Districts of California, the Northern District of Texas, the District of Colorado, and the Eastern District of Michigan

### Honors/Appointments

- Chair, Executive Committee of the Business Section of the Alameda County Bar Association

## PRITZKER LEVINE LLP

- Appointed Member, Executive Committee of the Antitrust and Unfair Competition Law Section of the California Lawyers Association
- Appointed Member, Committee on Federal Courts of the State Bar of California
- American Bar Association Litigation Section Subcommittee on Officers and Directors Liability
- National Association of Public Pension Attorneys' *Morrison* Working Group
- Northern California "Super Lawyer"

### Memberships

- California Lawyers Association
- Alameda County Bar Association
- New York State Bar Association
- Connecticut Bar Association

### Publications/Speaking Engagements

- Speaker, "*Data Security for Law Firms*," California Lawyers Association Small Firm Summit (June 2019)
- Speaker, "*Data Privacy in the US and EU*," California Lawyers Association Annual Meeting (September 2018)
- Speaker, "*Trial Strategy*," Alameda County Bar Association (October 2016)
- Co-author, "*California Online Privacy Laws: The Battle for Personal Data*," Competition – The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association (2016)
- Speaker, "*Arbitration Agreements*," Alameda County Bar Association (November 2015)
- Co-author, *Living in a Post-Morrison World: How to Protect Your Assets Against Securities Fraud*, NAPPA (2012)
- Speaker, "*Evaluating the Impact of the LIBOR Scandal*," West LegalEdCenter (August 2012)
- Speaker, "*Successful Direct Examination of Expert Witnesses*," Bridgeport 2011 Conference on Working With and Deposing Experts (March 2011)
- Author, "*E-Mail and Voice Mail Discovery Issues*," Glasser LegalWorks (1998)
- Author, "*Discovery Techniques in Commercial Litigation and Recent Developments In the Rules of Discovery*," American Trial Lawyers Association (1991)
- Co-author, "*The Business Judgment Rule and Derivative Actions*," Practicing Law Institute (1989)

## PRITZKER LEVINE LLP

### Bethany L. Caracuzzo

Bethany L. Caracuzzo has more than twenty years of experience litigating federal and state antitrust violations, defective products and services, employment law disputes, and catastrophic injury actions.

Bethany has been active in the firm's prosecution of antitrust class actions, including *AI's Discount Plumbing LLC v. Viega LLC* (representing plumbers alleging that a plumbing fitting manufacturer uses its monopoly power to undermine competitors in the market for copper pipe press fittings); *In re Packaged Seafood Products Antitrust Litigation* (representing end payor plaintiffs in a multi-district class action alleging price fixing by producers of packaged seafood products); *Corcoran v. CVS Pharmacy, Inc.* (representing consumers in a class action alleging that CVS wrongfully overcharges consumers who are insured and have third-party prescription drug coverage for commonly prescribed generic prescription drugs); *In Re Transpacific Air Transportation Antitrust Litigation* (representing consumers in a multi-district class action alleging fuel surcharge price-fixing by airlines in the transpacific passenger airline market); *In re Domestic Drywall Antitrust Litigation* (representing nonprofit housing development entities and indirect purchasers in a multi-district class action alleging price fixing by U.S. drywall manufacturers); and *Il Fornaio (America) Corporation v. Lazzari Fuel Company, LLC* (representing restaurant-consumers alleging price-fixing by distributors of mesquite lump charcoal used in cooking and preparing food). She was also a key contributor to the firm's settlement of consumer class action litigation involving the Brazilian Blowout line of hair smoothing products.

Bethany, along with partner Jonathan Levine, successfully tried to a jury verdict a breach of contract action involving a Silicon Valley start-up. She has also served as a member of several trial teams in litigating cases to verdict, including those involving wrongful death, traumatic birth injuries and injuries from defective products.

Prior to joining Pritzker Levine, Bethany spent twelve years representing injured victims and employees at two San Francisco Bay Area law firms, where she litigated and obtained favorable settlements in personal injury cases involving medical malpractice, dangerous drugs, defective products, dangerous property conditions, and motor vehicle accidents.

#### **Education**

- California Western School of Law, J.D.
- Boston College, B.A., *cum laude*

#### **Admissions**

- California

## PRITZKER LEVINE LLP

- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Courts for the Northern, Central, Southern and Eastern Districts of California

### Honors/Appointments

- The Sedona Conference Working Group 1
- Northern California “Super Lawyer”

### Memberships

- American Bar Association, Antitrust Section
- Consumer Attorneys of California
- San Francisco Trial Lawyers Association
- American Association for Justice
- Alameda County Bar Association

### Publications/Speaking Engagements

- Author, “*Where Do We Go From Here: Article III Standing and Cy Pres-Only Settlements in Privacy Class Actions in the Wake of Frank v. Gaos*,” Competition – The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association (2019)
- Lecturer, “*Opposing Motions for Summary Judgment*,” San Francisco Trial Lawyers Association

### Heather P. Haggarty

Heather P. Haggarty represents consumers, investors, and individuals in class actions and other complex litigation, holding companies and institutions accountable when they engage in misconduct. Over her 24-year legal career, Heather has litigated a wide range of commercial cases involving securities fraud, trademark, copyright, product liability and patent infringement and white-collar criminal defense. She also has experience in internal corporate investigations.

Most recently, Heather has had the privilege of aiding in the litigation of the *In Re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, (a class action alleging that the seller and manufacturer of the life-saving EpiPen engaged in anticompetitive practices in an unlawful scheme to sharply increase the price of the device); *In re NCAA Grant-in-Aid Cap Antitrust Litigation* (on behalf of a nationwide class of college athletes challenging NCAA-imposed caps on athletic scholarships); and



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*Corcoran v. CVS Pharmacy, Inc.* (a class action on behalf of insured consumers who were allegedly overcharged at CVS pharmacies for their generic prescription drugs).

Heather is active in the firm's prosecution of several personal injury matters on behalf of firefighters who have been diagnosed with cancer and other serious illnesses as a result of their exposure to PFAS chemicals in Class B firefighter foams and firefighter protective gear ("turnouts").

Prior to joining Pritzker Levine, Heather worked at Bullivant Houser Bailey PC in San Francisco and Dorsey & Whitney, LLP in New York. Heather has served as a volunteer attorney with the Lawyers Committee for Civil Rights Under Law and with Public Justice in Oakland, California. She has also done volunteer work for Public Advocates in San Francisco.

### Education

- Fordham University School of Law, J.D.
- Scripps College, B.A.

### Admissions

- California
- New York
- United States District Courts for the Northern and Central Districts of California, and the Southern District of New York

### Memberships

- California Lawyers Association
- New York State Bar Association

### Publications/Speaking Engagements

- Co-author, "*California Online Privacy Laws: The Battle for Personal Data*," Competition – The Journal of the Antitrust, UCL and Privacy Section of the State Bar of California (2016)
- Co-author, "*Rule 23(b)(3)(F): Closing the Doors of the Courthouse*," published in the Common Good, Fordham Law School (1999).
- Co-author, "*Court Permits Differential Treatment Based on Native American Sovereignty*," New York Law Journal (1998)
- Co-author, "*Defamation, Internet Providers, and Publisher Liability: A Square Peg in a Round Hole?*," NY State Bar Association Entertainment, Arts & Sports Law Journal (1998)

## PRITZKER LEVINE LLP

- Co-author, “*The Media and the Attorneys’ Absolute Privilege to Defame: Undermining or Preserving the Integrity of the Judicial Process?*,” NY State Bar Association Entertainment, Arts & Sports Law Journal (1997)

### Caroline C. Corbitt

Caroline C. Corbitt is an associate attorney with a practice that encompasses a wide range of complex commercial litigation, including consumer protection, defective products, data breach, employment, antitrust, and privacy.

Caroline has been active in the firm’s prosecution of *Staley et al., v. Gilead Sciences et al.* (class action lawsuit against drug manufacturer Gilead, Johnson & Johnson and Bristol-Meyers Squibb, for knowingly colluding to raise the price of anti-HIV drugs, and wrongfully raising the price of treatment for the one million people in the United States living with HIV), *Hubbard v. Google LLC* (nationwide class action on behalf of minor children alleging that Google, YouTube and certain other companies that advertise content on YouTube illegally tracked and collected personal information and persistent identifiers for minor children viewing children’s content on YouTube), and *Corcoran v. CVS Pharmacy, Inc.*, (a class action on behalf of insured consumers who were allegedly overcharged at CVS pharmacies for their generic prescription drugs).

Prior to joining Pritzker Levine, Caroline worked for four years as an associate attorney at Gibbs Law Group LLP. While there, she worked on numerous class action lawsuits that received widespread national media coverage, including *In re Anthem, Inc. Data Breach Privacy Litigation*; *In re Wells Fargo Collateral Protection Insurance Litigation*; and *Fero v. Excellus Health Plan, Inc.*

During law school, Caroline was a summer extern for the Honorable Laurel Beeler, Magistrate Judge of the United States District Court, Northern District of California. She also completed externships at the Federal Trade Commission and the California Department of Justice, Antitrust Division.

### **Education**

- University of Southern California, J.D.
- Harvard University, B.A.

### **Admissions**

- California
- United States Court of Appeals for the Ninth Circuit

## PRITZKER LEVINE LLP

- United States District Courts for the Northern, Central, and Southern Districts of California

### Honors/Appointments

- Northern California “Rising Star”

### Publications

- Author, *Monopsony and Its Impact on Wages and Employment: Past and Future Merger Review*, Competition – The Journal of the Antitrust, UCL and Privacy Section of the California Lawyers Association (Fall 2019)

### Memberships

- California Lawyers Association
- American Association for Justice

### Richard R. Seal

Richard R. Seal is of counsel to Pritzker Levine LLP. Rick is based in the firm’s California office where is working with first responders who have sustained injuries from occupational exposure to toxic materials.

For the past four years, Rick has been working with firefighters who have sustained injuries and illness associated with workplace hazards. Rick has counseled fire chiefs and union officials in the development of protocols aimed at reducing the incidence of cancer in the fire service.

Rick is an active member of the firm’s litigation team representing dozens of clients in several personal injury matters on behalf of firefighters who have been diagnosed with cancer and other serious illnesses as a result of their exposure to PFAS chemicals in Class B firefighter foams and firefighter protective gear (“turnouts”).

Prior to attending law school and joining Pritzker Levine, Rick had a long and distinguished career in public safety. Over three decades, Rick served as a mobile intensive care paramedic, and then as a firefighter, fire captain, Battalion Chief and EMS Chief in San Jose, California. Rick ended his public safety career as the Fire Chief for the East Bay Regional Park District. In 1998, Rick received a Medal of Valor- Class A for a successful rescue and resuscitation of a young woman trapped in a residential structure fire.

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Rick is also an accredited attorney with the United States Veterans Administration focusing on assisting veterans obtaining their benefits.

### Education

- Golden Gate University, J.D.
- San Jose State University, M.P.A., *pi alpha*
- University of California, Berkeley, B.A., *phi beta kappa*

### Admissions

- California
- United States District Court for the Northern District of California

### Memberships

- California Lawyers Association

### Anne Maness Whitney

Anne C. Maness Whitney is an associate attorney whose practice focuses on antitrust and privacy. She has assisted in the litigation of *AI's Discount Plumbing LLC v. Viega LLC* (representing plumbers alleging that a plumbing fitting manufacturer uses its monopoly power to undermine competitors in the market for copper pipe press fittings), the *In re: National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation* (representing current and former student-athletes in a class action alleging artificial caps on scholarships) and the *In re: Lenovo Adware Litigation* (representing consumers in a class action alleging secret installation of spyware.) Anne holds a certification from the International Association of Privacy Professionals in the area of U.S. private sector (C.I.P.P./US).

### Education

- George Mason University School of Law, J.D.
- Duke University, B.A.

### Admissions

- California
- North Carolina

### Memberships

- California Lawyers Association
- North Carolina Bar Association

## PRITZKER LEVINE LLP

### John A. Kehoe

John A. Kehoe is of counsel to Pritzker Levine LLP. John is based in the firm's New York office, where he works with clients to elicit changes to enhance corporate governance, promote management responsibility, protect stockholder rights, and recover financial losses as a result of wrongful misconduct. He has assisted the firm in the prosecution of complex litigation matters, including *AI's Discount Plumbing LLC v. Viega LLC* (representing plumbers alleging that a plumbing fitting manufacturer uses its monopoly power to undermine competitors in the market for copper pipe press fittings), *In re Lenovo Adware Litigation* (representing consumers in a multi-district class action Lenovo and Superfish for damages arising from the surreptitious installation of spyware on certain notebook computers), and *In re Disposable Contact Lens Antitrust Litigation* (representing plaintiffs in a nationwide class action against contact lens manufacturers alleging that the manufacturers colluded to maintain the retail prices of contact lenses).

During more than 20 years in practice, John has prosecuted precedent-setting securities and financial fraud cases in federal and state courts on behalf of numerous institutional and individual clients

John is a program faculty member with the National Institute of Trial Advocacy, and was previously an adjunct faculty member with the Trial Advocacy Training Program at the Louisiana State University School of Law. Prior to attending law school, John served as a law enforcement officer in the State of Vermont for eight years, where he was a member of the tactical Special Reaction Team and member of the Major Accident Investigation Team.

#### **Education**

- Syracuse University College of Law, J.D., *magna cum laude*
- University of Vermont, M.A. Pub. Admin.
- DePaul University, B.A.

#### **Admissions**

- New York
- Pennsylvania
- United States Court of Appeals for the Second Circuit
- United States District Court for the Southern District of New York

#### **Memberships**

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

## PRITZKER LEVINE LLP

### **Publications/Speaking Engagements**

- Speaker, 2013 National Conference on Public Employee Retirement Systems (Rancho Mirage, CA)
- Speaker, 2013 Investment Education Symposium (New Orleans, LA)
- Speaker, 2013 Public Funds East Conference (Newport, RI)
- Speaker, 2012 Rights and Responsibilities for Institutional Investors (Amsterdam, Netherlands)
- Speaker, 2011 European Investment Roundtable (Stockholm, Sweden)
- Speaker, 2011 Public Funds Symposium (Washington, D.C.)
- Speaker, 2011 National Conference on Public Employee Retirement Systems (Miami Beach, FL)
- Speaker, 2010 ESG, USA Global Trends and U.S. Sustainable Investing (NY, NY)
- Speaker, 2010 ICGN Annual Conference: *“The Changing Global Balances”* (Toronto, Canada)
- Speaker, 2010 Public Funds West Summit (Scottsdale, AZ)
- Speaker, 2009 ICGN Annual Conference: *“The Route Map to Reform and Recovery”* (Sydney, Australia)

# EXHIBIT A-47

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF STUART A. DAVIDSON FILED ON BEHALF OF ROBBINS GELLER RUDMAN & DOWD LLP IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	



I, STUART A. DAVIDSON, declare as follows:

1. I am Partner in the firm of Robbins Geller Rudman & Dowd] (“Robbins Geller” or the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.

2. This Firm is counsel of record for certain Class Plaintiffs in this action, and the Firm’s founder and Managing Partner of the Firm’s Boca Raton, Florida office, Paul J. Geller, serves a Court-appointed Co-Lead Class Counsel.

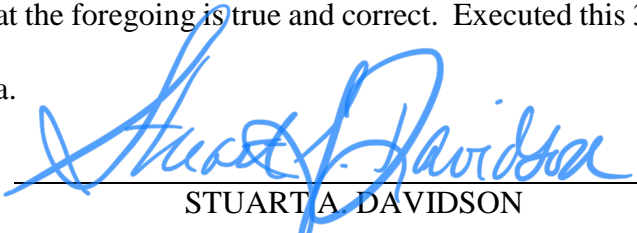
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. The Firm seeks an award of \$2,033,310.24 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.

5. My Firm also maintained a litigation expense fund for certain common expenses in connection with the prosecution of this case. The category entitled “Litigation Fund Contributions” in certain plaintiffs’ counsel’s expense declaration represents contributions to this expense fund. A breakdown of the contributions to and payments made from the litigation expense fund is attached as **Exhibit B**. The balance remaining in the litigation expense fund will be used for expenses related to continued litigation.

6. A Firm resume is attached as **Exhibit C**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of August, 2021, at Boca Raton, Florida.

  
STUART A. DAVIDSON

# **EXHIBIT A**

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
 No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
 Robbins Geller Rudman & Dowd LLP  
 Inception through June 30, 2021

<b>CATEGORY</b>		<b>AMOUNT</b>
Filing, Witness and Other Fees		\$ 1,810.75
Transportation, Hotels & Meals		120,195.01
Telephone, Facsimile		3,014.78
Postage		44.40
Messenger, Overnight Delivery		6,165.40
Consultants (Remcho Johansen & Purcell LLP)		1,546.82
Photocopies		850.41
Outside	\$ 108.01	
In-House Black and White (4,336 copies at \$0.15 per page)	650.40	
In-House Color (184 copies at \$0.50 per page)	92.00	
Online Legal and Financial Research		47,203.77
eDiscovery Database Hosting		552,478.90
Litigation Fund Contributions		1,300,000.00
<b>TOTAL</b>		<b>\$2,033,310.24</b>

# **EXHIBIT B**

## EXHIBIT B

**Epipen Antitrust <170053.1>****Litigation Expense Fund**

Date	Description	Check #	Credit	Debit	Balance
11/02/17	<b>Keller Rohrback LLP</b>		<b>100,000.00</b>		<b>100,000.00</b>
11/13/17	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>100,000.00</b>		<b>200,000.00</b>
11/14/17	<b>The Miller Law Firm, P.C.</b>		<b>50,000.00</b>		<b>250,000.00</b>
11/29/17	<b>Sharp Law LLP</b>		<b>100,000.00</b>		<b>350,000.00</b>
12/01/17	<b>The Lanier Law Firm P.C.</b>		<b>50,000.00</b>		<b>400,000.00</b>
12/07/17	<b>Boies Schiller &amp; Flexner LLP</b>		<b>50,000.00</b>		<b>450,000.00</b>
12/29/07	<b>Pritzker Levine LLP</b>		<b>50,000.00</b>		<b>500,000.00</b>
01/03/18	<b>Burns Charest LLP</b>		<b>100,000.00</b>		<b>600,000.00</b>
01/16/18	DTI	1000		(2,050.32)	597,949.68
03/12/18	Kimberly R. Geiner	1001		(281.30)	597,668.38
03/12/18	Nancy Moroney Wiss	1002		(77.60)	597,590.78
03/14/18	DTI dba Epiq eDiscovery Solutions	1003		(16,900.79)	580,689.99
03/14/18	Discovia	1004		(1,468.16)	579,221.83
04/03/18	Aptus Court Reporting	1005		(30.00)	579,191.83
04/03/18	Class Action Research	1006		(283.00)	578,908.83
04/06/18	Kelli Stewart, RPR, CRR, RMR	VOID		0.00	578,908.83
04/10/18	Discovia	1008		(276.16)	578,632.67
04/11/18	DTI dba Epiq eDiscovery Solutions	1009		(15,900.72)	562,731.95
05/09/18	Kelli Stewart, RPR, CRR, RMR	1010		(110.55)	562,621.40
05/10/18	Kimberly R. Geiner	1011		(99.60)	562,521.80
05/11/18	DTI dba Epiq eDiscovery Solutions	1012		(21,750.02)	540,771.78
05/16/18	<b>Joseph Saveri Law Firm, Inc.</b>		<b>50,000.00</b>		<b>590,771.78</b>
06/08/18	Veritext	1013		(2,214.65)	588,557.13
06/14/18	Veritext	1014		(4,953.05)	583,604.08
06/15/18	Lexitas	1015		(2,413.73)	581,190.35
06/20/18	Veritext	1016		(2,148.99)	579,041.36
06/22/18	Kimberly R. Geiner	1017		(91.20)	578,950.16
06/28/18	Veritext	1018		(9,625.28)	569,324.88
07/02/18	Lexitas	1019		(2,883.87)	566,441.01
07/02/18	Legal Economics	VOID		0.00	566,441.01
07/09/18	DTI dba Epiq eDiscovery Solutions	1021		(51,372.96)	515,068.05
07/09/18	Veritext	1022		(12,817.85)	502,250.20
07/11/18	Legal Economics	1023		(31,189.58)	471,060.62
07/16/18	Legal Economics	1024		(15,718.75)	455,341.87
07/17/18	Class Action Research	1025		(4,599.00)	450,742.87
07/17/18	Class Action Research	1026		(1,924.75)	448,818.12
07/25/18	Veritext	1027		(10,000.45)	438,817.67
08/03/18	Rex A. Sharp, P.A.	1028		(6,817.65)	432,000.02
08/03/18	Veritext	1029		(274.36)	431,725.66

08/10/18	Local 282 Welfare Trust Fund	1030		(72.00)	431,653.66
08/10/18	Mario Bulding	1031		(5.00)	431,648.66
08/13/18	Kimberly R. Geiner	1032		(102.90)	431,545.76
08/13/18	Veritext	1033		(4,001.13)	427,544.63
08/14/18	DTI dba Epiq eDiscovery Solutions	1034		(55,616.13)	371,928.50
08/14/18	Legal Economics	1035		(53,639.83)	318,288.67
08/17/18	Lexitas	1036		(954.40)	317,334.27
08/23/18	DTI dba Epiq eDiscovery Solutions	1037		(50,361.62)	266,972.65
<b>08/28/18</b>	<b>Weil Gotshal Manges LLP</b>		<b>33,476.57</b>		<b>300,449.22</b>
09/04/18	Class Action Research	1038		(1,681.00)	298,768.22
09/04/18	Veritext	1039		(7,486.92)	291,281.30
09/04/18	Lexitas	1040		(6,207.80)	285,073.50
09/13/18	Altep	1041		(413.44)	284,660.06
09/18/18	Veritext	1042		(3,721.00)	280,939.06
09/18/18	Kimberly R. Geiner	1043		(118.65)	280,820.41
09/25/18	Lexitas	1044		(7,906.18)	272,914.23
09/25/18	Veritext	1045		(5,359.37)	267,554.86
10/03/18	<b>Sharp Law LLP</b>		<b>150,000.00</b>		<b>417,554.86</b>
10/03/18	<b>Levi Korsinsky LLP</b>		<b>75,000.00</b>		<b>492,554.86</b>
10/08/18	Veritext	1046		(1,485.23)	491,069.63
10/11/18	Kimberly R. Geiner	1047		(99.60)	490,970.03
10/15/18	Andrew W. Torrance	1048		(10,000.00)	480,970.03
10/15/18	Veritext	1049		(1,120.33)	479,849.70
10/17/18	<b>The Miller Law Firm, P.C.</b>		<b>75,000.00</b>		<b>554,849.70</b>
10/17/18	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>150,000.00</b>		<b>704,849.70</b>
10/18/18	Veritext	1050		(4,751.89)	700,097.81
10/18/18	Lexitas	1051		(8,126.95)	691,970.86
10/22/18	Andrew W. Torrance	1052		(29,741.40)	662,229.46
10/26/18	Veritext	1053		(1,859.59)	660,369.87
10/26/18	<b>Keller Rohrback LLP</b>		<b>150,000.00</b>		<b>810,369.87</b>
10/29/18	<b>The Lanier Law Firm P.C.</b>		<b>75,000.00</b>		<b>885,369.87</b>
<b>10/29/18</b>	<b>Veritext</b>		<b>809.20</b>		<b>886,179.07</b>
11/02/18	<b>Pritzker Levine LLP</b>		<b>75,000.00</b>		<b>961,179.07</b>
11/02/18	Legal Economics	1054		(163,471.25)	797,707.82
11/02/18	Veritext	1055		(3,176.08)	794,531.74
11/02/18	Kelli Stewart, RPR, CRR, RMR	1056		(26.25)	794,505.49
11/08/18	Epiq eDiscovery Solutions	1057		(61,755.35)	732,750.14
11/08/18	Lexitas	1058		(1,326.15)	731,423.99
11/20/18	Presbyterian Health Plan, Inc.	1059		(5,450.43)	725,973.56
11/20/18	Veritext	1060		(785.89)	725,187.67
11/29/18	Andrew W. Torrance	1061		(67,453.20)	657,734.47
12/05/18	The Fallon Group	1062		(26,375.00)	631,359.47
12/05/18	NDA Partners LLC	1063		(2,925.00)	628,434.47
12/06/18	Robbins Geller Rudman & Dowd LLP	1064		(758.39)	627,676.08
12/06/18	Class Action Research	1065		(423.25)	627,252.83
12/06/18	Veritext	1066		(8,108.03)	619,144.80
12/10/18	Jay M. Portnoy	1067		(8,237.50)	610,907.30

12/13/18	Epiq eDiscovery Solutions	1068		(57,221.21)	553,686.09
<b>12/14/18</b>	<b>Weil Gotshal Manges LLP</b>	WIRE	<b>4,548.61</b>		<b>558,234.70</b>
12/17/18	Lexitas	1069		(7,338.05)	550,896.65
<b>12/26/18</b>	<b>Weil Gotshal Manges LLP</b>	WIRE	<b>29,319.03</b>		<b>580,215.68</b>
12/27/18	Andrew W. Torrance	1070		(128,633.40)	451,582.28
12/27/18	Legal Economics	1071		(218,867.50)	232,714.78
01/02/19	Veritext	1072		(939.49)	231,775.29
01/02/19	Epiq eDiscovery Solutions	1073		(38,411.11)	193,364.18
01/11/19	Legal Economics	1074		(9,237.50)	184,126.68
01/14/19	<b>Burns Charest LLP</b>		<b>150,000.00</b>		<b>334,126.68</b>
01/14/19	Andrew W. Torrance	1075		(65,386.80)	268,739.88
01/18/19	Epiq eDiscovery Solutions	1076		(37,511.86)	231,228.02
01/24/19	Veritext	1077		(1,310.30)	229,917.72
01/28/19	Epiq eDiscovery Solutions	1078		(36,493.57)	193,424.15
01/28/19	Class Action Research	1079		(3,859.75)	189,564.40
01/28/19	Class Action Research	1080		(3,149.45)	186,414.95
02/12/19	Epiq eDiscovery Solutions	1081		(31,900.17)	154,514.78
02/13/19	Lexitas	1082		(3,065.30)	151,449.48
02/14/19	Alston & Bird	1083		(19,615.25)	131,834.23
02/14/19	Veritext	1084		(8,030.80)	123,803.43
02/14/19	Change Healthcare Operations LLC	WIRE		(5,000.00)	118,803.43
02/14/19	Legal Economics	WIRE		(40,725.00)	78,078.43
02/15/19	Lexitas	1085		(4,317.96)	73,760.47
02/15/19	Andrew W. Torrance	1086		(31,734.00)	42,026.47
02/26/19	Veritext	1087		(6,029.00)	35,997.47
02/26/19	Lexitas	1088		(1,015.95)	34,981.52
03/04/19	Class Action Research	1089		(264.25)	34,717.27
03/04/19	Veritext	1090		(6,829.14)	27,888.13
03/04/19	James, Sanderson & Lowers	1091		(764.28)	27,123.85
03/04/19	<b>Sharp Law LLP</b>		<b>150,000.00</b>		<b>177,123.85</b>
03/04/19	Phillips ADR	1092		(48,000.00)	129,123.85
03/05/19	<b>Keller Rohrback LLP</b>		<b>150,000.00</b>		<b>279,123.85</b>
03/11/19	NDA Partners LLC	1093		(18,850.00)	260,273.85
03/11/19	Veritext	1094		(3,625.63)	256,648.22
03/11/19	Kimberly R. Geiner	1095		(101.85)	256,546.37
03/11/19	The Cooper Group	1096		(946.50)	255,599.87
03/11/19	Epiq eDiscovery Solutions	1097		(28,829.96)	226,769.91
03/15/19	<b>The Miller Law Firm, P.C.</b>		<b>50,000.00</b>		<b>276,769.91</b>
03/19/19	<b>The Lanier Law Firm P.C.</b>		<b>50,000.00</b>		<b>326,769.91</b>
03/22/19	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>150,000.00</b>		<b>476,769.91</b>
03/25/19	Legal Economics	WIRE		(93,555.06)	383,214.85
03/27/19	<b>Boies Schiller &amp; Flexner LLP</b>		<b>100,000.00</b>		<b>483,214.85</b>
03/28/19	Andrew W. Torrance	1098		(96,530.40)	386,684.45
<b>04/01/19</b>	<b>Veritext</b>		<b>785.89</b>		<b>387,470.34</b>
04/01/19	Lexitas	1099		(14,980.95)	372,489.39
04/01/19	Lexitas	1100		(13,783.28)	358,706.11
04/03/19	NDA Partners LLC	1101		(12,220.00)	346,486.11

04/04/19	Lexitas	1102		(2,848.35)	343,637.76
04/11/19	Jay M. Portnoy	1103		(8,950.00)	334,687.76
04/12/19	Legal Economics	WIRE		(78,683.75)	256,004.01
04/15/19	Andrew W. Torrance	1104		(19,926.00)	236,078.01
04/16/19	NDA Partners LLC	VOID		0.00	236,078.01
04/16/19	Greylock McKinnon Associates	1106		(44,914.72)	191,163.29
04/22/19	<b>Pritzker Levine LLP</b>		<b>50,000.00</b>		241,163.29
04/23/19	Class Action Research	1107		(158.55)	241,004.74
05/01/19	Greiner Court Reporting	1108		(72.75)	240,931.99
05/03/19	Lexitas	1109		(1,498.05)	239,433.94
05/06/19	Phillips ADR	1110		(15,000.00)	224,433.94
05/07/19	Lexitas	1111		(2,772.30)	221,661.64
05/10/19	Lexitas	1112		(8,936.95)	212,724.69
05/10/19	NDA Partners LLC	1113		(3,900.00)	208,824.69
05/14/19	<b>Rex A. Sharp, P.A.</b>		<b>150,000.00</b>		358,824.69
05/15/19	Lexitas	1114		(16,330.08)	342,494.61
05/15/19	Lexitas	1115		(11,831.46)	330,663.15
05/16/19	<b>Keller Rohrback LLP</b>		<b>150,000.00</b>		480,663.15
05/16/19	<b>The Lanier Law Firm P.C.</b>		<b>100,000.00</b>		580,663.15
05/17/19	Legal Economics	WIRE		(193,288.97)	387,374.18
05/21/19	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>150,000.00</b>		537,374.18
05/29/19	Gayle Wambolt, RMR, CRR	1116		(106.70)	537,267.48
05/29/19	Lexitas	1117		(641.30)	536,626.18
05/30/19	<b>The Miller Law Firm, P.C.</b>		<b>50,000.00</b>		586,626.18
05/31/19	<b>Pritzker Levine LLP</b>		<b>50,000.00</b>		636,626.18
06/04/19	Andrew W. Torrance	1118		(26,199.00)	610,427.18
06/05/19	NDA Partners LLC	1119		(16,315.00)	594,112.18
06/13/19	Greiner Court Reporting	1120		(415.20)	593,696.98
06/17/19	Legal Economics	WIRE		(69,376.25)	524,320.73
06/18/19	Complete Legal Services	1121		(5,397.01)	518,923.72
06/25/19	Andrew W. Torrance	1122		(18,597.60)	500,326.12
<b>06/27/19</b>	<b>Epiq eDiscovery Solutions</b>		<b>2,991.00</b>		503,317.12
07/09/19	MedImpact Healthcare Systems, Inc.	1123		(17,200.75)	486,116.37
07/09/19	Class Action Research	1124		(323.35)	485,793.02
07/15/19	Andrew W. Torrance	1125		(29,889.00)	455,904.02
07/16/19	Legal Economics	WIRE		(202,439.56)	253,464.46
07/16/19	Veritext	1126		(4,124.50)	249,339.96
07/16/19	Lexitas	1127		(3,717.25)	245,622.71
07/17/19	Class Action Research	1128		(1,547.50)	244,075.21
07/22/19	Rex A. Sharp, P.A.	1129		(5,000.00)	239,075.21
07/22/19	Fox Forensic Accounting	1130		(31,605.00)	207,470.21
07/24/19	Greiner Court Reporting	1131		(399.00)	207,071.21
08/05/19	The Fallon Group	1132		(95,966.67)	111,104.54
08/08/19	NDA Partners LLC	1133		(11,375.00)	99,729.54
08/09/19	<b>The Lanier Law Firm P.C.</b>		<b>100,000.00</b>		199,729.54
08/09/19	<b>Pritzker Levine LLP</b>		<b>50,000.00</b>		249,729.54
08/12/19	<b>Rex A. Sharp, P.A.</b>		<b>150,000.00</b>		399,729.54



08/12/19	<b>Keller Rohrback LLP</b>		<b>150,000.00</b>		<b>549,729.54</b>
08/12/19	Legal Economics	WIRE		(116,268.75)	<b>433,460.79</b>
08/14/19	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>150,000.00</b>		<b>583,460.79</b>
08/21/19	<b>The Miller Law Firm, P.C.</b>		<b>50,000.00</b>		<b>633,460.79</b>
08/21/19	Kelli Stewart, RPR, CRR, RMR	1134		(213.40)	<b>633,247.39</b>
08/22/19	Greylock McKinnon Associates	1135		(91,838.37)	<b>541,409.02</b>
08/23/19	<b>Boies Schiller &amp; Flexner LLP</b>		<b>200,000.00</b>		<b>741,409.02</b>
<b>08/29/19</b>	<b>Lexitas</b>		<b>3,717.25</b>		<b>745,126.27</b>
09/03/19	Andrew W. Torrance	1136		(65,829.60)	<b>679,296.67</b>
09/12/19	Legal Economics	WIRE		(165,156.25)	<b>514,140.42</b>
09/17/19	NDA Partners LLC	1137		(31,330.00)	<b>482,810.42</b>
09/18/19	Jay M. Portnoy	1138		(8,900.00)	<b>473,910.42</b>
09/19/19	Lexitas	1139		(18,134.18)	<b>455,776.24</b>
09/19/19	Lexitas	1140		(8,206.50)	<b>447,569.74</b>
10/01/19	Greylock McKinnon Associates	1141		(36,396.18)	<b>411,173.56</b>
10/07/19	NDA Partners LLC	1142		(17,420.00)	<b>393,753.56</b>
10/10/19	Andrew W. Torrance	1143		(66,493.80)	<b>327,259.76</b>
10/10/19	NDA Partners LLC	1144		(7,150.00)	<b>320,109.76</b>
10/17/19	Legal Economics	WIRE		(127,055.00)	<b>193,054.76</b>
10/17/19	Fox Forensic Accounting	1145		(40,484.50)	<b>152,570.26</b>
10/21/19	NDA Partners LLC	1146		(650.00)	<b>151,920.26</b>
11/06/19	The Fallon Group	1147		(41,227.08)	<b>110,693.18</b>
11/07/19	Class Action Research	1148		(183.25)	<b>110,509.93</b>
11/07/19	Lexitas	1149		(2,859.75)	<b>107,650.18</b>
11/12/19	<b>Rex A. Sharp, P.A.</b>		<b>100,000.00</b>		<b>207,650.18</b>
11/12/19	<b>The Lanier Law Firm P.C.</b>		<b>50,000.00</b>		<b>257,650.18</b>
11/13/19	NDA Partners LLC	1150		(7,995.00)	<b>249,655.18</b>
11/14/19	<b>Keller Rohrback LLP</b>		<b>100,000.00</b>		<b>349,655.18</b>
11/15/19	Legal Economics	WIRE		(83,100.00)	<b>266,555.18</b>
11/19/19	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>100,000.00</b>		<b>366,555.18</b>
11/20/19	NDA Partners LLC	1151		(323.09)	<b>366,232.09</b>
11/22/19	The Fallon Group	1152		(163,361.26)	<b>202,870.83</b>
11/25/19	<b>The Miller Law Firm, P.C.</b>		<b>25,000.00</b>		<b>227,870.83</b>
11/27/19	<b>Boies Schiller &amp; Flexner LLP</b>		<b>50,000.00</b>		<b>277,870.83</b>
11/27/19	<b>Burns Charest LLP</b>		<b>100,000.00</b>		<b>377,870.83</b>
12/04/19	NDA Partners LLC	1153		(16,705.00)	<b>361,165.83</b>
12/05/19	The Cooper Group	1154		(975.80)	<b>360,190.03</b>
12/06/19	Fox Forensic Accounting	1155		(9,692.50)	<b>350,497.53</b>
12/10/19	Andrew W. Torrance	1156		(121,474.80)	<b>229,022.73</b>
12/16/19	The Cooper Group	VOID		0.00	<b>229,022.73</b>
12/16/19	Veritext	1158		(3,694.80)	<b>225,327.93</b>
12/17/19	Legal Economics	WIRE		(56,653.75)	<b>168,674.18</b>
12/19/19	Greylock McKinnon Associates	1159		(157,553.22)	<b>11,120.96</b>
12/27/19	<b>Pritzker Levine LLP</b>		<b>25,000.00</b>		<b>36,120.96</b>
12/27/19	<b>Rex A. Sharp, P.A.</b>		<b>100,000.00</b>		<b>136,120.96</b>
12/30/19	Andrew W. Torrance	1160		(42,139.80)	<b>93,981.16</b>
12/30/19	NDA Partners LLC	1161		(20,850.51)	<b>73,130.65</b>

12/30/19	<b>The Lanier Law Firm P.C.</b>		<b>50,000.00</b>		<b>123,130.65</b>
12/30/19	<b>Pritzker Levine LLP</b>		<b>25,000.00</b>		<b>148,130.65</b>
01/03/20	<b>Keller Rohrback LLP</b>		<b>100,000.00</b>		<b>248,130.65</b>
01/06/20	Fox Forensic Accounting	1162		(44,710.25)	<b>203,420.40</b>
01/06/20	NDA Partners LLC	1163		(4,550.00)	<b>198,870.40</b>
01/09/20	<b>The Miller Law Firm, P.C.</b>		<b>25,000.00</b>		<b>223,870.40</b>
01/09/20	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>100,000.00</b>		<b>323,870.40</b>
01/21/20	Veritext	1164		(3,562.70)	<b>320,307.70</b>
01/22/20	<b>Levi Korsinsky LLP</b>		<b>25,000.00</b>		<b>345,307.70</b>
01/23/20	Legal Economics	WIRE		(88,630.00)	<b>256,677.70</b>
01/30/20	Lexitas	1165		(4,694.95)	<b>251,982.75</b>
01/31/20	<b>Boies Schiller &amp; Flexner LLP</b>		<b>50,000.00</b>		<b>301,982.75</b>
02/11/20	Fox Forensic Accounting	1166		(19,581.50)	<b>282,401.25</b>
02/11/20	NDA Partners LLC	1167		(37,310.00)	<b>245,091.25</b>
02/11/20	Veritext	1168		(4,363.10)	<b>240,728.15</b>
02/11/20	Epiq eDiscovery Solutions	1169		(2,527.65)	<b>238,200.50</b>
02/13/20	Lexitas	1170		(41,553.06)	<b>196,647.44</b>
02/18/20	Lexitas	1171		(9,771.50)	<b>186,875.94</b>
02/20/20	Greylock McKinnon Associates	1172		(250.00)	<b>186,625.94</b>
02/20/20	Andrew W. Torrance	1173		(53,652.60)	<b>132,973.34</b>
02/25/20	Greylock McKinnon Associates	1174		(48,437.50)	<b>84,535.84</b>
03/02/20	<b>The Lanier Law Firm P.C.</b>		<b>50,000.00</b>		<b>134,535.84</b>
03/03/20	Chemical & Pharmaceutical Solutions, Inc	1175		(10,075.00)	<b>124,460.84</b>
03/03/20	<b>Rex A. Sharp, P.A.</b>		<b>100,000.00</b>		<b>224,460.84</b>
03/05/20	NDA Partners LLC	1176		(9,880.00)	<b>214,580.84</b>
03/05/20	Jay M. Portnoy	1177		(2,100.00)	<b>212,480.84</b>
03/06/20	<b>Boies Schiller &amp; Flexner LLP</b>		<b>50,000.00</b>		<b>262,480.84</b>
03/06/20	Greylock McKinnon Associates	1178		(40,782.22)	<b>221,698.62</b>
03/13/20	<b>The Miller Law Firm, P.C.</b>		<b>25,000.00</b>		<b>246,698.62</b>
03/20/20	Legal Economics	WIRE		(186,965.16)	<b>59,733.46</b>
03/27/20	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>100,000.00</b>		<b>159,733.46</b>
04/10/20	Andrew W. Torrance	1179		(88,486.20)	<b>71,247.26</b>
04/13/20	<b>Pritzker Levine LLP</b>		<b>100,000.00</b>		<b>171,247.26</b>
04/17/20	<b>The Lanier Law Firm P.C.</b>		<b>75,000.00</b>		<b>246,247.26</b>
04/29/20	<b>Keller Rohrback LLP</b>		<b>150,000.00</b>		<b>396,247.26</b>
04/30/20	Class Action Research	1180		(552.95)	<b>395,694.31</b>
04/30/20	Lexitas	1181		(4,444.09)	<b>391,250.22</b>
05/04/20	<b>Keller Rohrback LLP</b>		<b>100,000.00</b>		<b>491,250.22</b>
05/11/20	<b>Sharp Law LLP</b>		<b>150,000.00</b>		<b>641,250.22</b>
05/14/20	<b>Boies Schiller &amp; Flexner LLP</b>		<b>75,000.00</b>		<b>716,250.22</b>
05/19/20	Chemical & Pharmaceutical Solutions, Inc	1182		(8,450.00)	<b>707,800.22</b>
05/19/20	Andrew W. Torrance	1183		(89,888.40)	<b>617,911.82</b>
05/19/20	Legal Economics	WIRE		(470,560.75)	<b>147,351.07</b>
05/19/20	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		<b>150,000.00</b>		<b>297,351.07</b>
06/11/20	Legal Economics	WIRE		(5,057.50)	<b>292,293.57</b>
06/16/20	Andrew W. Torrance	1184		(442.80)	<b>291,850.77</b>
07/08/20	Veritext	1185		(603.75)	<b>291,247.02</b>

07/08/20	Greiner Court Reporting	1186		(310.40)	290,936.62
07/08/20	Greylock McKinnon Associates	1187		(18,256.00)	272,680.62
07/14/20	Lexitas		641.30		273,321.92
07/28/20	Anthem Blue Cross and Blue Shield	1188		(15.00)	273,306.92
08/04/20	Andrew W. Torrance	1189		(58,818.60)	214,488.32
08/04/20	Greylock McKinnon Associates	1190		(2,450.00)	212,038.32
08/04/20	Lexitas	1191		(2,526.40)	209,511.92
08/17/20	NDA Partners LLC	1192		(7,020.00)	202,491.92
08/17/20	Greylock McKinnon Associates	1193		(1,200.00)	201,291.92
08/21/20	Veritext	1194		(2,393.90)	198,898.02
08/26/20	Andrew W. Torrance	1195		(42,139.80)	156,758.22
08/27/20	<b>The Lanier Law Firm P.C.</b>		100,000.00		256,758.22
08/28/20	<b>Sharp Law LLP</b>		150,000.00		406,758.22
08/28/20	Legal Economics	WIRE		(119,510.00)	287,248.22
09/02/20	<b>Burns Charest LLP</b>		150,000.00		437,248.22
09/03/20	<b>Boies Schiller &amp; Flexner LLP</b>		100,000.00		537,248.22
09/14/20	NDA Partners LLC	1196		(6,760.00)	530,488.22
09/15/20	<b>Robbins Geller Rudman &amp; Dowd LLP</b>		150,000.00		680,488.22
09/18/20	Greylock McKinnon Associates	1197		(3,212.50)	677,275.72
10/09/20	Andrew W. Torrance	1198		(68,191.20)	609,084.52
10/09/20	NDA Partners LLC	1199		(650.00)	608,434.52
10/13/20	Legal Economics	WIRE		(126,850.00)	481,584.52
10/19/20	Lexitas	1200		(1,339.90)	480,244.62
10/21/20	Lexitas		7,288.30		487,532.92
10/23/20	Chemical & Pharmaceutical Solutions, Inc	1201		(14,300.00)	473,232.92
11/17/20	Andrew W. Torrance	1202		(442.80)	472,790.12
11/23/20	Phillips ADR	1203		(7,500.00)	465,290.12
11/23/20	Veritext	1204		(1,275.00)	464,015.12
12/21/20	Weil Gotshal Manges LLP		637.50		464,652.62
01/05/21	Legal Economics	1205		(5,047.50)	459,605.12
01/08/21	NDA Partners LLC	1206		(2,275.00)	457,330.12
01/21/21	Andrew W. Torrance	1207		(2,656.80)	454,673.32
02/10/21	NDA Partners LLC	1208		(1,625.00)	453,048.32
02/10/21	Greylock McKinnon Associates	1209		(350.00)	452,698.32
02/16/21	IQVIA, Inc.	1210		(33,570.00)	419,128.32
02/19/21	Legal Economics	WIRE		(625.00)	418,503.32
03/05/21	Class Action Research	1211		(179.55)	418,323.77
03/10/21	Phillips ADR	1212		(4,275.00)	414,048.77
03/31/21	Legal Economics	WIRE		(312.50)	413,736.27
04/01/21	Greylock McKinnon Associates	1213		(37,789.50)	375,946.77
04/12/21	NDA Partners LLC	1214		(6,175.00)	369,771.77
04/13/21	Phillips ADR	1215		(37,292.50)	332,479.27
04/27/21	KC Litigation Support, LLC	1216		(2,542.54)	329,936.73
05/06/21	Greylock McKinnon Associates	1217		(780.00)	329,156.73
05/10/21	NDA Partners LLC	1218		(5,655.00)	323,501.73
05/14/21	Phillips ADR	1219		(6,187.50)	317,314.23
06/07/21	NDA Partners LLC	1220		(1,755.00)	315,559.23

06/18/21	Sound Jury Consulting	1221		(4,000.00)	311,559.23
06/18/21	Phillips ADR	1222		(31,965.00)	279,594.23
06/22/21	The Lanier Law Firm P.C.	1223		(47,824.35)	231,769.88
06/24/21	Angry Lion Consulting dba The Leone Ins	1224		(26,000.00)	205,769.88
06/24/21	Greiner Court Reporting	1225		(18.00)	205,751.88
07/22/21	<b>Keller Rohrback LLP</b>		<b>150,000.00</b>		<b>355,751.88</b>

TOTALS AS OF JUNE 30, 2021  
(includes one contribution post June 30, 2021)

\$6,784,214.65    **-\$6,428,462.77**    \$355,751.88

# **EXHIBIT C**

# FIRM RESUME

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## INTRODUCTION

Robbins Geller Rudman & Dowd LLP (“Robbins Geller” or the “Firm”) is a 200-lawyer firm with offices in Boca Raton, Chicago, Manhattan, Melville, Nashville, San Diego, San Francisco, Philadelphia, and Washington, D.C. ([www.rgrdlaw.com](http://www.rgrdlaw.com)). The Firm is actively engaged in complex litigation, emphasizing securities, consumer, antitrust, insurance, healthcare, human rights, and employment discrimination class actions. The Firm’s unparalleled experience and capabilities in these fields are based upon the talents of its attorneys, who have successfully prosecuted thousands of class action lawsuits and numerous individual cases, recovering billions of dollars.

This successful track record stems from our experienced attorneys, including many who came to the Firm from federal or state law enforcement agencies. The Firm also includes several dozen former federal and state judicial clerks.

The Firm is committed to practicing law with the highest level of integrity in an ethical and professional manner. We are a diverse firm with lawyers and staff from all walks of life. Our lawyers and other employees are hired and promoted based on the quality of their work and their ability to treat others with respect and dignity.

We strive to be good corporate citizens and work with a sense of global responsibility. Contributing to our communities and environment is important to us. We often take cases on a *pro bono* basis and are committed to the rights of workers, and to the extent possible, we contract with union vendors. We care about civil rights, workers’ rights and treatment, workplace safety, and environmental protection. Indeed, while we have built a reputation as the finest securities and consumer class action law firm in the nation, our lawyers have also worked tirelessly in less high-profile, but no less important, cases involving human rights and other social issues.



# PRACTICE AREAS AND SERVICES

## Securities Fraud

As recent corporate scandals demonstrate clearly, it has become all too common for companies and their executives – often with the help of their advisors, such as bankers, lawyers, and accountants – to manipulate the market price of their securities by misleading the public about the company’s financial condition or prospects for the future. This misleading information has the effect of artificially inflating the price of the company’s securities above their true value. When the underlying truth is eventually revealed, the prices of these securities plummet, harming those innocent investors who relied upon the company’s misrepresentations.

Robbins Geller is the leader in the fight to protect investors from corporate securities fraud. We utilize a wide range of federal and state laws to provide investors with remedies, either by bringing a class action on behalf of all affected investors or, where appropriate, by bringing individual cases.

The Firm’s reputation for excellence has been repeatedly noted by courts and has resulted in the appointment of Firm attorneys to lead roles in hundreds of complex class-action securities and other cases. In the securities area alone, the Firm’s attorneys have been responsible for a number of outstanding recoveries on behalf of investors. Currently, Robbins Geller attorneys are lead or named counsel in hundreds of securities class action or large institutional-investor cases. Some notable current and past cases include:

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. ***This is the largest securities class action recovery in history.***
- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill.). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. ***The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.*** According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.

- ***In re Valeant Pharms. Int'l, Inc. Sec. Litig.***, No. 3:15-cv-07658 (D.N.J.). As sole lead counsel, Robbins Geller attorneys obtained a \$1.2 billion settlement in the securities case that *Vanity Fair* reported as “the corporate scandal of its era” that had raised “fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations.” The settlement resolves claims that defendants made false and misleading statements regarding Valeant’s business and financial performance during the class period, attributing Valeant’s dramatic growth in revenues and profitability to “innovative new marketing approaches” as part of a business model that was low risk and “durable and sustainable.” *Valeant* is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.
- ***In re Am. Realty Cap. Props., Inc. Litig.***, No. 1:15-mc-00040 (S.D.N.Y.). As sole lead counsel, Robbins Geller attorneys zealously litigated the case arising out of ARCP’s manipulative accounting practices and obtained a \$1.025 billion settlement. For five years, the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.
- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). Robbins Geller represented the California Public Employees’ Retirement System (“CalPERS”) and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. The Firm obtained an \$895 million recovery on behalf of UnitedHealth shareholders, and former CEO William A. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders, bringing the total recovery for the class to over \$925 million, the largest stock option backdating recovery ever, and ***a recovery that is more than four times larger than the next largest options backdating recovery***. Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a shareholder-nominated member to the company’s board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.
- ***Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)***, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom’s bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm’s attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- ***Luther v. Countrywide Fin. Corp.***, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.
- ***In re Wachovia Preferred Sec. & Bond/Notes Litig.***, No. 09-cv-06351 (S.D.N.Y.). On behalf of investors in bonds and preferred securities issued between 2006 and 2008, Robbins Geller and co-

counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company and Wachovia auditor KPMG LLP. ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis. The lawsuit focused on Wachovia’s exposure to “pick-a-pay” loans, which the bank’s offering materials said were of “pristine credit quality,” but which were actually allegedly made to subprime borrowers, and which ultimately massively impaired the bank’s mortgage portfolio. Robbins Geller served as co-lead counsel representing the City of Livonia Employees’ Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.

- ***In re Cardinal Health, Inc. Sec. Litig.***, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors on behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund. At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit.
- ***AOL Time Warner Cases I & II***, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cnty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner’s disastrous 2001 merger with Internet high flier America Online. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents’ case pending in California state court was scheduled to go to trial. The Regents’ gross recovery of \$246 million is the largest individual opt-out securities recovery in history.
- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfond obtained a \$400 million settlement on behalf of class members who purchased Pfizer common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.
- ***In re Dynege Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynege investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynege, Citigroup, Inc., and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Most notably, the settlement agreement provides that Dynege will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynege’s stockholders.

- ***In re Qwest Commc'ns Int'l, Inc. Sec. Litig.***, No. 01-cv-1451 (D. Colo.). In July 2001, the Firm filed the initial complaint in this action on behalf of its clients, long before any investigation into Qwest's financial statements was initiated by the SEC or Department of Justice. After five years of litigation, lead plaintiffs entered into a settlement with Qwest and certain individual defendants that provided a \$400 million recovery for the class and created a mechanism that allowed the vast majority of class members to share in an additional \$250 million recovered by the SEC. In 2008, Robbins Geller attorneys recovered an additional \$45 million for the class in a settlement with defendants Joseph P. Nacchio and Robert S. Woodruff, the CEO and CFO, respectively, of Qwest during large portions of the class period.
- ***Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.***, No. 1:09-cv-03701 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel for a class of investors and obtained court approval of a \$388 million recovery in nine 2007 residential mortgage-backed securities offerings issued by J.P. Morgan. The settlement represents, on a percentage basis, the largest recovery ever achieved in an MBS purchaser class action. The result was achieved after more than five years of hard-fought litigation and an extensive investigation.
- ***Smilovits v. First Solar, Inc.***, No. 2:12-cv-00555 (D. Ariz.). As sole lead counsel, Robbins Geller obtained a \$350 million settlement in *Smilovits v. First Solar, Inc.* The settlement, which was reached after a long legal battle and on the day before jury selection, resolves claims that First Solar violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. The settlement is the fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs' shareholders. The settlement concludes one of the last remaining mortgage-backed securities purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit's decision rejected the concept of "tranche" standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff's securities.
- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action.
- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T's April 2000 initial public offering of its wireless tracking stock, one of the largest IPOs in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million.

- ***Silverman v. Motorola, Inc.***, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, Inc., ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement.
- ***City of Pontiac Gen. Emps.' Ret. Sys. v. Wal-Mart Stores, Inc.***, No. 5:12-cv-05162 (W.D. Ark.). Robbins Geller attorneys and lead plaintiff City of Pontiac General Employees' Retirement System achieved a \$160 million settlement in a securities class action case arising from allegations published by *The New York Times* in an article released on April 21, 2012 describing an alleged bribery scheme that occurred in Mexico. The case charged that Wal-Mart portrayed itself to investors as a model corporate citizen that had proactively uncovered potential corruption and promptly reported it to law enforcement, when in truth, a former in-house lawyer had blown the whistle on Wal-Mart's corruption years earlier, and Wal-Mart concealed the allegations from law enforcement by refusing its own in-house and outside counsel's calls for an independent investigation. Robbins Geller "achieved an exceptional [s]ettlement with skill, perseverance, and diligent advocacy," said Judge Hickey when granting final approval.
- ***Bennett v. Sprint Nextel Corp.***, No. 2:09-cv-02122 (D. Kan.). As co-lead counsel, Robbins Geller obtained a \$131 million recovery for a class of Sprint investors. The settlement, secured after five years of hard-fought litigation, resolved claims that former Sprint executives misled investors concerning the success of Sprint's ill-advised merger with Nextel and the deteriorating credit quality of Sprint's customer base, artificially inflating the value of Sprint's securities.
- ***In re LendingClub Sec. Litig.***, No. 3:16-cv-02627 (N.D. Cal.). Robbins Geller attorneys obtained a \$125 million settlement for the court-appointed lead plaintiff Water and Power Employees' Retirement, Disability and Death Plan of the City of Los Angeles and the class. The settlement resolved allegations that LendingClub promised investors an opportunity to get in on the ground floor of a revolutionary lending market fueled by the highest standards of honesty and integrity. The settlement ranks among the top ten largest securities recoveries ever in the Northern District of California.
- ***Knurr v. Orbital ATK, Inc.***, No. 1:16-cv-01031 (E.D. Va.). In the *Orbital* securities class action, Robbins Geller obtained court approval of a \$108 million recovery for the class. The Firm succeeded in overcoming two successive motions to dismiss the case, and during discovery were required to file ten motions to compel, all of which were either negotiated to a resolution or granted in large part, which resulted in the production of critical evidence in support of plaintiffs' claims. Believed to be the fourth-largest securities class action settlement in the history of the Eastern District of Virginia, the settlement provides a recovery for investors that is more than ten times larger than the reported median recovery of estimated damages for all securities class action settlements in 2018.
- ***Hsu v. Puma Biotechnology***, No. SACV15-0865 (C.D. Cal.). After a two-week jury trial, Robbins Geller attorneys won a complete plaintiffs' verdict against both defendants on both claims, with the jury finding that Puma Biotechnology, Inc. and its CEO, Alan H. Auerbach, committed securities fraud. The Puma case is only the fifteenth securities class action case tried to a verdict since the Private Securities Litigation Reform Act was enacted in 1995.
- ***Marcus v. J.C. Penney Co., Inc.***, No. 13-cv-00736 (E.D. Tex.). Robbins Geller attorneys obtained a \$97.5 million recovery on behalf of J.C. Penney shareholders. The result resolves claims that J.C. Penney and certain officers and directors made misstatements and/or omissions regarding the company's financial position that resulted in artificially inflated stock prices. Specifically, defendants failed to disclose and/or misrepresented adverse facts, including that J.C. Penney

would have insufficient liquidity to get through year-end and would require additional funds to make it through the holiday season, and that the company was concealing its need for liquidity so as not to add to its vendors' concerns.

- ***Monroe County Employees' Retirement System v. The Southern Company***, No. 1:17-cv-00241 (N.D. Ga.). As lead counsel, Robbins Geller obtained an \$87.5 million settlement in a securities class action on behalf of plaintiffs Monroe County Employees' Retirement System and Roofers Local No. 149 Pension Fund. The settlement resolves claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant in Kemper County, Mississippi. Plaintiffs alleged that these misstatements caused The Southern Company's stock price to be artificially inflated during the class period. Prior to resolving the case, Robbins Geller uncovered critical documentary evidence and deposition testimony supporting plaintiffs' claims. In granting final approval of the settlement, the court praised Robbins Geller for its "hard-fought litigation in the Eleventh Circuit" and its "experience, reputation, and abilities of [its] attorneys," and highlighted that the firm is "well-regarded in the legal community, especially in litigating class-action securities cases
- ***Chicago Laborers Pension Fund v. Alibaba Grp. Holding Ltd.***, No. CIV535692 (Cal. Super. Ct., San Mateo Cnty.). Robbins Geller attorneys and co-counsel obtained a \$75 million settlement in the Alibaba Group Holding Limited securities class action, resolving investors' claims that Alibaba violated the Securities Act of 1933 in connection with its September 2014 initial public offering. Chicago Laborers Pension Fund served as a plaintiff in the action.
- ***Luna v. Marvell Tech. Grp., Ltd.***, No. 3:15-cv-05447 (N.D. Cal.). In the *Marvell* litigation, Robbins Geller attorneys represented the Plumbers and Pipefitters National Pension Fund and obtained a \$72.5 million settlement. The case involved claims that Marvell reported revenue and earnings during the class period that were misleading as a result of undisclosed pull-in and concession sales. The settlement represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors who purchased shares during the February 19, 2015 through December 7, 2015 class period.
- ***Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.***, No. 3:09-cv-00882 (M.D. Tenn.). In the *Psychiatric Solutions* case, Robbins Geller represented lead plaintiff and class representative Central States, Southeast and Southwest Areas Pension Fund in litigation spanning more than four years. Psychiatric Solutions and its top executives were accused of insufficiently staffing their in-patient hospitals, downplaying the significance of regulatory investigations and manipulating their malpractice reserves. Just days before trial was set to commence, attorneys from Robbins Geller achieved a \$65 million settlement that was the fourth-largest securities recovery ever in the district and one of the largest in a decade.
- ***Plumbers & Pipefitters Nat'l Pension Fund v. Burns***, No. 3:05-cv-07393 (N.D. Ohio). After 11 years of hard-fought litigation, Robbins Geller attorneys secured a \$64 million recovery for shareholders in a case that accused the former heads of Dana Corp. of securities fraud for trumpeting the auto parts maker's condition while it actually spiraled toward bankruptcy. The Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action.
- ***Villella v. Chemical and Mining Company of Chile Inc.***, No. 1:15-cv-02106 (S.D.N.Y.) Robbins Geller attorneys, serving as lead counsel, obtained a \$62.5 million settlement against Sociedad

Química y Minera de Chile S.A. (“SQM”), a Chilean mining company. The case alleged that SQM violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the company’s failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars’ worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014. Due to the company being based out of Chile and subject to Chilean law and rules, the Robbins Geller litigation team put together a multilingual litigation team with Chilean expertise. Depositions are considered unlawful in the country of Chile, so Robbins Geller successfully moved the court to compel SQM to bring witnesses to the United States.

- ***In re BHP Billiton Ltd. Sec. Litig.***, No. 1:16-cv-01445 (S.D.N.Y.). As lead counsel, Robbins Geller obtained a \$50 million class action settlement against BHP, a Australian-based mining company that was accused of failing to disclose significant safety problems at the Fundão iron-ore dam, in Brazil. The Firm achieved this result for lead plaintiffs City of Birmingham Retirement and Relief System and City of Birmingham Firemen’s and Policemen’s Supplemental Pension System, on behalf of purchasers of the American Depositary Shares (“ADRs”) of defendants BHP Billiton Limited and BHP Billiton Plc (together, “BHP”) from September 25, 2014 to November 30, 2015.
- ***In re St. Jude Med., Inc. Sec. Litig.***, No. 0:10-cv-00851 (D. Minn.). After four and a half years of litigation and mere weeks before the jury selection, Robbins Geller obtained a \$50 million settlement on behalf of investors in medical device company St. Jude Medical. The settlement resolves accusations that St. Jude Medical misled investors by utilizing heavily discounted end-of-quarter bulk sales to meet quarterly expectations, which created a false picture of demand by increasing customer inventory due of St. Jude Medical devices. The complaint alleged that the risk of St. Jude Medical’s reliance on such bulk sales manifested when it failed to meet its forecast guidance for the third quarter of 2009, which the company had reaffirmed only weeks earlier.
- ***Deka Investment GmbH v. Santander Consumer USA Holdings Inc.***, No. 3:15-cv-02129 (N.D. Tex.). Robbins Geller and co-counsel secured a \$47 million settlement in a securities class action against Santander Consumer USA Holdings Inc. (“SCUSA”). The case alleges that SCUSA, 2 of its officers, 10 of its directors, as well as 17 underwriters of its January 23, 2014 multi-billion dollar IPO violated §§11, 12(a)(2), and 15 of the Securities Act of 1933 as a result of their negligence in connection with misrepresentations in the prospectus and registration statement for the IPO (“Offering Documents”). The complaint also alleged that SCUSA and two of its officers violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 as a result of their fraud in issuing misleading statements in the IPO Offering Documents as well as in subsequent statements to investors.
- ***Snap Inc. Securities Cases***, JCCP No. 4960 (Cal. Super. Ct., Los Angeles Cnty). Robbins Geller, along with co-counsel, reached a settlement in the Snap, Inc. securities class action, providing for the payment of \$32,812,500 to eligible settlement class members. The securities class action sought remedies under §§11, 12(a)(2) and 15 of the Securities Act of 1933. The case alleged that Snap, certain Snap officers and directors, and the underwriters for Snap’s Initial Public Offering (“IPO”) were liable for materially false and misleading statements and omissions in the Registration Statement for the IPO, related to trends and uncertainties in Snap’s growth metrics, a potential patent-infringement action, and stated risk factors.

Robbins Geller’s securities practice is also strengthened by the existence of a strong appellate department, whose collective work has established numerous legal precedents. The securities practice also utilizes an

extensive group of in-house economic and damage analysts, investigators, and forensic accountants to aid in the prosecution of complex securities issues.

## Shareholder Derivative and Corporate Governance Litigation

The Firm's shareholder derivative and corporate governance practice is focused on preserving corporate assets and enhancing long-term shareowner value. Shareowner derivative actions are often brought by institutional investors to vindicate the rights of the corporation injured by its executives' misconduct, which can effect violations of the nation's securities, anti-corruption, false claims, cyber-security, labor, environmental, and/or health & safety laws.

Robbins Geller attorneys have aided Firm clients in significantly enhancing shareowner value by obtaining hundreds of millions of dollars in financial clawbacks and successfully negotiating corporate governance enhancements. Robbins Geller has worked with its institutional clients to address corporate misconduct such as options backdating, bribery of foreign officials, pollution, off-label marketing, and insider trading and related self-dealing. Additionally, the Firm works closely with noted corporate governance consultants Robert Monks and Richard Bennett and their firm, ValueEdge Advisors LLC, to shape corporate governance practices that will benefit shareowners.

Robbins Geller's efforts have conferred substantial benefits upon shareowners, and the market effect of these benefits measures in the billions of dollars. The Firm's significant achievements include:

- ***City of Westland Police & Fire Ret. Sys. v. Stumpf (Wells Fargo Derivative Litigation)***, No. 3:11-cv-02369 (N.D. Cal.). Prosecuted shareholder derivative action on behalf of Wells Fargo & Co. alleging that Wells Fargo's executives allowed participation in the mass-processing of home foreclosure documents by engaging in widespread robo-signing, *i.e.*, the execution and submission of false legal documents in courts across the country without verification of their truth or accuracy, and failed to disclose Wells Fargo's lack of cooperation in a federal investigation into the bank's mortgage and foreclosure practices. In settlement of the action, Wells Fargo agreed to provide \$67 million in homeowner down-payment assistance, credit counseling, and improvements to its mortgage servicing system. The initiatives will be concentrated in cities severely impacted by the bank's foreclosure practices and the ensuing mortgage foreclosure crisis. Additionally, Wells Fargo agreed to change its procedures for reviewing shareholder proposals and a strict ban on stock pledges by Wells Fargo board members.
- ***In re Ormat Techs., Inc. Derivative Litig.***, No. CV10-00759 (Nev. Dist. Ct., Washoe Cnty.). Robbins Geller brought derivative claims for breach of fiduciary duty and unjust enrichment against the directors and certain officers of Ormat Technologies, Inc., a leading geothermal and recovered energy power business. During the relevant time period, these Ormat insiders caused the company to engage in accounting manipulations that ultimately required restatement of the company's financial statements. The settlement in this action includes numerous corporate governance reforms designed to, among other things: (i) increase director independence; (ii) provide continuing education to directors; (iii) enhance the company's internal controls; (iv) make the company's board more independent; and (iv) strengthen the company's internal audit function.
- ***In re Alphatec Holdings, Inc. Derivative S'holder Litig.***, No. 37-2010-00058586 (Cal. Super. Ct., San Diego Cnty.). Obtained sweeping changes to Alphatec's governance, including separation of the Chairman and CEO positions, enhanced conflict of interest procedures to address related-party transactions, rigorous director independence standards requiring that at least a majority of directors be outside independent directors, and ongoing director education and training.



- ***In re Finisar Corp. Derivative Litig.***, No. C-06-07660 (N.D. Cal.). Prosecuted shareholder derivative action on behalf of Finisar against certain of its current and former directors and officers for engaging in an alleged nearly decade-long stock option backdating scheme that was alleged to have inflicted substantial damage upon Finisar. After obtaining a reversal of the district court's order dismissing the complaint for failing to adequately allege that a pre-suit demand was futile, Robbins Geller lawyers successfully prosecuted the derivative claims to resolution obtaining over \$15 million in financial clawbacks for Finisar. Robbins Geller attorneys also obtained significant changes to Finisar's stock option granting procedures and corporate governance. As a part of the settlement, Finisar agreed to ban the repricing of stock options without first obtaining specific shareholder approval, prohibit the retrospective selection of grant dates for stock options and similar awards, limit the number of other boards on which Finisar directors may serve, require directors to own a minimum amount of Finisar shares, annually elect a Lead Independent Director whenever the position of Chairman and CEO are held by the same person, and require the board to appoint a Trading Compliance officer responsible for ensuring compliance with Finisar's insider trading policies.
- ***Loizides v. Schramm (Maxwell Technology Derivative Litigation)***, No. 37-2010-00097953 (Cal. Super. Ct., San Diego Cnty.). Prosecuted shareholder derivative claims arising from the company's alleged violations of the Foreign Corrupt Practices Act of 1977 ("FCPA"). As a result of Robbins Geller's efforts, Maxwell insiders agreed to adopt significant changes in Maxwell's internal controls and systems designed to protect Maxwell against future potential violations of the FCPA. These corporate governance changes included establishing the following, among other things: a compliance plan to improve board oversight of Maxwell's compliance processes and internal controls; a clear corporate policy prohibiting bribery and subcontracting kickbacks, whereby individuals are accountable; mandatory employee training requirements, including the comprehensive explanation of whistleblower provisions, to provide for confidential reporting of FCPA violations or other corruption; enhanced resources and internal control and compliance procedures for the audit committee to act quickly if an FCPA violation or other corruption is detected; an FCPA and Anti-Corruption Compliance department that has the authority and resources required to assess global operations and detect violations of the FCPA and other instances of corruption; a rigorous ethics and compliance program applicable to all directors, officers, and employees, designed to prevent and detect violations of the FCPA and other applicable anti-corruption laws; an executive-level position of Chief Compliance Officer with direct board-level reporting responsibilities, who shall be responsible for overseeing and managing compliance issues within the company; a rigorous insider trading policy buttressed by enhanced review and supervision mechanisms and a requirement that all trades are timely disclosed; and enhanced provisions requiring that business entities are only acquired after thorough FCPA and anti-corruption due diligence by legal, accounting, and compliance personnel at Maxwell.
- ***In re SciClone Pharms., Inc. S'holder Derivative Litig.***, No. CIV 499030 (Cal. Super. Ct., San Mateo Cnty.). Robbins Geller attorneys successfully prosecuted the derivative claims on behalf of nominal party SciClone Pharmaceuticals, Inc., resulting in the adoption of state-of-the-art corporate governance reforms. The corporate governance reforms included the establishment of an FCPA compliance coordinator; the adoption of an FCPA compliance program and code; and the adoption of additional internal controls and compliance functions.
- ***Policemen & Firemen Ret. Sys. of the City of Detroit v. Cornelison (Halliburton Derivative Litigation)***, No. 2009-29987 (Tex. Dist. Ct., Harris Cnty.). Prosecuted shareholder derivative claims on behalf of Halliburton Company against certain Halliburton insiders for breaches of fiduciary duty arising from Halliburton's alleged violations of the FCPA. In the settlement, Halliburton agreed, among other things, to adopt strict intensive controls and systems designed to detect and deter the payment of bribes and other improper payments to foreign officials, to

enhanced executive compensation clawback, director stock ownership requirements, a limitation on the number of other boards that Halliburton directors may serve, a lead director charter, enhanced director independence standards, and the creation of a management compliance committee.

- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, our client, CalPERS, obtained sweeping corporate governance improvements, including the election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercises, as well as executive compensation reforms that tie pay to performance. In addition, the class obtained \$925 million, the largest stock option backdating recovery ever and four times the next largest options backdating recovery.
- ***In re Fossil, Inc. Derivative Litig.***, No. 3:06-cv-01672 (N.D. Tex.). The settlement agreement included the following corporate governance changes: declassification of elected board members; retirement of three directors and addition of five new independent directors; two-thirds board independence requirements; corporate governance guidelines providing for "Majority Voting" election of directors; lead independent director requirements; revised accounting measurement dates of options; addition of standing finance committee; compensation clawbacks; director compensation standards; revised stock option plans and grant procedures; limited stock option granting authority, timing, and pricing; enhanced education and training; and audit engagement partner rotation and outside audit firm review.
- ***Pirelli Armstrong Tire Corp. Retiree Med. Benefits Tr. v. Sinegal (Costco Derivative Litigation)***, No. 2:08-cv-01450 (W.D. Wash.). The parties agreed to settlement terms providing for the following corporate governance changes: the amendment of Costco's bylaws to provide "Majority Voting" election of directors; the elimination of overlapping compensation and audit committee membership on common subject matters; enhanced Dodd-Frank requirements; enhanced internal audit standards and controls, and revised information-sharing procedures; revised compensation policies and procedures; revised stock option plans and grant procedures; limited stock option granting authority, timing, and pricing; and enhanced ethics compliance standards and training.
- ***In re F5 Networks, Inc. Derivative Litig.***, No. C-06-0794 (W.D. Wash.). The parties agreed to the following corporate governance changes as part of the settlement: revised stock option plans and grant procedures; limited stock option granting authority, timing, and pricing; "Majority Voting" election of directors; lead independent director requirements; director independence standards; elimination of director perquisites; and revised compensation practices.

- ***In re Community Health Sys., Inc. S'holder Derivative Litig.***, No. 3:11-cv-00489 (M.D. Tenn.). Robbins Geller obtained unprecedented corporate governance reforms on behalf of Community Health Systems, Inc. in a case against the company's directors and officers for breaching their fiduciary duties by causing Community Health to develop and implement admissions criteria that systematically steered patients into unnecessary inpatient admissions, in contravention of Medicare and Medicaid regulations. The governance reforms obtained as part of the settlement include two shareholder-nominated directors, the creation of a Healthcare Law Compliance Coordinator with specified qualifications and duties, a requirement that the board's compensation committee be comprised solely of independent directors, the implementation of a compensation clawback that will automatically recover compensation improperly paid to the company's CEO or CFO in the event of a restatement, the establishment of an insider trading controls committee, and the adoption of a political expenditure disclosure policy. In addition to these reforms, \$60 million in financial relief was obtained, which is the largest shareholder derivative recovery ever in Tennessee and the Sixth Circuit.

## Options Backdating Litigation

As has been widely reported in the media, the stock options backdating scandal suddenly engulfed hundreds of publicly traded companies throughout the country in 2006. Robbins Geller was at the forefront of investigating and prosecuting options backdating derivative and securities cases. The Firm has recovered over \$1 billion in damages on behalf of injured companies and shareholders.

- ***In re KLA-Tencor Corp. S'holder Derivative Litig.***, No. C-06-03445 (N.D. Cal.). After successfully opposing the special litigation committee of the board of directors' motion to terminate the derivative claims, Robbins Geller recovered \$43.6 million in direct financial benefits for KLA-Tencor, including \$33.2 million in cash payments by certain former executives and their directors' and officers' insurance carriers.
- ***In re Marvell Tech. Grp. Ltd. Derivative Litig.***, No. C-06-03894 (N.D. Cal.). Robbins Geller recovered \$54.9 million in financial benefits, including \$14.6 million in cash, for Marvell, in addition to extensive corporate governance reforms related to Marvell's stock option granting practices, board of directors' procedures, and executive compensation.
- ***In re KB Home S'holder Derivative Litig.***, No. 06-CV-05148 (C.D. Cal.). Robbins Geller served as co-lead counsel for the plaintiffs and recovered more than \$31 million in financial benefits, including \$21.5 million in cash, for KB Home, plus substantial corporate governance enhancements relating to KB Home's stock option granting practices, director elections, and executive compensation practices.

## Corporate Takeover Litigation

Robbins Geller has earned a reputation as the leading law firm in representing shareholders in corporate takeover litigation. Through its aggressive efforts in prosecuting corporate takeovers, the Firm has secured for shareholders billions of dollars of additional consideration as well as beneficial changes for shareholders in the context of mergers and acquisitions.

The Firm regularly prosecutes merger and acquisition cases post-merger, often through trial, to maximize the benefit for its shareholder class. Some of these cases include:

- ***In re Tesla Motors, Inc. S'holder Litig.***, No. 12711-VCS (Del. Ch.). Robbins Geller, along with co-counsel, secured a \$60 million partial settlement after nearly four years of litigation against Tesla. This partial settlement is one of the largest derivative recoveries in a stockholder action challenging a merger. This partial settlement resolves the claims brought against defendants Kimbal Musk, Antonio J. Gracias, Stephen T. Jurvetson, Brad W. Buss, Ira Ehrenpreis, and Robyn M. Denholm, but not the claims against defendant Elon Musk.
- ***In re Kinder Morgan, Inc. S'holders Litig.***, No. 06-C-801 (Kan. Dist. Ct., Shawnee Cnty.). In the largest recovery ever for corporate takeover class action litigation, the Firm negotiated a settlement fund of \$200 million in 2010.
- ***In re Dole Food Co., Inc. S'holder Litig.***, No. 8703-VCL (Del. Ch.). Robbins Geller and co-counsel went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders. The litigation challenged the 2013 buyout of Dole by its billionaire Chief Executive Officer and Chairman, David H. Murdock. On August 27, 2015, the court issued a post-trial ruling that Murdock and fellow director C. Michael Carter – who also served as Dole's General Counsel, Chief Operating Officer, and Murdock's top lieutenant – had engaged in fraud and other misconduct in connection with the buyout and are liable to Dole's former stockholders for over \$148 million, the largest trial verdict ever in a class action challenging a merger transaction.
- ***Nieman v. Duke Energy Corp.***, No. 3:12-cv-00456 (W.D.N.C.). Robbins Geller, along with co-counsel, obtained a \$146.25 million settlement on behalf of Duke Energy Corporation investors. The settlement resolves accusations that defendants misled investors regarding Duke's future leadership following its merger with Progress Energy, Inc., and specifically, their premeditated coup to oust William D. Johnson (CEO of Progress) and replace him with Duke's then-CEO, John Rogers. This historic settlement represents the largest recovery ever in a North Carolina securities fraud action, and one of the five largest recoveries in the Fourth Circuit.
- ***In re Rural Metro Corp. S'holders Litig.***, No. 6350-VCL (Del. Ch.). Robbins Geller and co-counsel were appointed lead counsel in this case after successfully objecting to an inadequate settlement that did not take into account evidence of defendants' conflicts of interest. In a post-trial opinion, Delaware Vice Chancellor J. Travis Laster found defendant RBC Capital Markets, LLC liable for aiding and abetting Rural/Metro's board of directors' fiduciary duty breaches in the \$438 million buyout of Rural/Metro, citing "the magnitude of the conflict between RBC's claims and the evidence." RBC was ordered to pay nearly \$110 million as a result of its wrongdoing, the largest damage award ever obtained against a bank over its role as a merger adviser. The Delaware Supreme Court issued a landmark opinion affirming the judgment on November 30, 2015, *RBC Cap. Mkts., LLC v. Jervis*, 129 A.3d 816 (Del. 2015).
- ***In re Del Monte Foods Co. S'holders Litig.***, No. 6027-VCL (Del. Ch.). Robbins Geller exposed the unseemly practice by investment bankers of participating on both sides of large merger and acquisition transactions and ultimately secured an \$89 million settlement for shareholders of Del Monte. For efforts in achieving these results, the Robbins Geller lawyers prosecuting the case were named Attorneys of the Year by *California Lawyer* magazine in 2012.
- ***In re TD Banknorth S'holders Litig.***, No. 2557-VCL (Del. Ch.). After objecting to a modest recovery of just a few cents per share, the Firm took over the litigation and obtained a common fund settlement of \$50 million.

- ***In re Chaparral Res., Inc. S'holders Litig.***, No. 2633-VCL (Del. Ch.). After a full trial and a subsequent mediation before the Delaware Chancellor, the Firm obtained a common fund settlement of \$41 million (or 45% increase above merger price) for both class and appraisal claims.
- ***Laborers' Local #231 Pension Fund v. Websense, Inc.***, No. 37-2013-00050879-CU-BT-CTL (Cal. Super. Ct., San Diego Cnty.). Robbins Geller successfully obtained a record-breaking \$40 million in *Websense*, which is believed to be the largest post-merger common fund settlement in California state court history. The class action challenged the May 2013 buyout of Websense by Vista Equity Partners (and affiliates) for \$24.75 per share and alleged breach of fiduciary duty against the former Websense board of directors, and aiding and abetting against Websense's financial advisor, Merrill Lynch, Pierce, Fenner & Smith, Inc. Claims were pursued by the plaintiff in both California state court and the Delaware Court of Chancery.
- ***In re Onyx Pharms., Inc. S'holder Litig.***, No. CIV523789 (Cal. Super. Ct., San Mateo Cnty.). Robbins Geller obtained \$30 million in a case against the former Onyx board of directors for breaching its fiduciary duties in connection with the acquisition of Onyx by Amgen Inc. for \$125 per share at the expense of shareholders. At the time of the settlement, it was believed to set the record for the largest post-merger common fund settlement in California state court history. Over the case's three years, Robbins Geller defeated defendants' motions to dismiss, obtained class certification, took over 20 depositions, and reviewed over one million pages of documents. Further, the settlement was reached just days before a hearing on defendants' motion for summary judgment was set to take place, and the result is now believed to be the second largest post-merger common fund settlement in California state court history.
- ***Harrah's Entertainment***, No. A529183 (Nev. Dist. Ct., Clark Cnty.). The Firm's active prosecution of the case on several fronts, both in federal and state court, assisted Harrah's shareholders in securing an additional \$1.65 billion in merger consideration.
- ***In re Chiron S'holder Deal Litig.***, No. RG 05-230567 (Cal. Super. Ct., Alameda Cnty.). The Firm's efforts helped to obtain an additional \$800 million in increased merger consideration for Chiron shareholders.
- ***In re Dollar Gen. Corp. S'holder Litig.***, No. 07MD-1 (Tenn. Cir. Ct., Davidson Cnty.). As lead counsel, the Firm secured a recovery of up to \$57 million in cash for former Dollar General shareholders on the eve of trial.
- ***In re Prime Hosp., Inc. S'holders Litig.***, No. 652-N (Del. Ch.). The Firm objected to a settlement that was unfair to the class and proceeded to litigate breach of fiduciary duty issues involving a sale of hotels to a private equity firm. The litigation yielded a common fund of \$25 million for shareholders.
- ***In re UnitedGlobalCom, Inc. S'holder Litig.***, No. 1012-VCS (Del. Ch.). The Firm secured a common fund settlement of \$25 million just weeks before trial.
- ***In re eMachines, Inc. Merger Litig.***, No. 01-CC-00156 (Cal. Super. Ct., Orange Cnty.). After four years of litigation, the Firm secured a common fund settlement of \$24 million on the brink of trial.
- ***In re PeopleSoft, Inc. S'holder Litig.***, No. RG-03100291 (Cal. Super. Ct., Alameda Cnty.). The Firm successfully objected to a proposed compromise of class claims arising from takeover defenses by PeopleSoft, Inc. to thwart an acquisition by Oracle Corp., resulting in shareholders receiving an increase of over \$900 million in merger consideration.

- ***ACS S'holder Litig.***, No. CC-09-07377-C (Tex. Cty. Ct., Dallas Cnty.). The Firm forced ACS's acquirer, Xerox, to make significant concessions by which shareholders would not be locked out of receiving more money from another buyer.

## Antitrust

Robbins Geller's antitrust practice focuses on representing businesses and individuals who have been the victims of price-fixing, unlawful monopolization, market allocation, tying, and other anti-competitive conduct. The Firm has taken a leading role in many of the largest federal and state price-fixing, monopolization, market allocation, and tying cases throughout the United States.

- ***In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation***, MDL No. 1720 (E.D.N.Y.). Robbins Geller attorneys, serving as co-lead counsel on behalf of merchants, obtained a settlement amount of \$5.5 billion. In approving the settlement, the court noted that Robbins Geller and co-counsel "demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required, litigating on behalf of a class of over 12 million for over fourteen years, across a changing legal landscape, significant motion practice, and appeal and remand. Class counsel's pedigree and efforts alone speak to the quality of their representation."
- ***Dahl v. Bain Cap. Partners, LLC***, No. 07-cv-12388 (D. Mass). Robbins Geller attorneys served as co-lead counsel on behalf of shareholders in this antitrust action against the nation's largest private equity firms that colluded to restrain competition and suppress prices paid to shareholders of public companies in connection with leveraged buyouts. Robbins Geller attorneys recovered more than \$590 million for the class from the private equity firm defendants, including Goldman Sachs Group Inc. and Carlyle Group LP.
- ***Alaska Elec. Pension Fund v. Bank of Am. Corp.***, No. 14-cv-07126 (S.D.N.Y.). Robbins Geller attorneys prosecuted antitrust claims against 14 major banks and broker ICAP plc who were alleged to have conspired to manipulate the ISDAfix rate, the key interest rate for a broad range of interest rate derivatives and other financial instruments in contravention of the competition laws. The class action was brought on behalf of investors and market participants who entered into interest rate derivative transactions between 2006 and 2013. Final approval has been granted to settlements collectively yielding \$504.5 million from all defendants.
- ***In re Currency Conversion Fee Antitrust Litig.***, 01 MDL No. 1409 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and recovered \$336 million for a class of credit and debit cardholders. The court praised the Firm as "indefatigable," noting that the Firm's lawyers "vigorously litigated every issue against some of the ablest lawyers in the antitrust defense bar."
- ***In re SSA Bonds Antitrust Litig.***, No. 1:16-cv-03711 (S.D.N.Y.). Robbins Geller attorneys are serving as co-lead counsel in a case against several of the world's largest banks and the traders of certain specialized government bonds. They are alleged to have entered into a wide-ranging price-fixing and bid-rigging scheme costing pension funds and other investors hundreds of millions. To date, three of the more than a dozen corporate defendants have settled for \$95.5 million.
- ***In re Aftermarket Auto. Lighting Prods. Antitrust Litig.***, 09 MDL No. 2007 (C.D. Cal.). Robbins Geller attorneys served as co-lead counsel in this multi-district litigation in which plaintiffs allege that defendants conspired to fix prices and allocate markets for automotive lighting products. The last defendants settled just before the scheduled trial, resulting in total settlements of more than \$50 million. Commenting on the quality of representation, the court commended the Firm for

“expend[ing] substantial and skilled time and efforts in an efficient manner to bring this action to conclusion.”

- ***In re Dynamic Random Access Memory (DRAM) Antitrust Litig.***, 02 MDL No. 1486 (N.D. Cal.). Robbins Geller attorneys served on the executive committee in this multi-district class action in which a class of purchasers of dynamic random access memory (or DRAM) chips alleged that the leading manufacturers of semiconductor products fixed the price of DRAM chips from the fall of 2001 through at least the end of June 2002. The case settled for more than \$300 million.
- ***Microsoft I-V Cases***, JCCP No. 4106 (Cal. Super. Ct., San Francisco Cnty.). Robbins Geller attorneys served on the executive committee in these consolidated cases in which California indirect purchasers challenged Microsoft’s illegal exercise of monopoly power in the operating system, word processing, and spreadsheet markets. In a settlement approved by the court, class counsel obtained an unprecedented \$1.1 billion worth of relief for the business and consumer class members who purchased the Microsoft products.

## Consumer Fraud and Privacy

In our consumer-based economy, working families who purchase products and services must receive truthful information so they can make meaningful choices about how to spend their hard-earned money. When financial institutions and other corporations deceive consumers or take advantage of unequal bargaining power, class action suits provide, in many instances, the only realistic means for an individual to right a corporate wrong.

Robbins Geller attorneys represent consumers around the country in a variety of important, complex class actions. Our attorneys have taken a leading role in many of the largest federal and state consumer fraud, privacy, environmental, human rights, and public health cases throughout the United States. The Firm is also actively involved in many cases relating to banks and the financial services industry, pursuing claims on behalf of individuals victimized by abusive telemarketing practices, abusive mortgage lending practices, market timing violations in the sale of variable annuities, and deceptive consumer credit lending practices in violation of the Truth-In-Lending Act. Below are a few representative samples of our robust, nationwide consumer and privacy practice.

- ***In re Nat’l Prescription Opiate Litig.*** Robbins Geller serves on the Plaintiffs’ Executive Committee to spearhead more than 2,900 federal lawsuits brought on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that “[t]he team reads like a ‘Who’s Who’ in mass torts.”
- ***Apple Inc. Device Performance Litigation.*** Robbins Geller serves on the Plaintiffs’ Executive Committee to advance judicial interests of efficiency and protect the interests of the proposed class in the *Apple* litigation. The case alleges Apple misrepresented its iPhone devices and the nature of updates to its mobile operating system (iOS), which allegedly included code that significantly reduced the performance of older-model iPhones and forced users to incur expenses replacing these devices or their batteries.
- ***In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*** Robbins Geller serves as co-lead counsel in a case against Mylan Pharmaceuticals and Pfizer for engaging in crippling anti-competitive behavior that allowed the price of their ubiquitous and life-saving EpiPen auto-injector devices to rise over 600%, bilking American children and adults for hundreds of millions of dollars.

- ***Cordova v. Greyhound Lines, Inc.*** Robbins Geller represented California bus passengers *pro bono* in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids. Robbins Geller achieved a watershed court ruling that a private company may be held liable under California law for allowing border patrol to harass and racially profile its customers. The case heralds that Greyhound passengers do not check their rights and dignity at the bus door and has had an immediate impact, not only in California but nationwide. Within weeks of Robbins Geller filing the case, Greyhound added “know your rights” information to passengers to its website and on posters in bus stations around the country, along with adopting other business reforms.
- ***In re Volkswagen “Clean Diesel” Mktg., Sales Pracs., & Prods. Liab. Litig.*** As part of the Plaintiffs’ Steering Committee, Robbins Geller reached a series of settlements on behalf of purchasers, lessees, and dealers that total well over \$17 billion, the largest settlement in history, concerning illegal “defeat devices” that Volkswagen installed on many of its diesel-engine vehicles. The device tricked regulators into believing the cars were complying with emissions standards, while the cars were actually emitting between 10 and 40 times the allowable limit for harmful pollutants.
- ***In re Facebook Biometric Info. Privacy Litig.***, No. 3:15-cv-03747 (N.D. Cal.). Robbins Geller served as co-lead class counsel in a cutting-edge certified class action, securing a record-breaking \$650 million all-cash settlement, the largest privacy settlement in history. The case concerned Facebook’s alleged privacy violations through its collection of its users’ biometric identifiers without informed consent through its “Tag Suggestions” feature, which uses proprietary facial recognition software to extract from user-uploaded photographs the unique biometric identifiers (*i.e.*, graphical representations of facial features, also known as facial geometry) associated with people’s faces and identify who they are. The Honorable James Donato called the settlement “a groundbreaking settlement in a novel area” and praised the unprecedented 22% claims rate as “pretty phenomenal” and “a pretty good day in class settlement history.”
- ***Yahoo Data Breach Class Action.*** Robbins Geller helped secure final approval of a \$117.5 million settlement in a class action lawsuit against Yahoo, Inc. arising out of Yahoo’s reckless disregard for the safety and security of its customers’ personal, private information. In September 2016, Yahoo revealed that personal information associated with at least 500 million user accounts, including names, email addresses, telephone numbers, dates of birth, hashed passwords, and security questions and answers, was stolen from Yahoo’s user database in late 2014. The company made another announcement in December 2016 that personal information associated with more than one billion user accounts was extracted in August 2013. Ten months later, Yahoo announced that the breach in 2013 actually affected all three billion existing accounts. This was the largest data breach in history, and caused severe financial and emotional damage to Yahoo account holders. In 2017, Robbins Geller was appointed to the Plaintiffs’ Executive Committee charged with overseeing the litigation.
- ***Trump University.*** After six and a half years of tireless litigation and on the eve of trial, Robbins Geller, serving as co-lead counsel, secured a historic recovery on behalf of Trump University students around the country. The settlement provides \$25 million to approximately 7,000 consumers, including senior citizens who accessed retirement accounts and maxed out credit cards to enroll in Trump University. The extraordinary result means individual class members are eligible for upwards of \$35,000 in restitution. The settlement resolves claims that President Donald J. Trump and Trump University violated federal and state laws by misleadingly marketing “Live Events” seminars and mentorships as teaching Trump’s “real-estate techniques” through his “hand-picked” “professors” at his so-called “university.” Robbins Geller represented the class on a *pro bono* basis.



- ***In re Morning Song Bird Food Litig.*** Robbins Geller obtained final approval of a settlement in a civil Racketeer Influenced and Corrupt Organizations Act consumer class action against The Scotts Miracle-Gro Company and its CEO James Hagedorn. The settlement of up to \$85 million provides full refunds to consumers around the country and resolves claims that Scotts Miracle-Gro knowingly sold wild bird food treated with pesticides that are hazardous to birds. In approving the settlement, Judge Houston commended Robbins Geller’s “skill and quality of work [as] extraordinary” and the case as “aggressively litigated.” The Robbins Geller team battled a series of dismissal motions before achieving class certification for the plaintiffs in March 2017, with the court finding that “Plaintiffs would not have purchased the bird food if they knew it was poison.” Defendants then appealed the class certification to the Ninth Circuit, which was denied, and then tried to have the claims from non-California class members thrown out, which was also denied.
- ***Bank Overdraft Fees Litigation.*** The banking industry charges consumers exorbitant amounts for “overdraft” of their checking accounts, even if the customer did not authorize a charge beyond the available balance and even if the account would not have been overdrawn had the transactions been ordered chronologically as they occurred – that is, banks reorder transactions to maximize such fees. The Firm brought lawsuits against major banks to stop this practice and recover these false fees. These cases have recovered over \$500 million thus far from a dozen banks and we continue to investigate other banks engaging in this practice.
- ***Visa and MasterCard Fees.*** After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer-protection verdicts ever awarded in the United States. The Firm’s attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Sony Gaming Networks & Customer Data Security Breach Litigation.*** The Firm served as a member of the Plaintiffs’ Steering Committee, helping to obtain a precedential opinion denying in part Sony’s motion to dismiss plaintiffs’ claims involving the breach of Sony’s gaming network, leading to a \$15 million settlement.
- ***Tobacco Litigation.*** Robbins Geller attorneys have led the fight against Big Tobacco since 1991. As an example, Robbins Geller attorneys filed the case that helped get rid of Joe Camel, representing various public and private plaintiffs, including the State of Arkansas, the general public in California, the cities of San Francisco, Los Angeles, and Birmingham, 14 counties in California, and the working men and women of this country in the Union Pension and Welfare Fund cases that have been filed in 40 states. In 1992, Robbins Geller attorneys filed the first case in the country that alleged a conspiracy by the Big Tobacco companies.

- ***Garment Workers Sweatshop Litigation.*** Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions, one which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and another which alleged violations of California’s Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team’s efforts at bringing about the precedent-setting settlement of the actions.
- ***In re Intel Corp. CPU Mktg., Sales Practs. & Prods. Liab. Litig.*** Robbins Geller serves on the Plaintiffs’ Steering Committee in *Intel*, a massive multidistrict litigation pending in the United States District Court for the District of Oregon. *Intel* concerns serious security vulnerabilities – known as “Spectre” and “Meltdown” – that infect nearly all of Intel’s x86 processors manufactured and sold since 1995, the patching of which results in processing speed degradation of the impacted computer, server or mobile device.
- ***Hauck v. Advanced Micro Devices, Inc.*** An attorney from Robbins Geller serves as co-lead counsel in a case against Advanced Micro Devices, Inc. (“AMD”), which alleges that AMD’s processors are incapable of operating as intended and at processing speeds represented by AMD without exposing users to the Spectre vulnerability, which allows hackers to covertly access sensitive information stored within the CPU’s kernel.
- ***West Telemarketing Case.*** Robbins Geller attorneys secured a \$39 million settlement for class members caught up in a telemarketing scheme where consumers were charged for an unwanted membership program after purchasing Tae-Bo exercise videos. Under the settlement, consumers were entitled to claim between one and one-half to three times the amount of all fees they unknowingly paid.
- ***Dannon Activia®.*** Robbins Geller attorneys secured the largest ever settlement for a false advertising case involving a food product. The case alleged that Dannon’s advertising for its Activia® and DanActive® branded products and their benefits from “probiotic” bacteria were overstated. As part of the nationwide settlement, Dannon agreed to modify its advertising and establish a fund of up to \$45 million to compensate consumers for their purchases of Activia® and DanActive®.
- ***Mattel Lead Paint Toys.*** In 2006-2007, toy manufacturing giant Mattel and its subsidiary Fisher-Price announced the recall of over 14 million toys made in China due to hazardous lead and dangerous magnets. Robbins Geller attorneys filed lawsuits on behalf of millions of parents and other consumers who purchased or received toys for children that were marketed as safe but were later recalled because they were dangerous. The Firm’s attorneys reached a landmark settlement for millions of dollars in refunds and lead testing reimbursements, as well as important testing requirements to ensure that Mattel’s toys are safe for consumers in the future.
- ***Tenet Healthcare Cases.*** Robbins Geller attorneys were co-lead counsel in a class action alleging a fraudulent scheme of corporate misconduct, resulting in the overcharging of uninsured patients

by the Tenet chain of hospitals. The Firm's attorneys represented uninsured patients of Tenet hospitals nationwide who were overcharged by Tenet's admittedly "aggressive pricing strategy," which resulted in price gouging of the uninsured. The case was settled with Tenet changing its practices and making refunds to patients.

- ***Pet Food Products Liability Litigation.*** Robbins Geller served as co-lead counsel in this massive, 100+ case products liability MDL in the District of New Jersey concerning the death of and injury to thousands of the nation's cats and dogs due to tainted pet food. The case settled for \$24 million.

## Human Rights, Labor Practices, and Public Policy

Robbins Geller attorneys have a long tradition of representing the victims of unfair labor practices and violations of human rights. These include:

- ***Does I v. The Gap, Inc.***, No. 01 0031 (D. N. Mar. I.). In this groundbreaking case, Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions: ***Does I v. Advance Textile Corp.***, No. 99 0002 (D. N. Mar. I.), which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and ***UNITE v. The Gap, Inc.***, No. 300474 (Cal. Super. Ct., San Francisco Cty.), which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts at bringing about the precedent-setting settlement of the actions.
- ***Liberty Mutual Overtime Cases***, No. JCCP 4234 (Cal. Super. Ct., Los Angeles Cnty.). Robbins Geller attorneys served as co-lead counsel on behalf of 1,600 current and former insurance claims adjusters at Liberty Mutual Insurance Company and several of its subsidiaries. Plaintiffs brought the case to recover unpaid overtime compensation and associated penalties, alleging that Liberty Mutual had misclassified its claims adjusters as exempt from overtime under California law. After 13 years of complex and exhaustive litigation, Robbins Geller secured a settlement in which Liberty Mutual agreed to pay \$65 million into a fund to compensate the class of claims adjusters for unpaid overtime. The Liberty Mutual action is one of a few claims adjuster overtime actions brought in California or elsewhere to result in a successful outcome for plaintiffs since 2004.
- ***Veliz v. Cintas Corp.***, No. 5:03-cv-01180 (N.D. Cal.). Brought against one of the nation's largest commercial laundries for violations of the Fair Labor Standards Act for misclassifying truck drivers as salesmen to avoid payment of overtime.
- ***Kasky v. Nike, Inc.***, 27 Cal. 4th 939 (2002). The California Supreme Court upheld claims that an apparel manufacturer misled the public regarding its exploitative labor practices, thereby violating California statutes prohibiting unfair competition and false advertising. The court rejected defense contentions that any misconduct was protected by the First Amendment, finding the heightened constitutional protection afforded to noncommercial speech inappropriate in such a circumstance.

Shareholder derivative litigation brought by Robbins Geller attorneys at times also involves stopping anti-union activities, including:

- ***Southern Pacific/Overnite***. A shareholder action stemming from several hundred million dollars in loss of value in the company due to systematic violations by Overnite of U.S. labor laws.
- ***Massey Energy***. A shareholder action against an anti-union employer for flagrant violations of environmental laws resulting in multi-million-dollar penalties.
- ***Crown Petroleum***. A shareholder action against a Texas-based oil company for self-dealing and breach of fiduciary duty while also involved in a union lockout.

## Environment and Public Health

Robbins Geller attorneys have also represented plaintiffs in class actions related to environmental law. The Firm's attorneys represented, on a *pro bono* basis, the Sierra Club and the National Economic Development and Law Center as *amici curiae* in a federal suit designed to uphold the federal and state use of project labor agreements ("PLAs"). The suit represented a legal challenge to President Bush's Executive Order 13202, which prohibits the use of project labor agreements on construction projects receiving federal funds. Our *amici* brief in the matter outlined and stressed the significant environmental and socio-economic benefits associated with the use of PLAs on large-scale construction projects.

Attorneys with Robbins Geller have been involved in several other significant environmental cases, including:

- ***Public Citizen v. U.S. D.O.T.*** Robbins Geller attorneys represented a coalition of labor, environmental, industry, and public health organizations including Public Citizen, The International Brotherhood of Teamsters, California AFL-CIO, and California Trucking Industry in a challenge to a decision by the Bush administration to lift a Congressionally-imposed "moratorium" on cross-border trucking from Mexico on the basis that such trucks do not conform to emission controls under the Clean Air Act, and further, that the administration did not first complete a comprehensive environmental impact analysis as required by the National Environmental Policy Act. The suit was dismissed by the United States Supreme Court, the court holding that because the D.O.T. lacked discretion to prevent crossborder trucking, an environmental assessment was not required.
- ***Sierra Club v. AK Steel***. Brought on behalf of the Sierra Club for massive emissions of air and water pollution by a steel mill, including homes of workers living in the adjacent communities, in violation of the Federal Clean Air Act, the Resource Conservation Recovery Act, and the Clean Water Act.
- ***MTBE Litigation***. Brought on behalf of various water districts for befouling public drinking water with MTBE, a gasoline additive linked to cancer.
- ***Exxon Valdez***. Brought on behalf of fisherman and Alaska residents for billions of dollars in damages resulting from the greatest oil spill in U.S. history.
- ***Avila Beach***. A citizens' suit against UNOCAL for leakage from the oil company pipeline so severe it literally destroyed the town of Avila Beach, California.

Federal laws such as the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act and state laws such as California's Proposition 65 exist to protect the environment and the public from abuses by corporate and government organizations. Companies can be found liable for negligence, trespass, or intentional environmental damage, be forced to pay for reparations, and to come into compliance with existing laws. Prominent cases litigated by Robbins Geller attorneys include representing more than 4,000 individuals suing for personal injury and property damage related to the Stringfellow Dump Site in Southern California, participation in the Exxon Valdez oil spill litigation, and litigation involving the toxic spill arising from a Southern Pacific train derailment near Dunsmuir, California.

Robbins Geller attorneys have led the fight against Big Tobacco since 1991. As an example, Robbins Geller attorneys filed the case that helped get rid of Joe Camel, representing various public and private plaintiffs, including the State of Arkansas, the general public in California, the cities of San Francisco, Los Angeles, and Birmingham, 14 counties in California, and the working men and women of this country in the Union Pension and Welfare Fund cases that have been filed in 40 states. In 1992, Robbins Geller attorneys filed the first case in the country that alleged a conspiracy by the Big Tobacco companies.

## Pro Bono

Robbins Geller provides counsel to those unable to afford legal representation as part of a continuous and longstanding commitment to the communities in which it serves. Over the years the Firm has dedicated a considerable amount of time, energy, and a full range of its resources for many *pro bono* and charitable actions.

Robbins Geller has been honored for its *pro bono* efforts by the California State Bar (including a nomination for the President's Pro Bono Law Firm of the Year award) and the San Diego Volunteer Lawyer's Program, among others.

Some of the Firm's and its attorneys' *pro bono* and charitable actions include:

- Representing public school children and parents in Tennessee challenging the state's private school voucher law, known as the Education Savings Account (ESA) Pilot Program. Robbins Geller helped achieve favorable rulings enjoining implementation of the ESA for violating the Home Rule provision of the Tennessee Constitution, which prohibits the General Assembly from passing laws that target specific counties without local approval.
- Representing California bus passengers *pro bono* in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids. Robbins Geller achieved a watershed court ruling that a private company may be held liable under California law for allowing border patrol to harass and racially profile its customers. The case heralds that Greyhound passengers do not check their rights and dignity at the bus door and has had an immediate impact, not only in California but nationwide. Within weeks of Robbins Geller filing the case, Greyhound added "know your rights" information to passengers to its website and on posters in bus stations around the country, along with adopting other business reforms.

- Working with the Homeless Action Center (HAC) to provide no-cost, barrier-free, culturally competent legal representation that makes it possible for people who are homeless (or at risk of becoming homeless) to access social safety net programs that help restore dignity and provide sustainable income, healthcare, mental health treatment, and housing. Based in Oakland and Berkeley, the non-profit is the only program in the Bay Area that specializes in legal services to those who are chronically homeless. In 2016, HAC provided assistance to 1,403 men and 936 women, and 1,691 cases were completed. An additional 1,357 cases were still pending when the year ended. The results include 512 completed SSI cases with a success rate of 87%.
- Representing Trump University students in two class actions against President Donald J. Trump. The historic settlement provides \$25 million to approximately 7,000 consumers. This means individual class members are eligible for upwards of \$35,000 in restitution – an extraordinary result.
- Representing children diagnosed with Autism Spectrum Disorder, as well as children with significant disabilities, in New York to remedy flawed educational policies and practices that cause substantial harm to these and other similar children year after year.
- Representing 19 San Diego County children diagnosed with Autism Spectrum Disorder in their appeal of the San Diego Regional Center’s termination of funding for a crucial therapy. The victory resulted in a complete reinstatement of funding and set a precedent that allows other children to obtain the treatments they need.
- Serving as Northern California and Hawaii District Coordinator for the United States Court of Appeals for the Ninth Circuit’s Pro Bono program since 1993.
- Representing the Sierra Club and the National Economic Development and Law Center as *amici curiae* before the U.S. Supreme Court.
- Obtaining political asylum, after an initial application had been denied, for an impoverished Somali family whose ethnic minority faced systematic persecution and genocidal violence in Somalia, as well as forced female mutilation.
- Working with the ACLU in a class action filed on behalf of welfare applicants subject to San Diego County’s “Project 100%” program. Relief was had when the County admitted that food-stamp eligibility could not hinge upon the Project 100% “home visits,” and again when the district court ruled that unconsented “collateral contacts” violated state regulations. The decision was noted by the *Harvard Law Review*, *The New York Times*, and *The Colbert Report*.
- Filing numerous *amicus curiae* briefs on behalf of religious organizations and clergy that support civil rights, oppose government-backed religious-viewpoint discrimination, and uphold the American traditions of religious freedom and church-state separation.
- Serving as *amicus* counsel in a Ninth Circuit appeal from a Board of Immigration Appeals deportation decision. In addition to obtaining a reversal of the BIA’s deportation order, the Firm consulted with the Federal Defenders’ Office on cases presenting similar fact patterns, which resulted in a precedent-setting *en banc* decision from the Ninth Circuit resolving a question of state and federal law that had been contested and conflicted for decades.

# PROMINENT CASES, PRECEDENT-SETTING DECISIONS, AND JUDICIAL COMMENDATIONS

## Prominent Cases

Over the years, Robbins Geller attorneys have obtained outstanding results in some of the most notorious and well-known cases, frequently earning judicial commendations for the quality of their representation.

- *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). Investors lost billions of dollars as a result of the massive fraud at Enron. In appointing Robbins Geller lawyers as sole lead counsel to represent the interests of Enron investors, the court found that the Firm’s zealous prosecution and level of “insight” set it apart from its peers. Robbins Geller attorneys and lead plaintiff The Regents of the University of California aggressively pursued numerous defendants, including many of Wall Street’s biggest banks, and successfully obtained settlements in excess of **\$7.2 billion** for the benefit of investors. *This is the largest securities class action recovery in history.*

The court overseeing this action had utmost praise for Robbins Geller’s efforts and stated that “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *In re Enron Corp. Sec., Derivative & “ERISA” Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008).

The court further commented: “[I]n the face of extraordinary obstacles, the skills, expertise, commitment, and tenacity of [Robbins Geller] in this litigation cannot be overstated. Not to be overlooked are the unparalleled results, . . . which demonstrate counsel’s clearly superlative litigating and negotiating skills.” *Id.* at 789.

The court stated that the Firm’s attorneys “are to be commended for their zealousness, their diligence, their perseverance, their creativity, the enormous breadth and depth of their investigations and analysis, and their expertise in all areas of securities law on behalf of the proposed class.” *Id.*

In addition, the court noted, “This Court considers [Robbins Geller] ‘a lion’ at the securities bar on the national level,” noting that the Lead Plaintiff selected Robbins Geller because of the Firm’s “outstanding reputation, experience, and success in securities litigation nationwide.” *Id.* at 790.

The court further stated that “Lead Counsel’s fearsome reputation and successful track record undoubtedly were substantial factors in . . . obtaining these recoveries.” *Id.*

Finally, Judge Harmon stated: “As this Court has explained [this is] an extraordinary group of attorneys who achieved the largest settlement fund ever despite the great odds against them.” *Id.* at 828.

- *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893 (N.D. Ill). As sole lead counsel, Robbins Geller obtained a record-breaking settlement of **\$1.575 billion** after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a securities fraud verdict in favor of the class. In 2015, the Seventh Circuit Court of Appeals upheld the jury’s verdict that defendants made false or misleading statements of material fact about the company’s business practices and financial results, but remanded the case for a new trial on the issue of whether the individual defendants “made” certain false statements, whether those false statements caused plaintiffs’ losses, and the amount of

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damages. The parties reached an agreement to settle the case just hours before the retrial was scheduled to begin on June 6, 2016. *The \$1.575 billion settlement, approved in October 2016, is the largest ever following a securities fraud class action trial, the largest securities fraud settlement in the Seventh Circuit and the seventh-largest settlement ever in a post-PSLRA securities fraud case.* According to published reports, the case was just the seventh securities fraud case tried to a verdict since the passage of the PSLRA.

In approving the settlement, the Honorable Jorge L. Alonso noted the team’s “skill and determination” while recognizing that “Lead Counsel prosecuted the case vigorously and skillfully over 14 years against nine of the country’s most prominent law firms” and “achieved an exceptionally significant recovery for the class.” The court added that the team faced “significant hurdles” and “uphill battles” throughout the case and recognized that “[c]lass counsel performed a very high-quality legal work in the context of a thorny case in which the state of the law has been and is in flux.” The court succinctly concluded that the settlement was “a spectacular result for the class.” *Jaffe v. Household Int’l, Inc.*, No. 02-C-5892, 2016 U.S. Dist. LEXIS 156921, at \*8 (N.D. Ill. Nov. 10, 2016); *Jaffe v. Household Int’l, Inc.*, No. 02-C-05893, Transcript at 56, 65 (N.D. Ill. Oct. 20, 2016).

- ***In re Valeant Pharms. Int’l, Inc. Sec. Litig.***, No. 3:15-cv-07658 (D.N.J.). As sole lead counsel, Robbins Geller attorneys obtained a \$1.2 billion settlement in the securities case that *Vanity Fair* reported as “the corporate scandal of its era” that had raised “fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations.” The settlement resolves claims that defendants made false and misleading statements regarding Valeant’s business and financial performance during the class period, attributing Valeant’s dramatic growth in revenues and profitability to “innovative new marketing approaches” as part of a business model that was low risk and “durable and sustainable.” *Valeant* is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.
- ***In re Am. Realty Cap. Props., Inc. Litig.***, No. 1:15-mc-00040 (S.D.N.Y.). As sole lead counsel, Robbins Geller attorneys zealously litigated the case arising out of ARCP’s manipulative accounting practices and obtained a \$1.025 billion settlement. For five years, the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.

In approving the settlement, the Honorable Alvin K. Hellerstein lauded the Robbins Geller litigation team, noting: “My own observation is that plaintiffs’ representation is adequate and that the role of lead counsel was fulfilled in an extremely fine fashion by [Robbins Geller]. At every juncture, the representations made to me were reliable, the arguments were cogent, and the representation of their client was zealous.”

- ***In re UnitedHealth Grp. Inc. PSLRA Litig.***, No. 06-CV-1691 (D. Minn.). In the *UnitedHealth* case, Robbins Geller represented the California Public Employees’ Retirement System (“CalPERS”) and demonstrated its willingness to vigorously advocate for its institutional clients, even under the most difficult circumstances. For example, in 2006, the issue of high-level executives backdating stock options made national headlines. During that time, many law firms, including Robbins Geller, brought shareholder derivative lawsuits against the companies’ boards of directors for breaches of their fiduciary duties or for improperly granting backdated options. Rather than pursuing a shareholder derivative case, the Firm filed a securities fraud class action against the company on behalf of CalPERS. In doing so, Robbins Geller faced significant and unprecedented legal



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obstacles with respect to loss causation, *i.e.*, that defendants' actions were responsible for causing the stock losses. Despite these legal hurdles, Robbins Geller obtained an \$895 million recovery on behalf of the UnitedHealth shareholders. Shortly after reaching the \$895 million settlement with UnitedHealth, the remaining corporate defendants, including former CEO William A. McGuire, also settled. McGuire paid \$30 million and returned stock options representing more than three million shares to the shareholders. The total recovery for the class was over \$925 million, the largest stock option backdating recovery ever, and ***a recovery that is more than four times larger than the next largest options backdating recovery.*** Moreover, Robbins Geller obtained unprecedented corporate governance reforms, including election of a shareholder-nominated member to the company's board of directors, a mandatory holding period for shares acquired by executives via option exercise, and executive compensation reforms that tie pay to performance.

- ***Alaska Elec. Pension Fund v. CitiGroup, Inc. (In re WorldCom Sec. Litig.)***, No. 03 Civ. 8269 (S.D.N.Y.). Robbins Geller attorneys represented more than 50 private and public institutions that opted out of the class action case and sued WorldCom's bankers, officers and directors, and auditors in courts around the country for losses related to WorldCom bond offerings from 1998 to 2001. The Firm's clients included major public institutions from across the country such as CalPERS, CalSTRS, the state pension funds of Maine, Illinois, New Mexico, and West Virginia, union pension funds, and private entities such as AIG and Northwestern Mutual. Robbins Geller attorneys recovered more than \$650 million for their clients, substantially more than they would have recovered as part of the class.
- ***Luther v. Countrywide Fin. Corp.***, No. 12-cv-05125 (C.D. Cal.). Robbins Geller attorneys secured a \$500 million settlement for institutional and individual investors in what is the largest RMBS purchaser class action settlement in history, and one of the largest class action securities settlements of all time. The unprecedented settlement resolves claims against Countrywide and Wall Street banks that issued the securities. The action was the first securities class action case filed against originators and Wall Street banks as a result of the credit crisis. As co-lead counsel Robbins Geller forged through six years of hard-fought litigation, oftentimes litigating issues of first impression, in order to secure the landmark settlement for its clients and the class.

In approving the settlement, Judge Mariana R. Pfaelzer repeatedly complimented plaintiffs' attorneys, noting that it was "beyond serious dispute that Class Counsel has vigorously prosecuted the Settlement Actions on both the state and federal level over the last six years." Judge Pfaelzer also commented that "[w]ithout a settlement, these cases would continue indefinitely, resulting in significant risks to recovery and continued litigation costs. It is difficult to understate the risks to recovery if litigation had continued." *Me. State Rel. Sys. v. Countrywide Fin. Corp.*, No. 2:10-CV-00302, 2013 U.S. Dist. LEXIS 179190, at \*44, \*56 (C.D. Cal. Dec. 5, 2013).

Judge Pfaelzer further noted that the proposed \$500 million settlement represents one of the "largest MBS class action settlements to date. Indeed, this settlement easily surpasses the next largest . . . MBS settlement." *Id.* at \*59.

- ***In re Wachovia Preferred Sec. & Bond/Notes Litig.***, No. 09-cv-06351 (S.D.N.Y.). In litigation over bonds and preferred securities, issued by Wachovia between 2006 and 2008, Robbins Geller and co-counsel obtained a significant settlement with Wachovia successor Wells Fargo & Company (\$590 million) and Wachovia auditor KPMG LLP (\$37 million). ***The total settlement – \$627 million – is one of the largest credit-crisis settlements involving Securities Act claims and one of the 20 largest securities class action recoveries in history.*** The settlement is also one of the biggest securities class action recoveries arising from the credit crisis.

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As alleged in the complaint, the offering materials for the bonds and preferred securities misstated and failed to disclose the true nature and quality of Wachovia's mortgage loan portfolio, which exposed the bank and misled investors to tens of billions of dollars in losses on mortgage-related assets. In reality, Wachovia employed high-risk underwriting standards and made loans to subprime borrowers, contrary to the offering materials and their statements of "pristine credit quality." Robbins Geller served as co-lead counsel representing the City of Livonia Employees' Retirement System, Hawaii Sheet Metal Workers Pension Fund, and the investor class.

- ***In re Cardinal Health, Inc. Sec. Litig.***, No. C2-04-575 (S.D. Ohio). As sole lead counsel representing Cardinal Health shareholders, Robbins Geller obtained a recovery of \$600 million for investors. On behalf of the lead plaintiffs, Amalgamated Bank, the New Mexico State Investment Council, and the California Ironworkers Field Trust Fund, the Firm aggressively pursued class claims and won numerous courtroom victories, including a favorable decision on defendants' motion to dismiss. *In re Cardinal Health, Inc. Sec. Litigs.*, 426 F. Supp. 2d 688 (S.D. Ohio 2006). At the time, the \$600 million settlement was the tenth-largest settlement in the history of securities fraud litigation and is the largest-ever recovery in a securities fraud action in the Sixth Circuit. Judge Marbley commented: "[T]his is an extraordinary settlement relative to all the other settlements in cases of this nature and certainly cases of this magnitude. . . . This was an outstanding settlement. . . . [I]n most instances, if you've gotten four cents on the dollar, you've done well. You've gotten twenty cents on the dollar, so that's been extraordinary. *In re Cardinal Health, Inc. Sec. Litig.*, No. 2:04-CV-575, Transcript at 16, 32 (S.D. Ohio Oct. 19, 2007). Judge Marbley further stated:

The quality of representation in this case was superb. Lead Counsel, [Robbins Geller], are nationally recognized leaders in complex securities litigation class actions. The quality of the representation is demonstrated by the substantial benefit achieved for the Class and the efficient, effective prosecution and resolution of this action. Lead Counsel defeated a volley of motions to dismiss, thwarting well-formed challenges from prominent and capable attorneys from six different law firms.

*In re Cardinal Health Inc. Sec. Litigs.*, 528 F. Supp. 2d 752, 768 (S.D. Ohio 2007).

- ***AOL Time Warner Cases I & II***, JCCP Nos. 4322 & 4325 (Cal. Super. Ct., Los Angeles Cnty.). Robbins Geller represented The Regents of the University of California, six Ohio state pension funds, Rabo Bank (NL), the Scottish Widows Investment Partnership, several Australian public and private funds, insurance companies, and numerous additional institutional investors, both domestic and international, in state and federal court opt-out litigation stemming from Time Warner's disastrous 2001 merger with Internet high flier America Online. Robbins Geller attorneys exposed a massive and sophisticated accounting fraud involving America Online's e-commerce and advertising revenue. After almost four years of litigation involving extensive discovery, the Firm secured combined settlements for its opt-out clients totaling over \$629 million just weeks before The Regents' case pending in California state court was scheduled to go to trial. The Regents' gross recovery of \$246 million is the largest individual opt-out securities recovery in history.

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- ***Abu Dhabi Commercial Bank v. Morgan Stanley & Co.***, No. 1:08-cv-07508-SAS-DCF (S.D.N.Y.), and ***King County, Washington v. IKB Deutsche Industriebank AG***, No. 1:09-cv-08387-SAS (S.D.N.Y.). The Firm represented multiple institutional investors in successfully pursuing recoveries from two failed structured investment vehicles, each of which had been rated “AAA” by Standard & Poors and Moody’s, but which failed fantastically in 2007. The matter settled just prior to trial in 2013. This result was only made possible after Robbins Geller lawyers beat back the rating agencies’ longtime argument that ratings were opinions protected by the First Amendment.
- ***In re HealthSouth Corp. Sec. Litig.***, No. CV-03-BE-1500-S (N.D. Ala.). As court-appointed co-lead counsel, Robbins Geller attorneys obtained a combined recovery of \$671 million from HealthSouth, its auditor Ernst & Young, and its investment banker, UBS, for the benefit of stockholder plaintiffs. The settlement against HealthSouth represents one of the larger settlements in securities class action history and is considered among the top 15 settlements achieved after passage of the PSLRA. Likewise, the settlement against Ernst & Young is one of the largest securities class action settlements entered into by an accounting firm since the passage of the PSLRA. HealthSouth and its financial advisors perpetrated one of the largest and most pervasive frauds in the history of U.S. healthcare, prompting Congressional and law enforcement inquiry and resulting in guilty pleas of 16 former HealthSouth executives in related federal criminal prosecutions. In March 2009, Judge Karon Bowdre commented in the *HealthSouth* class certification opinion: “The court has had many opportunities since November 2001 to examine the work of class counsel and the supervision by the Class Representatives. The court finds both to be far more than adequate.” *In re HealthSouth Corp. Sec. Litig.*, 257 F.R.D. 260, 275 (N.D. Ala. 2009).
- ***In re Facebook Biometric Info. Privacy Litig.***, No. 3:15-cv-03747 (N.D. Cal.). Robbins Geller served as co-lead class counsel in a cutting-edge certified class action, securing a record-breaking \$650 million all-cash settlement, the largest privacy settlement in history. The case concerned Facebook’s alleged privacy violations through its collection of its users’ biometric identifiers without informed consent through its “Tag Suggestions” feature, which uses proprietary facial recognition software to extract from user-uploaded photographs the unique biometric identifiers (*i.e.*, graphical representations of facial features, also known as facial geometry) associated with people’s faces and identify who they are. The Honorable James Donato called the settlement “a groundbreaking settlement in a novel area” and praised the unprecedented 22% claims rate as “pretty phenomenal” and “a pretty good day in class settlement history.”
- ***In re Dynege Inc. Sec. Litig.***, No. H-02-1571 (S.D. Tex.). As sole lead counsel representing The Regents of the University of California and the class of Dynege investors, Robbins Geller attorneys obtained a combined settlement of \$474 million from Dynege, Citigroup, Inc., and Arthur Andersen LLP for their involvement in a clandestine financing scheme known as Project Alpha. Given Dynege’s limited ability to pay, Robbins Geller attorneys structured a settlement (reached shortly before the commencement of trial) that maximized plaintiffs’ recovery without bankrupting the company. Most notably, the settlement agreement provides that Dynege will appoint two board members to be nominated by The Regents, which Robbins Geller and The Regents believe will benefit all of Dynege’s stockholders.
- ***Jones v. Pfizer Inc.***, No. 1:10-cv-03864 (S.D.N.Y.). Lead plaintiff Stichting Philips Pensioenfonds obtained a \$400 million settlement on behalf of class members who purchased Pfizer common stock during the January 19, 2006 to January 23, 2009 class period. The settlement against Pfizer resolves accusations that it misled investors about an alleged off-label drug marketing scheme. As sole lead counsel, Robbins Geller attorneys helped achieve this exceptional result after five years of hard-fought litigation against the toughest and the brightest members of the securities defense bar by litigating this case all the way to trial.

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In approving the settlement, United States District Judge Alvin K. Hellerstein commended the Firm, noting that “[w]ithout the quality and the toughness that you have exhibited, our society would not be as good as it is with all its problems. So from me to you is a vote of thanks for devoting yourself to this work and doing it well. . . . You did a really good job. Congratulations.”

- ***In re Qwest Commc’ns Int’l, Inc. Sec. Litig.***, No. 01-cv-1451 (D. Colo.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased Qwest securities. In July 2001, the Firm filed the initial complaint in this action on behalf of its clients, long before any investigation into Qwest’s financial statements was initiated by the SEC or Department of Justice. After five years of litigation, lead plaintiffs entered into a settlement with Qwest and certain individual defendants that provided a \$400 million recovery for the class and created a mechanism that allowed the vast majority of class members to share in an additional \$250 million recovered by the SEC. In 2008, Robbins Geller attorneys recovered an additional \$45 million for the class in a settlement with defendants Joseph P. Nacchio and Robert S. Woodruff, the CEO and CFO, respectively, of Qwest during large portions of the class period.
- ***Fort Worth Emps.’ Ret. Fund v. J.P. Morgan Chase & Co.***, No. 1:09-cv-03701 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel for a class of investors and obtained court approval of a \$388 million recovery in nine 2007 residential mortgage-backed securities offerings issued by J.P. Morgan. The settlement represents, on a percentage basis, the largest recovery ever achieved in an MBS purchaser class action. The result was achieved after more than five years of hard-fought litigation and an extensive investigation. In granting approval of the settlement, the court stated the following about Robbins Geller attorneys litigating the case: “[T]here is no question in my mind that this is a very good result for the class and that the plaintiffs’ counsel fought the case very hard with extensive discovery, a lot of depositions, several rounds of briefing of various legal issues going all the way through class certification.”
- ***Smilovits v. First Solar, Inc.***, No. 2:12-cv-00555 (D. Ariz.). As sole lead counsel, Robbins Geller obtained a \$350 million settlement in *Smilovits v. First Solar, Inc.* The settlement, which was reached after a long legal battle and on the day before jury selection, resolves claims that First Solar violated §§10(b) and 20(a) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. The settlement is the fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, No. 1:08-cv-10783 (S.D.N.Y.). As sole lead counsel, Robbins Geller obtained a \$272 million settlement on behalf of Goldman Sachs’ shareholders. The settlement concludes one of the last remaining mortgage-backed securities purchaser class actions arising out of the global financial crisis. The remarkable result was achieved following seven years of extensive litigation. After the claims were dismissed in 2010, Robbins Geller secured a landmark victory from the Second Circuit Court of Appeals that clarified the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of MBS investors. Specifically, the Second Circuit’s decision rejected the concept of “tranche” standing and concluded that a lead plaintiff in an MBS class action has class standing to pursue claims on behalf of purchasers of other securities that were issued from the same registration statement and backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff’s securities.

In approving the settlement, the Honorable Loretta A. Preska of the Southern District of New York complimented Robbins Geller attorneys, noting:

Counsel, thank you for your papers. They were, by the way, extraordinary

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papers in support of the settlement, and I will particularly note Professor Miller's declaration in which he details the procedural aspects of the case and then speaks of plaintiffs' counsel's success in the Second Circuit essentially changing the law.

I will also note what counsel have said, and that is that this case illustrates the proper functioning of the statute.

\* \* \*

Counsel, you can all be proud of what you've done for your clients. You've done an extraordinarily good job.

*NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.*, No. 1:08-cv-10783, Transcript at 10-11 (S.D.N.Y. May 2, 2016).

- ***Schuh v. HCA Holdings, Inc.***, No. 3:11-cv-01033 (M.D. Tenn.). As sole lead counsel, Robbins Geller obtained a groundbreaking \$215 million settlement for former HCA Holdings, Inc. shareholders – the largest securities class action recovery ever in Tennessee. Reached shortly before trial was scheduled to commence, the settlement resolves claims that the Registration Statement and Prospectus HCA filed in connection with the company's massive \$4.3 billion 2011 IPO contained material misstatements and omissions. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. At the hearing on final approval of the settlement, the Honorable Kevin H. Sharp described Robbins Geller attorneys as “gladiators” and commented: “Looking at the benefit obtained, the effort that you had to put into it, [and] the complexity in this case . . . I appreciate the work that you all have done on this.” *Schuh v. HCA Holdings, Inc.*, No. 3:11-CV-01033, Transcript at 12-13 (M.D. Tenn. Apr. 11, 2016).
- ***Silverman v. Motorola, Inc.***, No. 1:07-cv-04507 (N.D. Ill.). The Firm served as lead counsel on behalf of a class of investors in Motorola, ultimately recovering \$200 million for investors just two months before the case was set for trial. This outstanding result was obtained despite the lack of an SEC investigation or any financial restatement. In May 2012, the Honorable Amy J. St. Eve of the Northern District of Illinois commented: “The representation that [Robbins Geller] provided to the class was significant, both in terms of quality and quantity.” *Silverman v. Motorola, Inc.*, No. 07 C 4507, 2012 U.S. Dist. LEXIS 63477, at \*11 (N.D. Ill. May 7, 2012), *aff'd*, 739 F.3d 956 (7th Cir. 2013).

In affirming the district court's award of attorneys' fees, the Seventh Circuit noted that “no other law firm was willing to serve as lead counsel. Lack of competition not only implies a higher fee but also suggests that most members of the securities bar saw this litigation as too risky for their practices.” *Silverman v. Motorola Sols., Inc.*, 739 F.3d 956, 958 (7th Cir. 2013).

- ***In re AT&T Corp. Sec. Litig.***, MDL No. 1399 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased AT&T common stock. The case charged defendants AT&T and its former Chairman and CEO, C. Michael Armstrong, with violations of the federal securities laws in connection with AT&T's April 2000 initial public offering of its wireless tracking stock, one of the largest IPOs in American history. After two weeks of trial, and on the eve of scheduled testimony by Armstrong and infamous telecom analyst Jack Grubman, defendants agreed to settle the case for \$100 million. In granting approval of the settlement, the court stated the following about the Robbins Geller attorneys handling the case:

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Lead Counsel are highly skilled attorneys with great experience in prosecuting complex securities action[s], and their professionalism and diligence displayed during [this] litigation substantiates this characterization. The Court notes that Lead Counsel displayed excellent lawyering skills through their consistent preparedness during court proceedings, arguments and the trial, and their well-written and thoroughly researched submissions to the Court. Undoubtedly, the attentive and persistent effort of Lead Counsel was integral in achieving the excellent result for the Class.

*In re AT&T Corp. Sec. Litig.*, MDL No. 1399, 2005 U.S. Dist. LEXIS 46144, at \*28-\*29 (D.N.J. Apr. 25, 2005), *aff'd*, 455 F.3d 160 (3d Cir. 2006).

- *In re Dollar Gen. Corp. Sec. Litig.*, No. 01-CV-00388 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel in this case in which the Firm recovered \$172.5 million for investors. The *Dollar General* settlement was the largest shareholder class action recovery ever in Tennessee.
- *Carpenters Health & Welfare Fund v. Coca-Cola Co.*, No. 00-CV-2838 (N.D. Ga.). As co-lead counsel representing Coca-Cola shareholders, Robbins Geller attorneys obtained a recovery of \$137.5 million after nearly eight years of litigation. Robbins Geller attorneys traveled to three continents to uncover the evidence that ultimately resulted in the settlement of this hard-fought litigation. The case concerned Coca-Cola's shipping of excess concentrate at the end of financial reporting periods for the sole purpose of meeting analyst earnings expectations, as well as the company's failure to properly account for certain impaired foreign bottling assets.
- *Schwartz v. TXU Corp.*, No. 02-CV-2243 (N.D. Tex.). As co-lead counsel, Robbins Geller attorneys obtained a recovery of over \$149 million for a class of purchasers of TXU securities. The recovery compensated class members for damages they incurred as a result of their purchases of TXU securities at inflated prices. Defendants had inflated the price of these securities by concealing the fact that TXU's operating earnings were declining due to a deteriorating gas pipeline and the failure of the company's European operations.

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- *In re Doral Fin. Corp. Sec. Litig.*, 05 MDL No. 1706 (S.D.N.Y.). In July 2007, the Honorable Richard Owen of the Southern District of New York approved the \$129 million settlement, finding in his order:

The services provided by Lead Counsel [Robbins Geller] were efficient and highly successful, resulting in an outstanding recovery for the Class without the substantial expense, risk and delay of continued litigation. Such efficiency and effectiveness supports the requested fee percentage.

Cases brought under the federal securities laws are notably difficult and notoriously uncertain. . . . Despite the novelty and difficulty of the issues raised, Lead Plaintiffs' counsel secured an excellent result for the Class.

. . . Based upon Lead Plaintiff's counsel's diligent efforts on behalf of the Class, as well as their skill and reputations, Lead Plaintiff's counsel were able to negotiate a very favorable result for the Class. . . . The ability of [Robbins Geller] to obtain such a favorable partial settlement for the Class in the face of such formidable opposition confirms the superior quality of their representation . . . .

*In re Doral Fin. Corp. Sec. Litig.*, No. 1:05-md-01706, Order at 4-5 (S.D.N.Y. July 17, 2007).

- *In re Exxon Valdez*, No. A89 095 Civ. (D. Alaska), and *In re Exxon Valdez Oil Spill Litig.*, No. 3 AN 89 2533 (Alaska Super. Ct., 3d Jud. Dist.). Robbins Geller attorneys served on the Plaintiffs' Coordinating Committee and Plaintiffs' Law Committee in this massive litigation resulting from the Exxon Valdez oil spill in Alaska in March 1989. The jury awarded hundreds of millions in compensatory damages, as well as \$5 billion in punitive damages (the latter were later reduced by the U.S. Supreme Court to \$507 million).
- *Mangini v. R.J. Reynolds Tobacco Co.*, No. 939359 (Cal. Super. Ct., San Francisco Cnty.). In this case, R.J. Reynolds admitted that "the *Mangini* action, and the way that it was vigorously litigated, was an early, significant and unique driver of the overall legal and social controversy regarding underage smoking that led to the decision to phase out the Joe Camel Campaign."
- *Does I v. The Gap, Inc.*, No. 01 0031 (D. N. Mar. I.). In this groundbreaking case, Robbins Geller attorneys represented a class of 30,000 garment workers who alleged that they had worked under sweatshop conditions in garment factories in Saipan that produced clothing for top U.S. retailers such as The Gap, Target, and J.C. Penney. In the first action of its kind, Robbins Geller attorneys pursued claims against the factories and the retailers alleging violations of RICO, the Alien Tort Claims Act, and the Law of Nations based on the alleged systemic labor and human rights abuses occurring in Saipan. This case was a companion to two other actions: *Does I v. Advance Textile Corp.*, No. 99 0002 (D. N. Mar. I.), which alleged overtime violations by the garment factories under the Fair Labor Standards Act and local labor law, and *UNITE v. The Gap, Inc.*, No. 300474 (Cal. Super. Ct., San Francisco Cnty.), which alleged violations of California's Unfair Practices Law by the U.S. retailers. These actions resulted in a settlement of approximately \$20 million that included a comprehensive monitoring program to address past violations by the factories and prevent future ones. The members of the litigation team were honored as Trial Lawyers of the Year by the Trial Lawyers for Public Justice in recognition of the team's efforts in bringing about the precedent-setting settlement of the actions.
- *Hall v. NCAA (Restricted Earnings Coach Antitrust Litigation)*, No. 94-2392 (D. Kan.). Robbins

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Geller attorneys were lead counsel and lead trial counsel for one of three classes of coaches in these consolidated price-fixing actions against the National Collegiate Athletic Association. On May 4, 1998, the jury returned verdicts in favor of the three classes for more than \$70 million.

- ***In re Prison Realty Sec. Litig.***, No. 3:99-0452 (M.D. Tenn.). Robbins Geller attorneys served as lead counsel for the class, obtaining a \$105 million recovery.
- ***In re Honeywell Int'l, Inc. Sec. Litig.***, No. 00-cv-03605 (D.N.J.). Robbins Geller attorneys served as lead counsel for a class of investors that purchased Honeywell common stock. The case charged Honeywell and its top officers with violations of the federal securities laws, alleging the defendants made false public statements concerning Honeywell's merger with Allied Signal, Inc. and that defendants falsified Honeywell's financial statements. After extensive discovery, Robbins Geller attorneys obtained a \$100 million settlement for the class.
- ***Schwartz v. Visa Int'l***, No. 822404-4 (Cal. Super. Ct., Alameda Cnty.). After years of litigation and a six-month trial, Robbins Geller attorneys won one of the largest consumer protection verdicts ever awarded in the United States. Robbins Geller attorneys represented California consumers in an action against Visa and MasterCard for intentionally imposing and concealing a fee from their cardholders. The court ordered Visa and MasterCard to return \$800 million in cardholder losses, which represented 100% of the amount illegally taken, plus 2% interest. In addition, the court ordered full disclosure of the hidden fee.
- ***Thompson v. Metro. Life Ins. Co.***, No. 00-cv-5071 (S.D.N.Y.). Robbins Geller attorneys served as lead counsel and obtained \$145 million for the class in a settlement involving racial discrimination claims in the sale of life insurance.
- ***In re Prudential Ins. Co. of Am. Sales Practs. Litig.***, MDL No. 1061 (D.N.J.). In one of the first cases of its kind, Robbins Geller attorneys obtained a settlement of \$4 billion for deceptive sales practices in connection with the sale of life insurance involving the "vanishing premium" sales scheme.

## Precedent-Setting Decisions

Robbins Geller attorneys operate at the vanguard of complex class action of litigation. Our work often changes the legal landscape, resulting in an environment that is more-favorable for obtaining recoveries for our clients.

- ***Stoyas v. Toshiba Corp.***, 896 F.3d 933 (9th Cir. 2018), *cert. denied*, 588 U.S. \_\_ (2019). In July 2018, the Ninth Circuit ruled in plaintiffs' favor in the *Toshiba* securities class action. Following appellate briefing and oral argument by Robbins Geller attorneys, a three-judge Ninth Circuit panel reversed the district court's prior dismissal in a unanimous, 36-page opinion, holding that Toshiba ADRs are a "security" and the Securities Exchange Act of 1934 could apply to those ADRs that were purchased in a domestic transaction. *Id.* at 939, 949. The court adopted the Second and Third Circuits' "irrevocable liability" test for determining whether the transactions were domestic and held that plaintiffs must be allowed to amend their complaint to allege that the purchase of Toshiba ADRs on the over-the-counter market was a domestic purchase and that the alleged fraud was in connection with the purchase.
- ***Cyan, Inc. v. Beaver Cnty. Emps. Ret. Fund***, No. 15-1439 (U.S.). In March 2018, the U.S. Supreme Court ruled in favor of investors represented by Robbins Geller, holding that state courts continue to have jurisdiction over class actions asserting violations of the Securities Act of 1933. The court's ruling secures investors' ability to bring Securities Act actions when companies fail to make full and



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fair disclosure of relevant information in offering documents. The court confirmed that the Securities Litigation Uniform Standards Act of 1998 was designed to preclude securities class actions asserting violations of state law – not to preclude securities actions asserting federal law violations brought in state courts.

- ***Mineworkers’ Pension Scheme v. First Solar Inc.***, 881 F.3d 750 (9th Cir. 2018), *cert. denied*, 588 U.S. \_\_\_ (2019). In January 2018, the Ninth Circuit upheld the district court’s denial of defendants’ motion for summary judgment, agreeing with plaintiffs that the test for loss causation in the Ninth Circuit is a general “proximate cause test,” and rejecting the more stringent revelation of the fraudulent practices standard advocated by the defendants. The opinion is a significant victory for investors, as it forecloses defendants’ ability to immunize themselves from liability simply by refusing to publicly acknowledge their fraudulent conduct.
- ***In re Quality Sys., Inc. Sec. Litig.***, No. 15-55173 (9th Cir.). In July 2017, Robbins Geller’s Appellate Practice Group scored a significant win in the Ninth Circuit in the *Quality Systems* securities class action. On appeal, a three-judge Ninth Circuit panel unanimously reversed the district court’s prior dismissal of the action against Quality Systems and remanded the case to the district court for further proceedings. The decision addressed an issue of first impression concerning “mixed” future and present-tense misstatements. The appellate panel explained that “non-forward-looking portions of mixed statements are not eligible for the safe harbor provisions of the PSLRA . . . . Defendants made a number of mixed statements that included projections of growth in revenue and earnings based on the state of QSI’s sales pipeline.” The panel then held *both* the non-forward-looking and forward-looking statements false and misleading and made with scienter, deeming them actionable. Later, although defendants sought rehearing by the Ninth Circuit sitting *en banc*, the circuit court denied their petition.
- ***Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.***, No. CV-10-J-2847-S (N.D. Ala.). In the *Regions Financial* securities class action, Robbins Geller represented Local 703, I.B. of T. Grocery and Food Employees Welfare Fund and obtained a \$90 million settlement in September 2015 on behalf of purchasers of Regions Financial common stock during the class period. In August 2014, the Eleventh Circuit Court of Appeals affirmed the district court’s decision to certify a class action based upon alleged misrepresentations about Regions Financial’s financial health before and during the recent economic recession, and in November 2014, the U.S. District Court for the Northern District of Alabama denied defendants’ third attempt to avoid plaintiffs’ motion for class certification.
- ***Omnicare, Inc. v. Laborers Dist. Council Constr. Indus. Pension Fund***, No. 13-435 (U.S.). In March 2015, the U.S. Supreme Court ruled in favor of investors represented by Robbins Geller that investors asserting a claim under §11 of the Securities Act of 1933 with respect to a misleading statement of opinion do not, as defendant Omnicare had contended, have to prove that the statement was subjectively disbelieved when made. Rather, the court held that a statement of opinion may be actionable either because it was not believed, or because it lacked a reasonable basis in fact. This decision is significant in that it resolved a conflict among the federal circuit courts and expressly overruled the Second Circuit’s widely followed, more stringent pleading standard for §11 claims involving statements of opinion. The Supreme Court remanded the case back to the district court for determination under the newly articulated standard. In August of 2016, upon remand, the district court applied the Supreme Court’s new test and denied defendants’ motion to dismiss in full.
- ***NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.***, 693 F.3d 145 (2d Cir. 2012). In a

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securities fraud action involving mortgage-backed securities, the Second Circuit rejected the concept of “tranche” standing and found that a lead plaintiff has class standing to pursue claims on behalf of purchasers of securities that were backed by pools of mortgages originated by the same lenders who had originated mortgages backing the lead plaintiff’s securities. The court noted that, given those common lenders, the lead plaintiff’s claims as to its purchases implicated “the same set of concerns” that purchasers in several of the other offerings possessed. The court also rejected the notion that the lead plaintiff lacked standing to represent investors in different tranches.

- ***In re VeriFone Holdings, Inc. Sec. Litig.***, 704 F.3d 694 (9th Cir. 2012). The panel reversed in part and affirmed in part the dismissal of investors’ securities fraud class action alleging violations of §§10(b), 20(a), and 20A of the Securities Exchange Act of 1934 and SEC Rule 10b-5 in connection with a restatement of financial results of the company in which the investors had purchased stock.

The panel held that the third amended complaint adequately pleaded the §10(b), §20A, and Rule 10b-5 claims. Considering the allegations of scienter holistically, as the U.S. Supreme Court directed in *Matrixx Initiatives, Inc. v. Siracusano*, 563 U.S 27, 48-49 (2011), the panel concluded that the inference that the defendant company and its chief executive officer and former chief financial officer were deliberately reckless as to the truth of their financial reports and related public statements following a merger was at least as compelling as any opposing inference.

- ***Fox v. JAMDAT Mobile, Inc.***, 185 Cal. App. 4th 1068 (2010). Concluding that Delaware’s shareholder ratification doctrine did not bar the claims, the California Court of Appeal reversed dismissal of a shareholder class action alleging breach of fiduciary duty in a corporate merger.
- ***In re Constar Int’l Inc. Sec. Litig.***, 585 F.3d 774 (3d Cir. 2009). The Third Circuit flatly rejected defense contentions that where relief is sought under §11 of the Securities Act of 1933, which imposes liability when securities are issued pursuant to an incomplete or misleading registration statement, class certification should depend upon findings concerning market efficiency and loss causation.
- ***Matrixx Initiatives, Inc. v. Siracusano***, 563 U.S 27 (2011), *aff’g* 585 F.3d 1167 (9th Cir. 2009). In a securities fraud action involving the defendants’ failure to disclose a possible link between the company’s popular cold remedy and a life-altering side effect observed in some users, the U.S. Supreme Court unanimously affirmed the Ninth Circuit’s (a) rejection of a bright-line “statistical significance” materiality standard, and (b) holding that plaintiffs had successfully pleaded a strong inference of the defendants’ scienter.
- ***Alaska Elec. Pension Fund v. Flowserve Corp.***, 572 F.3d 221 (5th Cir. 2009). Aided by former U.S. Supreme Court Justice O’Connor’s presence on the panel, the Fifth Circuit reversed a district court order denying class certification and also reversed an order granting summary judgment to defendants. The court held that the district court applied an incorrect fact-for-fact standard of loss causation, and that genuine issues of fact on loss causation precluded summary judgment.
- ***In re F5 Networks, Inc., Derivative Litig.***, 207 P.3d 433 (Wash. 2009). In a derivative action alleging unlawful stock option backdating, the Supreme Court of Washington ruled that shareholders need not make a pre-suit demand on the board of directors where this step would be futile, agreeing with plaintiffs that favorable Delaware case law should be followed as persuasive authority.
- ***Lormand v. US Unwired, Inc.***, 565 F.3d 228 (5th Cir. 2009). In a rare win for investors in the Fifth

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Circuit, the court reversed an order of dismissal, holding that safe harbor warnings were not meaningful when the facts alleged established a strong inference that defendants knew their forecasts were false. The court also held that plaintiffs sufficiently alleged loss causation.

- ***Institutional Inv'rs Grp. v. Avaya, Inc.***, 564 F.3d 242 (3d Cir. 2009). In a victory for investors in the Third Circuit, the court reversed an order of dismissal, holding that shareholders pled with particularity why the company's repeated denials of price discounts on products were false and misleading when the totality of facts alleged established a strong inference that defendants knew their denials were false.
- ***Alaska Elec. Pension Fund v. Pharmacia Corp.***, 554 F.3d 342 (3d Cir. 2009). The Third Circuit held that claims filed for violation of §10(b) of the Securities Exchange Act of 1934 were timely, adopting investors' argument that because scienter is a critical element of the claims, the time for filing them cannot begin to run until the defendants' fraudulent state of mind should be apparent.
- ***Rael v. Page***, 222 P.3d 678 (N.M. Ct. App. 2009). In this shareholder class and derivative action, Robbins Geller attorneys obtained an appellate decision reversing the trial court's dismissal of the complaint alleging serious director misconduct in connection with the merger of SunCal Companies and Westland Development Co., Inc., a New Mexico company with large and historic landholdings and other assets in the Albuquerque area. The appellate court held that plaintiff's claims for breach of fiduciary duty were direct, not derivative, because they constituted an attack on the validity or fairness of the merger and the conduct of the directors. Although New Mexico law had not addressed this question directly, at the urging of the Firm's attorneys, the court relied on Delaware law for guidance, rejecting the "special injury" test for determining the direct versus derivative inquiry and instead applying more recent Delaware case law.
- ***Lane v. Page***, No. 06-cv-1071 (D.N.M. 2012). In May 2012, while granting final approval of the settlement in the federal component of the Westland cases, Judge Browning in the District of New Mexico commented:

Class Counsel are highly skilled and specialized attorneys who use their substantial experience and expertise to prosecute complex securities class actions. In possibly one of the best known and most prominent recent securities cases, Robbins Geller served as sole lead counsel – *In re Enron Corp. Sec. Litig.*, No. H-01-3624 (S.D. Tex.). See Report at 3. The Court has previously noted that the class would "receive high caliber legal representation" from class counsel, and throughout the course of the litigation the Court has been impressed with the quality of representation on each side. *Lane v. Page*, 250 F.R.D. at 647.

*Lane v. Page*, 862 F. Supp. 2d 1182, 1253-54 (D.N.M. 2012).

In addition, Judge Browning stated: "Few plaintiffs' law firms could have devoted the kind of time, skill, and financial resources over a five-year period necessary to achieve the pre- and post-Merger benefits obtained for the class here.' . . . [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class [Robbins Geller is] both skilled and experienced, and used those skills and experience for the benefit of the class." *Id.* at 1254.

- ***Luther v. Countrywide Home Loans Servicing LP***, 533 F.3d 1031 (9th Cir. 2008). In a case of first impression, the Ninth Circuit held that the Securities Act of 1933's specific non-removal features had not been trumped by the general removal provisions of the Class Action Fairness Act of 2005.

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- *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008). The Ninth Circuit upheld defrauded investors' loss causation theory as plausible, ruling that a limited temporal gap between the time defendants' misrepresentation was publicly revealed and the subsequent decline in stock value was reasonable where the public had not immediately understood the impact of defendants' fraud.
- *In re WorldCom Sec. Litig.*, 496 F.3d 245 (2d Cir. 2007). The Second Circuit held that the filing of a class action complaint tolls the limitations period for all members of the class, including those who choose to opt out of the class action and file their own individual actions without waiting to see whether the district court certifies a class – reversing the decision below and effectively overruling multiple district court rulings that *American Pipe* tolling did not apply under these circumstances.
- *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007). In a shareholder derivative suit appeal, the Third Circuit held that the general rule that discovery may not be used to supplement demand-futility allegations does not apply where the defendants enter a voluntary stipulation to produce materials relevant to demand futility without providing for any limitation as to their use. In April 2007, the Honorable D. Brooks Smith praised Robbins Geller partner Joe Daley's efforts in this litigation:

Thank you very much Mr. Daley and a thank you to all counsel. As Judge Cowen mentioned, this was an exquisitely well-briefed case; it was also an extremely well-argued case, and we thank counsel for their respective jobs here in the matter, which we will take under advisement. Thank you.

*In re Merck & Co., Inc. Sec., Derivative & ERISA Litig.*, No. 06-2911, Transcript at 35:37-36:00 (3d Cir. Apr. 12, 2007).

- *Alaska Elec. Pension Fund v. Brown*, 941 A.2d 1011 (Del. 2007). The Supreme Court of Delaware held that the Alaska Electrical Pension Fund, for purposes of the “corporate benefit” attorney-fee doctrine, was presumed to have caused a substantial increase in the tender offer price paid in a “going private” buyout transaction. The Court of Chancery originally ruled that Alaska's counsel, Robbins Geller, was not entitled to an award of attorney fees, but Delaware's high court, in its published opinion, reversed and remanded for further proceedings.
- *Crandon Cap. Partners v. Shelk*, 157 P.3d 176 (Or. 2007). Oregon's Supreme Court ruled that a shareholder plaintiff in a derivative action may still seek attorney fees even if the defendants took actions to moot the underlying claims. The Firm's attorneys convinced Oregon's highest court to take the case, and reverse, despite the contrary position articulated by both the trial court and the Oregon Court of Appeals.
- *In re Qwest Commc'ns Int'l*, 450 F.3d 1179 (10th Cir. 2006). In a case of first impression, the Tenth Circuit held that a corporation's deliberate release of purportedly privileged materials to governmental agencies was not a “selective waiver” of the privileges such that the corporation could refuse to produce the same materials to non-governmental plaintiffs in private securities fraud litigation.
- *In re Guidant S'holders Derivative Litig.*, 841 N.E.2d 571 (Ind. 2006). Answering a certified question from a federal court, the Supreme Court of Indiana unanimously held that a pre-suit demand in a derivative action is excused if the demand would be a futile gesture. The court adopted a “demand futility” standard and rejected defendants' call for a “universal demand” standard that might have immediately ended the case.

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- ***Denver Area Meat Cutters v. Clayton***, 209 S.W.3d 584 (Tenn. Ct. App. 2006). The Tennessee Court of Appeals rejected an objector’s challenge to a class action settlement arising out of Warren Buffet’s 2003 acquisition of Tennessee-based Clayton Homes. In their effort to secure relief for Clayton Homes stockholders, the Firm’s attorneys obtained a temporary injunction of the Buffet acquisition for six weeks in 2003 while the matter was litigated in the courts. The temporary halt to Buffet’s acquisition received national press attention.
- ***DeJulius v. New Eng. Health Care Emps. Pension Fund***, 429 F.3d 935 (10th Cir. 2005). The Tenth Circuit held that the multi-faceted notice of a \$50 million settlement in a securities fraud class action had been the best notice practicable under the circumstances, and thus satisfied both constitutional due process and Rule 23 of the Federal Rules of Civil Procedure.
- ***In re Daou Sys.***, 411 F.3d 1006 (9th Cir. 2005). The Ninth Circuit sustained investors’ allegations of accounting fraud and ruled that loss causation was adequately alleged by pleading that the value of the stock they purchased declined when the issuer’s true financial condition was revealed.
- ***Barrie v. Intervoice-Brite, Inc.***, 397 F.3d 249 (5th Cir.), *reh’g denied and opinion modified*, 409 F.3d 653 (5th Cir. 2005). The Fifth Circuit upheld investors’ accounting-fraud claims, holding that fraud is pled as to both defendants when one knowingly utters a false statement and the other knowingly fails to correct it, even if the complaint does not specify who spoke and who listened.
- ***City of Monroe Emps. Ret. Sys. v. Bridgestone Corp.***, 399 F.3d 651 (6th Cir. 2005). The Sixth Circuit held that a statement regarding objective data supposedly supporting a corporation’s belief that its tires were safe was actionable where jurors could have found a reasonable basis to believe the corporation was aware of undisclosed facts seriously undermining the statement’s accuracy.
- ***Ill. Mun. Ret. Fund v. Citigroup, Inc.***, 391 F.3d 844 (7th Cir. 2004). The Seventh Circuit upheld a district court’s decision that the Illinois Municipal Retirement Fund was entitled to litigate its claims under the Securities Act of 1933 against WorldCom’s underwriters before a state court rather than before the federal forum sought by the defendants.
- ***Nursing Home Pension Fund, Local 144 v. Oracle Corp.***, 380 F.3d 1226 (9th Cir. 2004). The Ninth Circuit ruled that defendants’ fraudulent intent could be inferred from allegations concerning their false representations, insider stock sales and improper accounting methods.
- ***Southland Sec. Corp. v. INSpire Ins. Sols. Inc.***, 365 F.3d 353 (5th Cir. 2004). The Fifth Circuit sustained allegations that an issuer’s CEO made fraudulent statements in connection with a contract announcement.
- ***Smith v. Am. Family Mut. Ins. Co.***, 289 S.W.3d 675 (Mo. Ct. App. 2009). Capping nearly a decade of hotly contested litigation, the Missouri Court of Appeals reversed the trial court’s judgment notwithstanding the verdict for auto insurer American Family and reinstated a unanimous jury verdict for the plaintiff class.
- ***Troyk v. Farmers Grp., Inc.***, 171 Cal. App. 4th 1305 (2009). The California Court of Appeal held that Farmers Insurance’s practice of levying a “service charge” on one-month auto insurance policies, without specifying the charge in the policy, violated California’s Insurance Code.
- ***Lebrilla v. Farmers Grp., Inc.***, 119 Cal. App. 4th 1070 (2004). Reversing the trial court, the California Court of Appeal ordered class certification of a suit against Farmers, one of the largest

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automobile insurers in California, and ruled that Farmers' standard automobile policy requires it to provide parts that are as good as those made by vehicle's manufacturer. The case involved Farmers' practice of using inferior imitation parts when repairing insureds' vehicles.

- ***In re Monumental Life Ins. Co.***, 365 F.3d 408, 416 (5th Cir. 2004). The Fifth Circuit Court of Appeals reversed a district court's denial of class certification in a case filed by African-Americans seeking to remedy racially discriminatory insurance practices. The Fifth Circuit held that a monetary relief claim is viable in a Rule 23(b)(2) class if it flows directly from liability to the class as a whole and is capable of classwide "computation by means of objective standards and not dependent in any significant way on the intangible, subjective differences of each class member's circumstances."
- ***Dent v. National Football League***, No. 15-15143 (9th Cir.). In September 2018, the United States Court of Appeals for the Ninth Circuit issued an important decision reversing the district court's previous dismissal of the *Dent v. National Football League* litigation, concluding that the complaint brought by NFL Hall of Famer Richard Dent and others should not be dismissed on labor-law preemption grounds. The case was remanded to the district court for further proceedings.
- ***Kwikset Corp. v. Superior Court***, 51 Cal. 4th 310 (2011). In a leading decision interpreting the scope of Proposition 64's new standing requirements under California's Unfair Competition Law (UCL), the California Supreme Court held that consumers alleging that a manufacturer has misrepresented its product have "lost money or property" within the meaning of the initiative, and thus have standing to sue under the UCL, if they "can truthfully allege that they were deceived by a product's label into spending money to purchase the product, and would not have purchased it otherwise." *Id.* at 317. *Kwikset* involved allegations, proven at trial, that defendants violated California's "Made in the U.S.A." statute by representing on their labels that their products were "Made in U.S.A." or "All-American Made" when, in fact, the products were substantially made with foreign parts and labor.
- ***Safeco Ins. Co. of Am. v. Superior Court***, 173 Cal. App. 4th 814 (2009). In a class action against auto insurer Safeco, the California Court of Appeal agreed that the plaintiff should have access to discovery to identify a new class representative after her standing to sue was challenged.
- ***Consumer Privacy Cases***, 175 Cal. App. 4th 545 (2009). The California Court of Appeal rejected objections to a nationwide class action settlement benefiting Bank of America customers.
- ***Koponen v. Pac. Gas & Elec. Co.***, 165 Cal. App. 4th 345 (2008). The Firm's attorneys obtained a published decision reversing the trial court's dismissal of the action, and holding that the plaintiff's claims for damages arising from the utility's unauthorized use of rights-of-way or easements obtained from the plaintiff and other landowners were not barred by a statute limiting the authority of California courts to review or correct decisions of the California Public Utilities Commission.
- ***Sanford v. MemberWorks, Inc.***, 483 F.3d 956 (9th Cir. 2007). In a telemarketing-fraud case, where the plaintiff consumer insisted she had never entered the contractual arrangement that defendants said bound her to arbitrate individual claims to the exclusion of pursuing class claims, the Ninth Circuit reversed an order compelling arbitration – allowing the plaintiff to litigate on behalf of a class.
- ***Ritt v. Billy Blanks Enters.***, 870 N.E.2d 212 (Ohio Ct. App. 2007). In the Ohio analog to the *West*

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case, the Ohio Court of Appeals approved certification of a class of Ohio residents seeking relief under Ohio's consumer protection laws for the same telemarketing fraud.

- *Haw. Med. Ass'n v. Haw. Med. Serv. Ass'n*, 148 P.3d 1179 (Haw. 2006). The Supreme Court of Hawaii ruled that claims of unfair competition were not subject to arbitration and that claims of tortious interference with prospective economic advantage were adequately alleged.
- *Branick v. Downey Sav. & Loan Ass'n*, 39 Cal. 4th 235 (2006). Robbins Geller attorneys were part of a team of lawyers that briefed this case before the Supreme Court of California. The court issued a unanimous decision holding that new plaintiffs may be substituted, if necessary, to preserve actions pending when Proposition 64 was passed by California voters in 2004. Proposition 64 amended California's Unfair Competition Law and was aggressively cited by defense lawyers in an effort to dismiss cases after the initiative was adopted.
- *McKell v. Wash. Mut., Inc.*, 142 Cal. App. 4th 1457 (2006). The California Court of Appeal reversed the trial court, holding that plaintiff's theories attacking a variety of allegedly inflated mortgage-related fees were actionable.
- *West Corp. v. Superior Court*, 116 Cal. App. 4th 1167 (2004). The California Court of Appeal upheld the trial court's finding that jurisdiction in California was appropriate over the out-of-state corporate defendant whose telemarketing was aimed at California residents. Exercise of jurisdiction was found to be in keeping with considerations of fair play and substantial justice.
- *Kruse v. Wells Fargo Home Mortg., Inc.*, 383 F.3d 49 (2d Cir. 2004), and *Santiago v. GMAC Mortg. Grp., Inc.*, 417 F.3d 384 (3d Cir. 2005). In two groundbreaking federal appellate decisions, the Second and Third Circuits each ruled that the Real Estate Settlement Practices Act prohibits marking up home loan-related fees and charges.

## Additional Judicial Commendations

Robbins Geller attorneys have been praised by countless judges all over the country for the quality of their representation in class-action lawsuits. In addition to the judicial commendations set forth in the Prominent Cases and Precedent-Setting Decisions sections, judges have acknowledged the successful results of the Firm and its attorneys with the following plaudits:

- On February 4, 2021, in granting final approval of the settlement, the Honorable Mark H. Cohen of the United States District Court for the Northern District of Georgia stated: "Lead Counsel successfully achieved a greater-than-average settlement 'in the face of significant risks.'" Robbins Geller's "hard-fought litigation in the Eleventh Circuit" and "[i]n considering the experience, reputation, and abilities of the attorneys, the Court recognize[d] that Lead Counsel is well-regarded in the legal community, especially in litigating class-action securities cases." *Monroe County Employees' Retirement System v. The Southern Company*, No. 1:17-cv-00241, Order at 8-9 (N.D. Ga. Feb. 4, 2021).
- On December 18, 2020, at the final approval hearing of the settlement, the Honorable Yvonne Gonzalez Rogers of the United States District Court for the Northern District of California commended Robbins Geller, stating: "Counsel performed excellent work in not only investigating and analyzing the core of the issues, but in negotiating and demanding the necessary reforms to prevent malfeasance for the benefit of the shareholders and the consumers. The Court complements counsel for its excellence." *In re RH S'holder Derivative Litig.*, No. 4:18-cv-02452-YGR, Order and Final Judgment at 3 (N.D. Cal. Dec. 18, 2020).

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- On October 23, 2020, at the final approval hearing of the settlement, the Honorable P. Kevin Castel of the United States District Court for the Southern District of New York praised the firm, “[Robbins Geller] has been sophisticated and experienced.” He also noted that: “[T]he quality of the representation . . . was excellent. The experience of counsel is also a factor. Robbins Geller certainly has the extensive experience and they were litigating against national powerhouses . . . .” *City of Birmingham Ret. & Relief Sys. v. BRF S.A.*, No. 18 Civ. 2213 (PKC), Transcript at 12-13, 18 (S.D.N.Y. Oct. 23, 2020).
- In May 2020, in granting final approval of the settlement, the Honorable Mark L. Wolf praised Robbins Geller: “[T]he class has been represented by excellent honorable counsel . . . . [T]he fund was represented by experienced, energetic, able counsel, the fund was engaged and informed, and the fund followed advice of experienced counsel. Counsel for the class have been excellent, and I would say honorable.” Additionally, Judge Wolf noted, “I find that the work that's been done primarily by Robbins Geller has been excellent and honorable and efficient. . . . [T]his has been a challenging case, and they've done an excellent job.” *McGee v. Constant Contact, Inc.*, No. 1:15-cv-13114-MLW, Transcript at 21, 31, 61 (D. Mass. May 27, 2020).
- In December 2019, the Honorable Margo K. Brodie noted in granting final approval of the settlement that “[Robbins Geller and co-counsel] have also demonstrated the utmost professionalism despite the demands of the extreme perseverance that this case has required, litigating on behalf of a class of over 12 million for over fourteen years, across a changing legal landscape, significant motion practice, and appeal and remand. Class counsel's pedigree and efforts alone speak to the quality of their representation.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, No. 1:05-md-01720-MKB-JO, Memorandum & Order (E.D.N.Y. Dec. 16, 2019).
- In October 2019, the Honorable Claire C. Cecchi noted that Robbins Geller is “capable of adequately representing the class, both based on their prior experience in class action lawsuits and based on their capable advocacy on behalf of the class in this action.” The court further commended the Firm and co-counsel for “conduct[ing] the [l]itigation . . . with skill, perseverance, and diligent advocacy.” *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd's, London Members*, No. 2:08-cv-00235-CCC-JAD, Order at 4 (D.N.J. Oct. 3, 2019); *Lincoln Adventures, LLC v. Those Certain Underwriters at Lloyd's, London Members of Syndicates*, No. 2:08-cv-00235-CCC-JAD, Order Awarding Attorneys' Fees and Expenses/Charges and Service Awards at 3 (D.N.J. Oct. 3, 2019).
- In June 2019, the Honorable T.S. Ellis, III noted that Robbins Geller “achieved the [\$108 million] [s]ettlement with skill, perseverance, and diligent advocacy.” At the final approval hearing, the court further commended Robbins Geller by stating, “I think the case was fully and appropriately litigated [and] you all did a very good job. . . . [T]hank you for your service in the court. . . . [You're] first-class lawyers . . . .” *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031, Order Awarding Attorneys' Fees and Expenses at 3 (E.D. Va. June 7, 2019); *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031, Transcript at 28-29 (E.D. Va. June 7, 2019).
- In June 2019, in granting final approval of the settlement, the Honorable John A. Houston stated: Robbins Geller's “skill and quality of work was extraordinary . . . . I'll note from the top that this has been an aggressively litigated action.” *In re Morning Song Bird Food Litig.*, No. 3:12-cv-01592-JAH-AGS, Transcript at 4, 9 (S.D. Cal. June 3, 2019).
- In May 2019, in granting final approval of the settlement, the Honorable Richard H. DuBois



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stated: Robbins Geller is “highly experienced and skilled” for obtaining a “fair, reasonable, and adequate” settlement in the “interest of the [c]lass [m]embers” after “extensive investigation.” *Chicago Laborers Pension Fund v. Alibaba Grp. Holding Ltd.*, No. CIV535692, Judgment and Order Granting Final Approval of Class Action Settlement at 3 (Cal. Super. Ct., San Mateo Cnty. May 17, 2019).

- In April 2019, the Honorable Kathaleen St. J. McCormick noted: “[S]ince the inception of this litigation, plaintiffs and their counsel have vigorously prosecuted the claims brought on behalf of the class. . . . When Vice Chancellor Laster appointed lead counsel, he effectively said: Go get a good result. And counsel took that to heart and did it. . . . The proposed settlement was the product of intense litigation and complex mediation. . . . [Robbins Geller has] only built a considerable track record, never burned it, which gave them the credibility necessary to extract the benefits achieved.” *In re Calamos Asset Mgmt., Inc. S’holder Litig.*, No. 2017-0058-JTL, Transcript at 87, 93, 95, 98 (Del. Ch. Apr. 25, 2019).
- In April 2019, the Honorable Susan O. Hickey noted that Robbins Geller “achieved an exceptional [s]ettlement with skill, perseverance, and diligent advocacy.” *City of Pontiac Gen. Emps.’ Ret. Sys. v. Wal-Mart Stores, Inc.*, No. 5:12-cv-5162, Order Awarding Attorneys’ Fees and Expenses at 3 (W.D. Ark. Apr. 8, 2019).
- In January 2019, the Honorable Margo K. Brodie noted that Robbins Geller “has arduously represented a variety of plaintiffs’ groups in this action[,] . . . [has] extensive antitrust class action litigation experience . . . [and] negotiated what [may be] the largest antitrust settlement in history.” *In re Payment Card Interchange Fee & Merch. Disc. Antitrust Litig.*, 330 F.R.D. 11, 34 (E.D.N.Y. 2019).
- On December 20, 2018, at the final approval hearing for the settlement, the court lauded Robbins Geller’s attorneys and their work: “[T]his is a pretty extraordinary settlement, recovery on behalf of the members of the class. . . . I’ve been very impressed with the level of lawyering in the case . . . and with the level of briefing . . . and I wanted to express my appreciation for that and for the work that everyone has done here.” The court concluded, “your clients were all blessed to have you, [and] not just because of the outcome.” *Duncan v. Joy Global, Inc.*, No. 16-CV-1229, Transcript at 12, 20-21 (E.D. Wis. Dec. 20, 2018).
- In October 2017, the Honorable William Alsup noted that Robbins Geller and lead plaintiff “vigorously prosecuted this action.” *In re LendingClub Sec. Litig.*, No. 3:16-cv-02627-WHA, Order at 13 (N.D. Cal. Oct. 20, 2017).
- On November 9, 2018, in granting final approval of the settlement, the Honorable Jesse M. Furman commented: “[Robbins Geller] did an extraordinary job here. . . . [I]t is fair to say [this was] probably the most complicated case I have had since I have been on the bench. . . . I cannot really imagine how complicated it would have been if I didn’t have counsel who had done as admirable [a] job in briefing it and arguing as you have done. You have in my view done an extraordinary service to the class. . . . I think you have done an extraordinary job and deserve thanks and commendation for that.” *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, No. 1:14-cv-07126-JMF-OTW, Transcript at 27-28 (S.D.N.Y. Nov. 9, 2018).

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- On September 12, 2018, at the final approval hearing of the settlement, the Honorable William H. Orrick of the Northern District of California praised Robbins Geller’s “high-quality lawyering” in a case that “involved complicated discovery and complicated and novel legal issues,” resulting in an “excellent” settlement for the class. The “lawyering . . . was excellent” and the case was “very well litigated.” *In re Lidoderm Antitrust Litig.*, No. 14-MDL-02521-WHO, Transcript at 11, 14, 22 (N.D. Cal. Sept. 12, 2018).
- On March 31, 2017, in granting final approval of the settlement, the Honorable Gonzalo P. Curiel hailed the settlement as “extraordinary” and “all the more exceptional when viewed in light of the risk” of continued litigation. The court further commended Robbins Geller for prosecuting the case on a *pro bono* basis: “Class Counsel’s exceptional decision to provide nearly seven years of legal services to Class Members on a *pro bono* basis evidences not only a lack of collusion, but also that Class Counsel are in fact representing the best interests of Plaintiffs and the Class Members in this Settlement. Instead of seeking compensation for fees and costs that they would otherwise be entitled to, Class Counsel have acted to allow maximum recovery to Plaintiffs and Class Members. Indeed, that Eligible Class Members may receive recovery of 90% or greater is a testament to Class Counsel’s representation and dedication to act in their clients’ best interest.” In addition, at the final approval hearing, the court commented that “this is a case that has been litigated – if not fiercely, zealously throughout.” *Low v. Trump Univ., LLC*, 246 F. Supp. 3d 1295, 1302, 1312 (S.D. Cal. 2017), *aff’d*, 881 F.3d 1111 (9th Cir. 2018); *Low v. Trump University LLC and Donald J. Trump*, No. 10-cv-0940 GPC-WVG, and *Cohen v. Donald J. Trump*, No. 13-cv-2519-GPC-WVG, Transcript at 7 (S.D. Cal. Mar. 30, 2017).
- In January 2017, at the final approval hearing, the Honorable Kevin H. Sharp of the Middle District of Tennessee commended Robbins Geller attorneys, stating: “It was complicated, it was drawn out, and a lot of work clearly went into this [case] . . . . I think there is some benefit to the shareholders that are above and beyond money, a benefit to the company above and beyond money that changed hands.” *In re Community Health Sys., Inc. S’holder Derivative Litig.*, No. 3:11-cv-00489, Transcript at 10 (M.D. Tenn. Jan. 17, 2017).
- In November 2016, at the final approval hearing, the Honorable James G. Carr stated: “I kept throwing the case out, and you kept coming back. . . . And it’s both remarkable and noteworthy and a credit to you and your firm that you did so. . . . [Y]ou persuaded the Sixth Circuit. As we know, that’s no mean feat at all.” Judge Carr further complimented the Firm, noting that it “goes without question or even saying” that Robbins Geller is very well-known nationally and that the settlement is an excellent result for the class. He succinctly concluded that “given the tenacity and the time and the effort that [Robbins Geller] lawyers put into [the case]” makes the class “a lot better off.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, No. 3:05-cv-07393-JGC, Transcript at 4, 10, 14, 17 (N.D. Ohio Nov. 18, 2016).
- In September 2016, in granting final approval of the settlement, Judge Arleo commended the “vigorous and skilled efforts” of Robbins Geller attorneys for obtaining “an excellent recovery.” Judge Arleo added that the settlement was reached after “contentious, hard-fought litigation” that ended with “a very, very good result for the class” in a “risky case.” *City of Sterling Heights Gen. Emps.’ Ret. Sys. v. Prudential Fin., Inc.*, No. 2:12-cv-05275-MCA-LDW, Transcript of Hearing at 18-20 (D.N.J. Sept. 28, 2016).

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- In August 2015, at the final approval hearing for the settlement, the Honorable Karen M. Humphreys praised Robbins Geller’s “extraordinary efforts” and “excellent lawyering,” noting that the settlement “really does signal that the best is yet to come for your clients and for your prodigious labor as professionals. . . . I wish more citizens in our country could have an appreciation of what this [settlement] truly represents.” *Bennett v. Sprint Nextel Corp.*, No. 2:09-cv-02122-EFM-KMH, Transcript at 8, 25 (D. Kan. Aug. 12, 2015).
- In August 2015, the Honorable Judge Max O. Cogburn, Jr. noted that “plaintiffs’ attorneys were able [to] achieve the big success early” in the case and obtained an “excellent result.” The “extraordinary” settlement was because of “good lawyers . . . doing their good work.” *Nieman v. Duke Energy Corp.*, No. 3:12-cv-456, Transcript at 21, 23, 30 (W.D.N.C. Aug. 12, 2015).
- In July 2015, in approving the settlement, the Honorable Douglas L. Rayes of the District of Arizona stated: “Settlement of the case during pendency of appeal for more than an insignificant amount is rare. The settlement here is substantial and provides favorable recovery for the settlement class under these circumstances.” He continued, noting, “[a]s against the objective measures of . . . settlements [in] other similar cases, [the recovery] is on the high end.” *Teamsters Local 617 Pension & Welfare Funds v. Apollo Grp., Inc.*, No. 2:06-cv-02674-DLR, Transcript at 8, 11 (D. Ariz. July 28, 2015).
- In June 2015, at the conclusion of the hearing for final approval of the settlement, the Honorable Susan Richard Nelson of the District of Minnesota noted that it was “a pleasure to be able to preside over a case like this,” praising Robbins Geller in achieving “an outstanding [result] for [its] clients,” as she was “very impressed with the work done on th[e] case.” *In re St. Jude Med., Inc. Sec. Litig.*, No. 0:10-cv-00851-SRN-TNL, Transcript at 7 (D. Minn. June 12, 2015).
- In May 2015, at the fairness hearing on the settlement, the Honorable William G. Young noted that the case was “very well litigated” by Robbins Geller attorneys, adding that “I don’t just say that as a matter of form. . . . I thank you for the vigorous litigation that I’ve been permitted to be a part of.” *Courtney v. Avid Tech., Inc.*, No. 1:13-cv-10686-WGY, Transcript at 8-9 (D. Mass. May 12, 2015).
- In January 2015, the Honorable William J. Haynes, Jr. of the Middle District of Tennessee described the settlement as a “highly favorable result achieved for the Class” through Robbins Geller’s “diligent prosecution . . . [and] quality of legal services.” The settlement represents the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade. *Garden City Emps.’ Ret. Sys. v. Psychiatric Sols., Inc.*, No. 3:09-cv-00882, 2015 U.S. Dist. LEXIS 181943, at \*6-\*7 (M.D. Tenn. Jan. 16, 2015).
- In September 2014, in approving the settlement for shareholders, Vice Chancellor John W. Noble noted “[t]he litigation caused a substantial benefit for the class. It is unusual to see a \$29 million recovery.” Vice Chancellor Noble characterized the litigation as “novel” and “not easy,” but “[t]he lawyers took a case and made something of it.” The court commended Robbins Geller’s efforts in obtaining this result: “The standing and ability of counsel cannot be questioned” and “the benefits achieved by plaintiffs’ counsel in this case cannot be ignored.” *In re Gardner Denver, Inc. S’holder Litig.*, No. 8505-VCN, Transcript at 26-28 (Del. Ch. Sept. 3, 2014).
- In May 2014, at the conclusion of the hearing for final approval of the settlement, the Honorable Elihu M. Berle stated: “I would finally like to congratulate counsel on their efforts to resolve this case, on excellent work – it was the best interest of the class – and to the exhibition of professionalism. So I do thank you for all your efforts.” *Liberty Mutual Overtime Cases*, No. JCCP 4234, Transcript at 20:1-5 (Cal. Super. Ct., Los Angeles Cnty. May 29, 2014).

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- In March 2014, Ninth Circuit Judge J. Clifford Wallace (presiding) expressed the gratitude of the court: “Thank you. I want to especially thank counsel for this argument. This is a very complicated case and I think we were assisted no matter how we come out by competent counsel coming well prepared. . . . It was a model of the type of an exercise that we appreciate. Thank you very much for your work . . . you were of service to the court.” *Eclectic Properties East, LLC v. The Marcus & Millichap Co.*, No. 12-16526, Transcript (9th Cir. Mar. 14, 2014).
- In February 2014, in approving a settlement, Judge Edward M. Chen noted the “very substantial risks” in the case and recognized Robbins Geller had performed “extensive work on the case.” *In re VeriFone Holdings, Inc. Sec. Litig.*, No. C-07-6140, 2014 U.S. Dist. LEXIS 20044, at \*5, \*11-\*12 (N.D. Cal. Feb. 18, 2014).
- In August 2013, in granting final approval of the settlement, the Honorable Richard J. Sullivan stated: “Lead Counsel is to be commended for this result: it expended considerable effort and resources over the course of the action researching, investigating, and prosecuting the claims, at significant risk to itself, and in a skillful and efficient manner, to achieve an outstanding recovery for class members. Indeed, the result – and the class’s embrace of it – is a testament to the experience and tenacity Lead Counsel brought to bear.” *City of Livonia Emps. Ret. Sys. v. Wyeth*, No. 07 Civ. 10329, 2013 U.S. Dist. LEXIS 113658, at \*13 (S.D.N.Y. Aug. 7, 2013).
- In July 2013, in granting final approval of the settlement, the Honorable William H. Alsup stated that Robbins Geller did “excellent work in this case,” and continued, “I look forward to seeing you on the next case.” *Fraser v. Asus Comput. Int’l*, No. C 12-0652, Transcript at 12:2-3 (N.D. Cal. July 11, 2013).
- In June 2013, in certifying the class, U.S. District Judge James G. Carr recognized Robbins Geller’s steadfast commitment to the class, noting that “plaintiffs, with the help of Robbins Geller, have twice successfully appealed this court’s orders granting defendants’ motion to dismiss.” *Plumbers & Pipefitters Nat’l Pension Fund v. Burns*, 292 F.R.D. 515, 524 (N.D. Ohio 2013).
- In November 2012, in granting appointment of lead plaintiff, Chief Judge James F. Holderman commended Robbins Geller for its “substantial experience in securities class action litigation” and commented that the Firm “is recognized as ‘one of the most successful law firms in securities class actions, if not the preeminent one, in the country.’” *In re Enron Corp. Sec.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008) (Harmon, J.).” He continued further that, “‘Robbins Geller attorneys are responsible for obtaining the largest securities fraud class action recovery ever [\$7.2 billion in *Enron*], as well as the largest recoveries in the Fifth, Sixth, Eighth, Tenth and Eleventh Circuits.’” *Bristol Cnty. Ret. Sys. v. Allscripts Healthcare Sols., Inc.*, No. 12 C 3297, 2012 U.S. Dist. LEXIS 161441, at \*21 (N.D. Ill. Nov. 9, 2012).
- In June 2012, in granting plaintiffs’ motion for class certification, the Honorable Inge Prytz Johnson noted that other courts have referred to Robbins Geller as “‘one of the most successful law firms in securities class actions . . . in the country.’” *Local 703, I.B. v. Regions Fin. Corp.*, 282 F.R.D. 607, 616 (N.D. Ala. 2012) (quoting *In re Enron Corp. Sec. Litig.*, 586 F. Supp. 2d 732, 797 (S.D. Tex. 2008)), *aff’d in part and vacated in part on other grounds*, 762 F.3d 1248 (11th Cir. 2014).
- In June 2012, in granting final approval of the settlement, the Honorable Barbara S. Jones commented that “class counsel’s representation, from the work that I saw, appeared to me to be of the highest quality.” *In re CIT Grp. Inc. Sec. Litig.*, No. 08 Civ. 6613, Transcript at 9:16-18 (S.D.N.Y. June 13, 2012).

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- In March 2012, in granting certification for the class, Judge Robert W. Sweet referenced the *Enron* case, agreeing that Robbins Geller’s “clearly superlative litigating and negotiating skills” give the Firm an “outstanding reputation, experience, and success in securities litigation nationwide,” thus, “[t]he experience, ability, and reputation of the attorneys of [Robbins Geller] is not disputed; it is one of the most successful law firms in securities class actions, if not the preeminent one, in the country.” *Billhofer v. Flamel Techs., S.A.*, 281 F.R.D. 150, 158 (S.D.N.Y. 2012).
- In March 2011, in denying defendants’ motion to dismiss, Judge Richard Sullivan commented: “Let me thank you all. . . . [The motion] was well argued . . . and . . . well briefed . . . . I certainly appreciate having good lawyers who put the time in to be prepared . . . .” *Anegada Master Fund Ltd. v. PxRE Grp. Ltd.*, No. 08-cv-10584, Transcript at 83 (S.D.N.Y. Mar. 16, 2011).
- In January 2011, the court praised Robbins Geller attorneys: “They have gotten very good results for stockholders. . . . [Robbins Geller has] such a good track record.” *In re Compellent Techs., Inc. S’holder Litig.*, No. 6084-VCL, Transcript at 20-21 (Del. Ch. Jan. 13, 2011).
- In August 2010, in reviewing the settlement papers submitted by the Firm, Judge Carlos Murguia stated that Robbins Geller performed “a commendable job of addressing the relevant issues with great detail and in a comprehensive manner . . . . The court respects the [Firm’s] experience in the field of derivative [litigation].” *Alaska Elec. Pension Fund v. Olofson*, No. 08-cv-02344-CM-JPO (D. Kan.) (Aug. 20, 2010 e-mail from court re: settlement papers).
- In June 2009, Judge Ira Warshawsky praised the Firm’s efforts in *In re Aeroflex, Inc. S’holder Litig.*: “There is no doubt that the law firms involved in this matter represented in my opinion the cream of the crop of class action business law and mergers and acquisition litigators, and from a judicial point of view it was a pleasure working with them.” *In re Aeroflex, Inc. S’holder Litig.*, No. 003943/07, Transcript at 25:14-18 (N.Y. Sup. Ct., Nassau Cnty. June 30, 2009).
- In March 2009, in granting class certification, the Honorable Robert Sweet of the Southern District of New York commented in *In re NYSE Specialists Sec. Litig.*, 260 F.R.D. 55, 74 (S.D.N.Y. 2009): “As to the second prong, the Specialist Firms have not challenged, in this motion, the qualifications, experience, or ability of counsel for Lead Plaintiff, [Robbins Geller], to conduct this litigation. Given [Robbins Geller’s] substantial experience in securities class action litigation and the extensive discovery already conducted in this case, this element of adequacy has also been satisfied.”
- In June 2008, the court commented, “Plaintiffs’ lead counsel in this litigation, [Robbins Geller], has demonstrated its considerable expertise in shareholder litigation, diligently advocating the rights of Home Depot shareholders in this Litigation. [Robbins Geller] has acted with substantial skill and professionalism in representing the plaintiffs and the interests of Home Depot and its shareholders in prosecuting this case.” *City of Pontiac Gen. Emps.’ Ret. Sys. v. Langone*, No. 2006-122302, Findings of Fact in Support of Order and Final Judgment at 2 (Ga. Super. Ct., Fulton Cnty. June 10, 2008).
- In a December 2006 hearing on the \$50 million consumer privacy class action settlement in *Kehoe v. Fidelity Fed. Bank & Tr.*, No. 03-80593-CIV (S.D. Fla.), United States District Court Judge Daniel T.K. Hurley said the following:

First, I thank counsel. As I said repeatedly on both sides, we have been very, very fortunate. We have had fine lawyers on both sides. The issues in the case are significant issues. We are talking about issues dealing with consumer protection

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and privacy. Something that is increasingly important today in our society. . . . I want you to know I thought long and hard about this. I am absolutely satisfied that the settlement is a fair and reasonable settlement. . . . I thank the lawyers on both sides for the extraordinary effort that has been brought to bear here . . . .

*Kehoe v. Fidelity Fed. Bank & Tr.*, No. 03-80593-CIV, Transcript at 26, 28-29 (S.D. Fla. Dec. 7, 2006).

- In *Stanley v. Safeskin Corp.*, No. 99 CV 454 (S.D. Cal.), where Robbins Geller attorneys obtained \$55 million for the class of investors, Judge Moskowitz stated:

I said this once before, and I'll say it again. I thought the way that your firm handled this case was outstanding. This was not an easy case. It was a complicated case, and every step of the way, I thought they did a very professional job.

*Stanley v. Safeskin Corp.*, No. 99 CV 454, Transcript at 13 (S.D. Cal. May 25, 2004).

# ATTORNEY BIOGRAPHIES

## Mario Alba Jr. | Partner

Mario Alba is a partner in the Firm's Melville office. He is a member of the Firm's Institutional Outreach Team, which provides advice to the Firm's institutional clients, including numerous public pension systems and Taft-Hartley funds throughout the United States, and consults with them on issues relating to corporate fraud in the U.S. securities markets, as well as corporate governance issues and shareholder litigation. Some of Alba's institutional clients are currently involved in securities cases involving: Acadia Healthcare Company, Inc.; Reckitt Benckiser Group plc; Livent Corporation; Ryanair Holdings plc; Southwest Airlines Co.; Impax Laboratories Inc.; Super Micro Computer, Inc.; Skechers USA, Inc.; and XPO Logistics, Inc. Alba's institutional clients are also involved in other types of class actions, namely: *In re National Prescription Opiate Litigation*, *In re EpiPen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation*, *Forth v. Walgreen Co.*, and *In re Humira (Adalimumab) Antitrust Litigation*.

Alba has served as lead counsel in numerous cases and is responsible for initiating, investigating, researching, and filing securities and consumer fraud class actions. He has recovered hundreds of millions of dollars in numerous actions, including cases against BHP Billiton Limited (\$50 million recovery), BRF S.A. (\$40 million recovery), L3 Technologies, Inc. (\$34.5 million recovery), NBTY, Inc. (\$16 million recovery), OSI Pharmaceuticals (\$9 million recovery), Advisory Board Company (\$7.5 million recovery), Iconix Brand Group, Inc. (\$6 million recovery), and PXRe Group, Ltd. (\$5.9 million).

Alba has lectured at numerous institutional investor conferences throughout the United States on various shareholder issues, including at the Illinois Public Pension Fund Association, the New York State Teamsters Conference, the American Alliance Conference, and the TEXPERS/IPPPFA Joint Conference at the New York Stock Exchange, among others.

## Education

B.S., St. John's University, 1999; J.D., Hofstra University School of Law, 2002

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2012-2013, 2016-2017; B.S., Dean's List, St. John's University, 1999; Selected as participant in Hofstra Moot Court Seminar, Hofstra University School of Law

## Matthew I. Alpert | Partner

Matthew Alpert is a partner in the Firm's San Diego office and focuses on the prosecution of securities fraud litigation. He has helped recover over \$800 million for individual and institutional investors financially harmed by corporate fraud. Alpert's current cases include securities fraud cases against XPO Logistics (D. Conn.), Canada Goose (S.D.N.Y.), Inogen (C.D. Cal.), and Under Armour (D. Md.). Most recently, Alpert and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.* (D.N.J.), a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever. Alpert was also a member of the litigation team that successfully obtained class certification in a securities fraud class action against Regions Financial, a class certification decision which was substantively affirmed by the United States Court of Appeals for the Eleventh Circuit in *Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.*, 762 F.3d 1248 (11th Cir. 2014). Upon remand, the United States District Court for the Northern District of Alabama granted class certification again, rejecting defendants' post-*Halliburton II* arguments concerning stock price impact.

Some of Alpert's previous cases include: the individual opt-out actions of the AOL Time Warner class action – *Regents of the Univ. of Cal. v. Parsons* (Cal. Super. Ct., Los Angeles Cnty.) and *Ohio Pub. Emps. Ret. Sys. v. Parsons* (Ohio. Ct. of Common Pleas, Franklin Cnty.) (total settlement over \$600 million); *Local 703, I.B. of T. Grocery & Food Emps. Welfare Fund v. Regions Fin. Corp.* (N.D. Ala.) (\$90 million settlement); *In re MGM Mirage Sec. Litig.* (D. Nev.) (\$75 million); *In re CIT Grp. Inc. Sec. Litig.* (S.D.N.Y.) (\$75 million settlement); *Luna v. Marvell Tech. Grp., Ltd.* (N.D. Cal.) (\$72.5 million settlement); *Deka Investment GmbH v. Santander Consumer USA Holdings Inc.* (N.D. Tex.) (\$47 million settlement); *In re Bridgestone Sec. Litig.* (M.D. Tenn.) (\$30 million settlement); *In re Walter Energy, Inc. Sec. Litig.* (N.D. Ala.) (\$25 million); *City of Hialeah Emps.' Ret. Sys. & Laborers Pension Trust Fund for N. Cal. v. Toll Brothers, Inc.* (E.D. Pa.) (\$25 million settlement); *In re Molycorp, Inc. Sec. Litig.* (D. Colo.) (\$20.5 million settlement); *In re Banc of California Sec. Litig.* (C.D. Cal.) (\$19.75 million); *Zimmerman v. Diplomat Pharmacy, Inc.* (E.D. Mich.) (\$14.1 million); *Batwin v. Occam Networks, Inc.* (C.D. Cal.) (\$13.9 million settlement); *Int'l Brotherhood of Elec. Workers Local 697 Pension Fund v. Int'l Game Tech.* (D. Nev.) (\$12.5 million settlement); *Kmiec v. Powerwave Techs. Inc.* (C.D. Cal.) (\$8.2 million); *In re Sunterra Corp. Sec. Litig.* (D. Nev.) (\$8 million settlement); and *Luman v. Anderson* (W.D. Mo.) (\$4.25 million settlement).

## Education

B.A., University of Wisconsin at Madison, 2001; J.D., Washington University, St. Louis, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2019



## Darryl J. Alvarado | Partner

Darryl Alvarado is a partner in the Firm's San Diego office. He focuses his practice on securities fraud and other complex civil litigation. Alvarado was a member of the trial team in *Smilovits v. First Solar, Inc.*, which recovered \$350 million for aggrieved investors. The *First Solar* settlement, reached on the eve of trial after more than seven years of litigation and an interlocutory appeal to the U.S. Supreme Court, is the fifth-largest PSLRA recovery ever obtained in the Ninth Circuit. Alvarado recently litigated *Monroe County Employees' Retirement System v. The Southern Company*, which recovered \$87.5 million for investors after more than three years of litigation. The settlement resolved securities fraud claims stemming from defendants' issuance of misleading statements and omissions regarding the construction of a first-of-its-kind "clean coal" power plant in Kemper County, Mississippi. Alvarado helped secure \$388 million for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* That settlement is, on a percentage basis, the largest recovery ever achieved in an RMBS class action. He was also a member of a team of attorneys that secured \$95 million for investors in Morgan Stanley-issued RMBS in *In re Morgan Stanley Mortgage Pass-Through Certificates Litigation*.

Alvarado was a member of a team of lawyers that obtained landmark settlements, on the eve of trial, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Incorporated* and *King County, Washington v. IKB Deutsche Industriebank AG*. He was integral in obtaining several precedent-setting decisions in those cases, including defeating the rating agencies' historic First Amendment defense and defeating the ratings agencies' motions for summary judgment concerning the actionability of credit ratings. Alvarado was also a member of a team of attorneys responsible for obtaining for aggrieved investors \$27 million in *In re Cooper Companies Securities Litigation*, \$19.5 million in *City of Pontiac General Employees' Retirement System v. Lockheed Martin Corporation*, and comprehensive corporate governance reforms to address widespread off-label marketing and product safety violations in *In re Johnson & Johnson Derivative Litigation*.

## Education

B.A., University of California, Santa Barbara, 2004; J.D., University of San Diego School of Law, 2007

## Honors / Awards

Top 40 Under 40, *Daily Journal*, 2021; Rising Star, *Super Lawyers Magazine*, 2015-2021; 40 & Under Hot List, *Benchmark Litigation*, 2018-2020; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2011

## X. Jay Alvarez | Partner

Jay Alvarez is a partner in the Firm's San Diego office. He focuses his practice on securities fraud litigation and other complex litigation. Alvarez's notable cases include *In re Qwest Commc'ns Int'l, Inc. Sec. Litig.* (\$400 million recovery), *In re Coca-Cola Sec. Litig.* (\$137.5 million settlement), *In re St. Jude Medical, Inc. Sec. Litig.* (\$50 million settlement), and *In re Cooper Cos. Sec. Litig.* (\$27 million recovery). Most recently, Alvarez was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members are eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis.

Prior to joining the Firm, Alvarez served as an Assistant United States Attorney for the Southern District of California from 1991-2003. As an Assistant United States Attorney, he obtained extensive trial experience, including the prosecution of bank fraud, money laundering, and complex narcotics conspiracy cases. During his tenure as an Assistant United States Attorney, Alvarez also briefed and argued numerous appeals before the Ninth Circuit Court of Appeals.

## Education

B.A., University of California, Berkeley, 1984; J.D., University of California, Berkeley, Boalt Hall School of Law, 1987

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2020

## Dory P. Antullis | Partner

Dory Antullis is a partner in the Firm's Boca Raton office and has been practicing law for 17 years, first at a major defense firm and the last 9-1/2 at Robbins Geller. Her practice focuses on complex class actions, including consumer fraud, RICO, public nuisance, data breach, pharmaceuticals, and antitrust litigation.

Antullis, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re Nat'l Prescription Opiate Litig.*, No. 1:17-MD-2804 (N.D. Ohio). She also serves as a primary counsel for named plaintiffs in the consolidated Third Party Payer class action in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, No. 9:20-md-02924-RLR (S.D. Fla.), and is as a core member of the MDL Class Committee responsible for drafting, defending, and proving products liability, RICO, and consumer protection allegations on behalf of both TPPs and consumers nationwide.

Antullis has been an integral part of Robbins Geller's history of successful privacy and data breach class action cases. She is currently serving as Interim Co-Lead Class Counsel in *In re Luxottica of America, Inc. Data Breach Litig.*, No. 1:20-cv-00908-MRB (S.D. Ohio). Her heavy lifting at every stage of the litigation in *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-md-02752-LHK (N.D. Cal.), helped to secure a \$117.5 million recovery in the largest data breach in history. Antullis successfully defeated two rounds of dispositive briefing, worked with leadership and computer privacy and damages experts to plan a winning strategy for the case, and drafted an innovative motion for class certification that immediately preceded a successful mediation with defendants in that litigation. Antullis also provided meaningful "nuts-and-bolts" support in other data breach class actions, including *In re Am. Med. Collection Agency, Inc., Customer Data Sec. Breach Litig.*, No. 2:19-md-02904-MCA-MAH (D.N.J.) (representing class of LabCorp customers), and *In re Solara Med. Supplies Customer Data Breach Litig.*, No. 3:19-cv-02284-H-KSC (S.D. Cal.) (representing victims of a protected health information data breach).

## Education

B.A., Rice University, 1999; J.D., Columbia Law School, 2003

## Honors / Awards

National Merit Scholar, Rice University; Golden Key National Honor Society, Rice University; Nominated for *The Rice Undergraduate* academic journal, Rice University; Michael I. Sovern Scholar, Columbia Law School; Hague Appeal for Peace, Committee for a Just and Effective Response to 9/11, Columbia Law School; Columbia Mediation and Political Asylum Clinics, Columbia Law School; Harlem Tutorial Program, Columbia Law School; Journal of Eastern European Law, Columbia Law School; Columbia Law Women's Association, Columbia Law School

## Stephen R. Astley | Partner

Stephen Astley is a partner in the Firm's Boca Raton office. Astley devotes his practice to representing institutional and individual shareholders in their pursuit to recover investment losses caused by fraud. He has been lead counsel in numerous securities fraud class actions across the country, helping secure significant recoveries for his clients and investors. He was on the trial team that recovered \$60 million on behalf of investors in *City of Sterling Heights Gen. Emps.' Ret. Sys. v. Hospira, Inc.* Other notable representations include: *In re ADT Inc. S'holder Litig.* (Fla. Cir. Ct., 15th Jud. Cir.) (\$30 million settlement); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.) (\$20 million settlement); *Eshe Fund v. Fifth Third Bancorp* (S.D. Ohio) (\$16 million); *City of St. Clair Shores Gen. Emps.' Ret. Sys. v. Lender Processing Servs., Inc.* (M.D. Fla.) (\$14 million); and *In re Synovus Fin. Corp.* (N.D. Ga.) (\$11.75 million).

Prior to joining the Firm, Astley was with the Miami office of Hunton & Williams, where he concentrated his practice on class action defense, including securities class actions and white collar criminal defense. Additionally, he represented numerous corporate clients accused of engaging in unfair and deceptive practices. Astley was also an active duty member of the United States Navy's Judge Advocate General's Corps where he was the Senior Defense Counsel for the Naval Legal Service Office Pearl Harbor Detachment. In that capacity, Astley oversaw trial operations for the Detachment and gained substantial first-chair trial experience as the lead defense counsel in over 75 courts-martial and administrative proceedings. Additionally, from 2002-2003, Astley clerked for the Honorable Peter T. Fay, U.S. Court of Appeals for the Eleventh Circuit.

## Education

B.S., Florida State University, 1992; M. Acc., University of Hawaii at Manoa, 2001; J.D., University of Miami School of Law, 1997

## Honors / Awards

J.D., *Cum Laude*, University of Miami School of Law, 1997; United States Navy Judge Advocate General's Corps., Lieutenant

## A. Rick Atwood, Jr. | Partner

Rick Atwood is a partner in the Firm's San Diego office. As a recipient of the *California Lawyer* Attorney of the Year ("CLAY") Award for his work on behalf of shareholders, he has successfully represented shareholders in securities class actions, merger-related class actions, and shareholder derivative suits in federal and state courts in more than 30 jurisdictions. Through his litigation efforts at both the trial and appellate levels, Atwood has helped recover billions of dollars for public shareholders, including the largest post-merger common fund recoveries on record. He is also part of the Firm's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. Most recently, in *In re Dole Food Co., Inc. S'holder Litig.*, which went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders, Atwood helped obtain \$148 million, the largest trial verdict ever in a class action challenging a merger transaction. He was also a key member of the litigation team in *In re Kinder Morgan, Inc. S'holders Litig.*, where he helped obtain an unprecedented \$200 million common fund for former Kinder Morgan shareholders, the largest merger & acquisition class action recovery in history.

Atwood also led the litigation team that obtained an \$89.4 million recovery for shareholders in *In re Del Monte Foods Co. S'holders Litig.*, after which the Delaware Court of Chancery stated that "it was only through the effective use of discovery that the plaintiffs were able to 'disturb[ ] the patina of normalcy surrounding the transaction.'" The court further commented that "Lead Counsel engaged in hard-nosed discovery to penetrate and expose problems with practices that Wall Street considered 'typical.'" One Wall Street banker even wrote in *The Wall Street Journal* that "Everybody does it, but Barclays is the one that got caught with their hand in the cookie jar . . . . Now everybody has to rethink how we conduct ourselves in financing situations.'" Atwood's other significant opinions include *Brown v. Brewer* (\$45 million recovery) and *In re Prime Hosp., Inc. S'holders Litig.* (\$25 million recovery).

## Education

B.A., University of Tennessee, Knoxville, 1987; B.A., Katholieke Universiteit Leuven, Belgium, 1988; J.D., Vanderbilt School of Law, 1991

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Recommended Lawyer, *The Legal 500*, 2017-2019; M&A Litigation Attorney of the Year in California, *Corporate International*, 2015; Super Lawyer, *Super Lawyers Magazine*, 2014-2017; Attorney of the Year, *California Lawyer*, 2012; B.A., Great Distinction, Katholieke Universiteit Leuven, Belgium, 1988; B.A., Honors, University of Tennessee, Knoxville, 1987; Authorities Editor, *Vanderbilt Journal of Transnational Law*, 1991

## Aelish M. Baig | Partner

Aelish Marie Baig is a partner in the Firm's San Francisco office. She specializes in federal securities and consumer class actions. She focuses primarily on securities fraud litigation on behalf of individual and institutional investors, including state and municipal pension funds, Taft-Hartley funds, and private retirement and investment funds. Baig has litigated a number of cases through jury trial, resulting in multi-million dollar awards and settlements for her clients, and has prosecuted securities fraud, consumer, and derivative actions obtaining millions of dollars in recoveries against corporations such as Wells Fargo, Verizon, Celera, Pall, and Prudential.

Baig, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and

counties around the country in *In re National Prescription Opiate Litigation*. She has also been appointed to the Plaintiffs' Steering Committee in *In re Juul Labs, Inc., Marketing Sales Practices and Product Liability Litigation*, currently pending before the Honorable William H. Orrick in the Northern District of California. She serves on the expert and trial committees and represents, among others, one of the trial bellwethers. Baig and her team have recently completed discovery and are currently preparing for expert reports and trial. She has also been appointed by the Honorable Charles R. Breyer in the Northern District of California to the Plaintiffs' Steering Committee in *In re McKinsey & Co., Inc. National Prescription Opiate Consultant Litigation*.

Additionally, Baig prosecuted an action against Wells Fargo's directors and officers accusing the giant of engaging in the robo-signing of foreclosure papers so as to mass-process home foreclosures, a practice which contributed significantly to the 2008-2009 financial crisis. The resulting settlement was worth more than \$67 million in cash, corporate preventative measures, and new lending initiatives for residents of cities devastated by Wells Fargo's alleged unlawful foreclosure practices. Baig and a team of Robbins Geller attorneys recently obtained a \$62.5 million settlement in *Villella v. Chemical and Mining Company of Chile Inc.*, a securities class action against a Chilean mining company. The case alleged that Sociedad Química y Minera de Chile S.A. ("SQM") violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the Company's failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars' worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014. Due to the company being based out of Chile and subject to Chilean law and rules, Baig and the Robbins Geller litigation team put together a multilingual litigation team with Chilean expertise. Baig was also part of the litigation and trial team in *White v. Celco Partnership d/b/a Verizon Wireless*, which resulted in a \$25 million settlement and Verizon's agreement to an injunction restricting its ability to impose early termination fees in future subscriber agreements. She was also part of the team that prosecuted dozens of stock option backdating actions, securing tens of millions of dollars in cash recoveries as well as the implementation of comprehensive corporate governance enhancements for numerous companies victimized by their directors' and officers' fraudulent stock option backdating practices. Additionally, Baig prosecuted an action against Prudential Insurance for its alleged failure to pay life insurance benefits to beneficiaries of policyholders it knew or had reason to know had died, resulting in a settlement in excess of \$30 million.

## Education

B.A., Brown University, 1992; J.D., Washington College of Law at American University, 1998

## Honors / Awards

Best Lawyer in America: One to Watch, *Best Lawyers®*, 2021-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Plaintiffs' Lawyers Trailblazer, *The National Law Journal*, 2021; Leading Lawyer in America, *Lawdragon*, 2020-2021; Best Lawyer in Northern California: One to Watch, *Best Lawyers®*, 2021; Featured in "Lawyer Limelight" series, *Lawdragon*, 2020; Litigation Trailblazer, *The National Law Journal*, 2019; California Trailblazer, *The Recorder*, 2019; Super Lawyer, *Super Lawyers Magazine*, 2012-2013; J.D., *Cum Laude*, Washington College of Law at American University, 1998; Senior Editor, *Administrative Law Review*, Washington College of Law at American University

## Randall J. Baron | Partner

Randy Baron is a partner in the Firm's San Diego office. He specializes in securities litigation, corporate takeover litigation, and breach of fiduciary duty actions. For almost two decades, Baron has headed up a team of lawyers whose accomplishments include obtaining instrumental rulings both at injunction and trial phases, and establishing liability of financial advisors and investment banks. With an in-depth understanding of merger and acquisition and breach of fiduciary duty law, an ability to work under extreme time pressures, and the experience and willingness to take a case through trial, he has been responsible for recovering more than a billion dollars for shareholders.

Notable achievements over the years include: *In re Kinder Morgan, Inc. S'holders Litig.* (Kan. Dist. Ct., Shawnee Cnty.), where Baron obtained an unprecedented \$200 million common fund for former Kinder Morgan shareholders, the largest merger & acquisition class action recovery in history; *In re Dole Food Co., Inc. S'holder Litig.* (Del. Ch.), where he went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders and obtained \$148 million, the largest trial verdict ever in a class action challenging a merger transaction; and *In re Rural/Metro Corp. S'holders Litig.* (Del. Ch.), where Baron and co-counsel obtained nearly \$110 million total recovery for shareholders against Royal Bank of Canada Capital Markets LLC. In *In re Del Monte Foods Co. S'holders Litig.* (Del. Ch.), he exposed the unseemly practice by investment bankers of participating on both sides of large merger and acquisition transactions and ultimately secured an \$89 million settlement for shareholders of Del Monte. Baron was one of the lead attorneys representing about 75 public and private institutional investors that filed and settled individual actions in *In re WorldCom Sec. Litig.* (S.D.N.Y.), where more than \$657 million was recovered, the largest opt-out (non-class) securities action in history. Most recently, Baron successfully obtained a partial settlement of \$60 million in *In re Tesla Motors, Inc. S'holder Litig.*, a case that alleged that the members of the Tesla Board of Directors breached their fiduciary duties, unjustly enriched themselves, and wasted corporate assets in connection with their approval of Tesla's acquisition of SolarCity Corp. in 2016.

## Education

B.A., University of Colorado at Boulder, 1987; J.D., University of San Diego School of Law, 1990

## Honors / Awards

Fellow, Advisory Board, Litigation Counsel of America (LCA); Rated Distinguished by Martindale-Hubbell; Best Lawyer in America, *Best Lawyers*®, 2019-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Hall of Fame, *The Legal 500*, 2020-2021; Leading Lawyer, *Chambers USA*, 2016-2021; Leading Lawyer in America, *Lawdragon*, 2011, 2017-2019, 2021; Southern California Best Lawyer, *Best Lawyers*®, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2016, 2018-2020; National Practice Area Star, *Benchmark Litigation*, 2019-2020; Local Litigation Star, *Benchmark Litigation*, 2018, 2020; Leading Lawyer, *The Legal 500*, 2014-2019; Litigation Star, *Benchmark Litigation*, 2016-2019; California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Winning Litigator, *The National Law Journal*, 2018; Titan of the Industry, *The American Lawyer*, 2018; Recommended Lawyer, *The Legal 500*, 2017; Mergers & Acquisitions Trailblazer, *The National Law Journal*, 2015-2016; Litigator of the Week, *The American Lawyer*, October 16, 2014; Attorney of the Year, *California Lawyer*, 2012; Litigator of the Week, *The American Lawyer*, October 7, 2011; J.D., *Cum Laude*, University of San Diego School of Law, 1990

## James E. Barz | Partner

James Barz is a partner with the Firm and manages the Firm's Chicago office. He has tried 18 cases to verdict and he is a registered CPA, former federal prosecutor, and has been an adjunct professor at Northwestern University School of Law from 2008 to 2021, teaching courses on trial advocacy and class action litigation.

Barz has focused on representing investors in securities fraud class actions that have resulted in recoveries of over \$2 billion. Most recently, Barz was lead counsel in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, and secured a \$1.21 billion recovery for investors, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest securities class action settlement ever.

Barz has also secured substantial recoveries for investors in *HCA* (\$215 million, M.D. Tenn.); *Motorola* (\$200 million, N.D. Ill.); *Sprint* (\$131 million, D. Kan.); *Orbital ATK* (\$108 million, E.D. Va.); *Psychiatric Solutions* (\$65 million, M.D. Tenn.); *Dana Corp.* (\$64 million, N.D. Ohio); *Hospira* (\$60 million, N.D. Ill.); *Career Education* (\$27.5 million, N.D. Ill.); and *LJM Funds Management, Ltd.* (\$12.85 million, N.D. Ill.). He has been lead trial counsel in several of these cases obtaining favorable settlements just days or weeks before trial and after obtaining denials of summary judgment. Barz also handles whistleblower cases, including a successful settlement in *United States v. Signature Healthcare LLC* (M.D. Tenn.) (\$30 million), and antitrust cases, including currently serving on the Plaintiffs' Steering Committee in *In re Dealer Management Systems Antitrust Litigation* (N.D. Ill.).

## Education

B.B.A., Loyola University Chicago, School of Business Administration, 1995; J.D., Northwestern University School of Law, 1998

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Litigator of the Week, *The American Lawyer*, 2021; Super Lawyer, *Super Lawyers Magazine*, 2018-2021; Leading Lawyer, Law Bulletin Media, 2018; B.B.A., *Summa Cum Laude*, Loyola University Chicago, School of Business Administration, 1995; J.D., *Cum Laude*, Northwestern University School of Law, 1998



## Nathan W. Bear | Partner

Nate Bear is a partner in the Firm's San Diego office. Bear advises institutional investors on a global basis. His clients include Taft-Hartley funds, public and multi-employer pension funds, fund managers, insurance companies, and banks around the world. He counsels clients on securities fraud and corporate governance, and frequently speaks at conferences worldwide. Bear has been part of Robbins Geller litigation teams which have recovered over \$1 billion for investors, including *In re Cardinal Health, Inc. Sec. Litig.* (\$600 million) and *Jones v. Pfizer Inc.* (\$400 million). In addition to initiating securities fraud class actions in the United States, he possesses direct experience in Australian class actions, potential group actions in the United Kingdom, settlements in the European Union under the Wet Collectieve Afwikkeling Massaschade (WCAM), the Dutch Collective Mass Claims Settlement Act, as well as representative actions in Germany utilizing the Kapitalanlegermusterverfahrensgesetz (KapMuG), the Capital Market Investors' Model Proceeding Act. In *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*, Bear was a member of the litigation team which achieved the first major ruling upholding fraud allegations against the chief credit rating agencies. That ruling led to the filing of a similar case, *King County, Washington v. IKB Deutsche Industriebank AG*. These cases, arising from the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles, ultimately obtained landmark settlements – on the eve of trial – from the major credit rating agencies and Morgan Stanley. Bear maintained an active role in litigation at the heart of the worldwide financial crisis, and pursued banks over their manipulation of LIBOR, FOREX, and other benchmark rates. Additionally, Bear represents investors damaged by the defeat device scandal enveloping German automotive manufacturers, including Volkswagen, Porsche, and Daimler.

## Education

B.A., University of California at Berkeley, 1998; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2016; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2011

## Alexandra S. Bernay | Partner

Xan Bernay is a partner in the Firm's San Diego office, where she specializes in antitrust and unfair competition class-action litigation. She has also worked on some of the Firm's largest securities fraud class actions, including the *Enron* litigation, which recovered an unprecedented \$7.2 billion for investors. Bernay currently serves as co-lead counsel in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Additionally, Bernay is involved in *In re Remicade Antitrust Litig.* pending in the Eastern District of Pennsylvania – a large case involving anticompetitive conduct in the biosimilars market, where the Firm is sole lead counsel for the end-payor plaintiffs. She is also part of the litigation team in *In re Dealer Mgmt. Sys. Antitrust Litig.* (N.D. Ill.), which involves anticompetitive conduct related to dealer management systems on behalf of auto dealerships across the country. Another representative case is *Persian Gulf Inc. v. BP West Coast Prods. LLC* (S.D. Cal.), a massive case against the largest gas refiners in the world brought by gasoline station owners who allege they were overcharged for gasoline in California as a result of anticompetitive conduct.

## Education

B.A., Humboldt State University, 1997; J.D., University of San Diego School of Law, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Litigator of the Week, *Global Competition Review*, October 1, 2014

## Erin W. Boardman | Partner

Erin Boardman is a partner in the Firm's Melville office, where her practice focuses on representing individual and institutional investors in class actions brought pursuant to the federal securities laws. She has been involved in the prosecution of numerous securities class actions that have resulted in millions of dollars in recoveries for defrauded investors, including: *Medoff v. CVS Caremark Corp.* (D.R.I.) (\$48 million recovery); *Construction Laborers Pension Tr. of Greater St. Louis v. Autoliv Inc.* (S.D.N.Y.) (\$22.5 million recovery); *In re Gildan Activewear Inc. Sec. Litig.* (S.D.N.Y.) (resolved as part of a \$22.5 million global settlement); *In re L.G. Phillips LCD Co., Ltd., Sec. Litig.* (S.D.N.Y.) (\$18 million recovery); *In re Giant Interactive Grp., Inc. Sec. Litig.* (S.D.N.Y.) (\$13 million recovery); *In re Coventry HealthCare, Inc. Sec. Litig.* (D. Md.) (\$10 million recovery); *Lenartz v. American Superconductor Corp.* (D. Mass.) (\$10 million recovery); *Dudley v. Haub* (D.N.J.) (\$9 million recovery); *Hildenbrand v. W Holding Co.* (D.P.R.) (\$8.75 million recovery); *In re Doral Fin. Corp. Sec. Litig.* (D.P.R.) (\$7 million recovery); and *Van Dongen v. CNinsure Inc.* (S.D.N.Y.) (\$6.625 million recovery). During law school, Boardman served as Associate Managing Editor of the *Journal of Corporate, Financial and Commercial Law*, interned in the chambers of the Honorable Kiyo A. Matsumoto in the United States District Court for the Eastern District of New York, and represented individuals on a *pro bono* basis through the Workers' Rights Clinic.

## Education

B.A., State University of New York at Binghamton, 2003; J.D., Brooklyn Law School, 2007

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2018; B.A., *Magna Cum Laude*, State University of New York at Binghamton, 2003

## Douglas R. Britton | Partner

Doug Britton is a partner in the Firm's San Diego office. His practice focuses on securities fraud and corporate governance. Britton has been involved in settlements exceeding \$1 billion and has secured significant corporate governance enhancements to improve corporate functioning. Notable achievements include *In re WorldCom, Inc. Sec. & "ERISA" Litig.*, where he was one of the lead partners that represented a number of opt-out institutional investors and secured an unprecedented recovery of \$651 million; *In re SureBeam Corp. Sec. Litig.*, where he was the lead trial counsel and secured an impressive recovery of \$32.75 million; and *In re Amazon.com, Inc. Sec. Litig.*, where he was one of the lead attorneys securing a \$27.5 million recovery for investors.

## Education

B.B.A., Washburn University, 1991; J.D., Pepperdine University School of Law, 1996

## Honors / Awards

J.D., *Cum Laude*, Pepperdine University School of Law, 1996

## Luke O. Brooks | Partner

Luke Brooks is a partner in the Firm's securities litigation practice group in the San Diego office. He focuses primarily on securities fraud litigation on behalf of individual and institutional investors, including state and municipal pension funds, Taft-Hartley funds, and private retirement and investment funds. Brooks served as trial counsel in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Other prominent cases recently prosecuted by Brooks include *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.*, in which plaintiffs recovered \$388 million for investors in J.P. Morgan residential mortgage-backed securities, and a pair of cases – *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.* (“Cheyne”) and *King County, Washington, et al. v. IKB Deutsche Industriebank AG* (“Rhinebridge”) – in which plaintiffs obtained a settlement, on the eve of trial in Cheyne, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the Cheyne and Rhinebridge structured investment vehicles. *Reuters* described the settlement as a “landmark” deal and emphasized that it was the “first time S&P and Moody’s have settled accusations that investors were misled by their ratings.” An article published in *Rolling Stone* magazine entitled “The Last Mystery of the Financial Crisis” similarly credited Robbins Geller with uncovering “a mountain of evidence” detailing the credit rating agencies’ fraud. Most recently, Brooks served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

## Education

B.A., University of Massachusetts at Amherst, 1997; J.D., University of San Francisco, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Local Litigation Star, *Benchmark Litigation*, 2017-2018, 2020; California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Recommended Lawyer, *The Legal 500*, 2017-2018; Member, *University of San Francisco Law Review*, University of San Francisco

## Spencer A. Burkholz | Partner

Spence Burkholz is a partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He has 25 years of experience in prosecuting securities class actions and private actions on behalf of large institutional investors. Burkholz was one of the lead trial attorneys in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Burkholz has also recovered billions of dollars for injured shareholders in cases such as *Enron* (\$7.2 billion), *WorldCom* (\$657 million), *Countrywide* (\$500 million), and *Qwest* (\$445 million).

## Education

B.A., Clark University, 1985; J.D., University of Virginia School of Law, 1989

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Best Lawyer in America, *Best Lawyers*®, 2018-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Leading Lawyer in America, *Lawdragon*, 2018-2021; Southern California Best Lawyer, *Best Lawyers*®, 2018-2021; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; Super Lawyer, *Super Lawyers Magazine*, 2015-2016, 2020; Top 100 Trial Lawyer, *Benchmark Litigation*, 2018-2020; National Practice Area Star, *Benchmark Litigation*, 2020; Local Litigation Star, *Benchmark Litigation*, 2015-2018, 2020; Lawyer of the Year, *Best Lawyers*®, 2020; Recommended Lawyer, *The Legal 500*, 2017-2019; Top 20 Trial Lawyer in California, *Benchmark Litigation*, 2019; California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Plaintiff Attorney of the Year, *Benchmark Litigation*, 2018; B.A., *Cum Laude*, Clark University, 1985; *Phi Beta Kappa*, Clark University, 1985

## Michael G. Capeci | Partner

Michael Capeci is a partner in the Firm's Melville office. His practice focuses on prosecuting complex securities class action lawsuits in federal and state courts. Throughout his tenure with the Firm, Capeci has played an integral role in the teams prosecuting cases such as: *In re BHP Billiton Ltd. Sec. Litig.* (\$50 million recovery); *Galestan v. OneMain Holdings, Inc.* (\$9 million recovery); *Carpenters Pension Tr. Fund of St. Louis v. Barclays PLC* (\$14 million recovery); *City of Pontiac General Emps.' Ret. Sys. v. Lockheed Martin Corp.* (\$19.5 million recovery); and *Plumbers and Pipefitters Local Union No. 630 Pension-Annuity Tr. Fund v. Arbitron Inc.* (\$7 million recovery). Capeci is currently prosecuting numerous cases in federal and state courts alleging violations of the Securities Exchange Act of 1934 and the Securities Act of 1933. Recently, Michael led the litigation team that achieved the first settlement of a 1933 Act claim in New York state court, *In re EverQuote, Inc. Sec. Litig.* (\$4.75 million recovery), following the U.S. Supreme Court's landmark decision in *Cyan, Inc. v. Beaver Cnty. Emps. Ret. Fund* in 2018.

## Education

B.S., Villanova University, 2007; J.D., Hofstra University School of Law, 2010

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2014-2020; J.D., *Cum Laude*, Hofstra University School of Law, 2010

## Brian E. Cochran | Partner

Brian Cochran is a partner in the Firm's San Diego and Chicago offices. He focuses his practice on complex securities, shareholder, consumer protection, and ERISA litigation. Cochran is also a member of Robbins Geller's SPAC Task Force. Cochran specializes in case investigation and initiation and lead plaintiff issues arising under the Private Securities Litigation Reform Act of 1995. He has developed dozens of cases under the federal securities laws and recovered hundreds of millions of dollars for injured investors and consumers. Several of Cochran's cases have pioneered new ground, such as cases on behalf of cryptocurrency investors, and sparked follow-on governmental investigations into corporate malfeasance. Cochran has spearheaded litigation on behalf of injured investors in blank check companies, developing one of the first securities class actions arising from the latest wave of blank check financing, *Alta Mesa Resources*. On March 31, 2021, the United States District Court for the Southern District of Texas denied defendants' motions to dismiss in their entirety.

Brian was a member of the litigation team that achieved a \$1.21 billion settlement in the *Valeant Pharmaceuticals* securities litigation. Brian also developed the *Dynamic Ledger* securities litigation, one of the first cases to challenge a cryptocurrency issuer's failure to register under the federal securities laws, which settled for \$25 million. In addition, Brian was part of the team that secured a historic \$25 million settlement on behalf of Trump University students, which Brian prosecuted on a *pro bono* basis. Other notable recoveries include: *Scotts Miracle-Gro* (up to \$85 million); *Psychiatric Solutions* (\$65 million); *SQM Chemical & Mining Co. of Chile* (\$62.5 million); *Big Lots* (\$38 million); *REV Group* (\$14.25 million, subject to court approval); *Fifth Street Finance* (\$14 million); *Third Avenue Management* (\$14 million); *LJM* (\$12.85 million); *Camping World* (\$12.5 million); *FTS International* (\$9.875 million); and *JPMorgan ERISA* (\$9 million).

## Education

A.B., Princeton University, 2006; J.D., University of California at Berkeley School of Law, Boalt Hall, 2012

## Honors / Awards

Next Generation Partner, *The Legal 500*, 2020-2021; Rising Star, *Super Lawyers Magazine*, 2020-2021; Rising Star, *The Legal 500*, 2019; A.B., With Honors, Princeton University, 2006; J.D., Order of the Coif, University of California at Berkeley School of Law, Boalt Hall, 2012

## Joseph D. Daley | Partner

Joseph Daley is a partner in the Firm's San Diego office, serves on the Firm's Securities Hiring Committee, and is a member of the Firm's Appellate Practice Group. Precedents include: *City of Birmingham Ret. & Relief Sys. v. Davis*, \_\_ F. App'x \_\_, 2020 WL 1189621 (2d Cir. 2020); *City of Providence v. Bats Glob. Mkts., Inc.*, 878 F.3d 36 (2d Cir. 2017); *DeJulius v. New Eng. Health Care Emps. Pension Fund*, 429 F.3d 935 (10th Cir. 2005); *Frank v. Dana Corp.* ("Dana I"), 547 F.3d 564 (6th Cir. 2008); *Frank v. Dana Corp.* ("Dana II"), 646 F.3d 954 (6th Cir. 2011); *Freidus v. Barclays Bank Plc*, 734 F.3d 132 (2d Cir. 2013); *In re HealthSouth Corp. Sec. Litig.*, 334 F. App'x 248 (11th Cir. 2009); *In re Merck & Co. Sec., Derivative & ERISA Litig.*, 493 F.3d 393 (3d Cir. 2007); *In re Quality Sys., Inc. Sec. Litig.*, 865 F.3d 1130 (9th Cir. 2017); *In re Qwest Commc'ns Int'l*, 450 F.3d 1179 (10th Cir. 2006); *Luther v. Countrywide Home Loans Servicing LP*, 533 F.3d 1031 (9th Cir. 2008); *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.*, 693 F.3d 145 (2d Cir. 2012); *Rosenbloom v. Pyott* ("Allergan"), 765 F.3d 1137 (9th Cir. 2014); *Silverman v. Motorola Solutions, Inc.*, 739 F.3d 956 (7th Cir. 2013); *Siracusano v. Matrixx Initiatives, Inc.*, 585 F.3d 1167 (9th Cir. 2009), *aff'd*, 563 U.S. 27 (2011); and *Southland Sec. Corp. v. INSpire Ins. Solutions Inc.*, 365 F.3d 353 (5th Cir. 2004). Daley is admitted to practice before the U.S. Supreme Court, as well as before 12 U.S. Courts of Appeals around the nation.

## Education

B.S., Jacksonville University, 1981; J.D., University of San Diego School of Law, 1996

## Honors / Awards

Seven-time Super Lawyer, *Super Lawyers Magazine*; Appellate Moot Court Board, Order of the Barristers, University of San Diego School of Law; Best Advocate Award (Traynore Constitutional Law Moot Court Competition), First Place and Best Briefs (Alumni Torts Moot Court Competition and USD Jessup International Law Moot Court Competition)

## Patrick W. Daniels | Partner

Patrick Daniels is a founding and managing partner in the Firm's San Diego office. He is widely recognized as a leading corporate governance and investor advocate. *Daily Journal*, the leading legal publisher in California, named him one of the 20 most influential lawyers in California under 40 years of age. Additionally, the Yale School of Management's Millstein Center for Corporate Governance and Performance awarded Daniels its "Rising Star of Corporate Governance" honor for his outstanding leadership in shareholder advocacy and activism.

Daniels is an advisor to political and financial leaders throughout the world. He counsels private and state government pension funds and fund managers in the United States, United Arab Emirates, United Kingdom, the Netherlands, and other countries within the European Union on issues related to corporate fraud in the United States securities markets and "best practices" in the corporate governance of publicly traded companies. Daniels has represented dozens of institutional investors in some of the largest and most significant shareholder actions, including *Enron*, *WorldCom*, *AOL Time Warner*, *BP*, *Pfizer*, *Countrywide*, *Petrobras*, and *Volkswagen*, to name just a few. In the wake of the financial crisis, he represented dozens of investors in structured investment products in ground-breaking actions against the ratings agencies and Wall Street banks that packaged and sold supposedly highly rated shoddy securities to institutional investors all around the world.

## Education

B.A., University of California, Berkeley, 1993; J.D., University of San Diego School of Law, 1997

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Rising Star of Corporate Governance, Yale School of Management's Milstein Center for Corporate Governance & Performance, 2008; One of the 20 Most Influential Lawyers in the State of California Under 40 Years of Age, *Daily Journal*; B.A., *Cum Laude*, University of California, Berkeley, 1993

## Stuart A. Davidson | Partner

Stuart Davidson is a partner in the Firm's Boca Raton office. His practice focuses on complex consumer class actions, including cases involving deceptive and unfair trade practices, privacy and data breach issues, and antitrust violations. Davidson has served as class counsel in some of the nation's most significant privacy cases, including: *In re Facebook Biometric Info. Privacy Litig.*, No. 3:15-cv-03747 (N.D. Cal.) (\$650 million recovery in a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of user's biometric identifiers without informed consent); *In re Yahoo! Inc. Customer Data Sec. Breach Litig.*, No. 5:16-md-02752 (N.D. Cal.) (\$117.5 million recovery in the largest data breach in history); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, No. 3:11-md-02258 (S.D. Cal.) (settlement valued at \$15 million concerning the massive data breach of Sony's PlayStation Network); and *Kehoe v. Fid. Fed. Bank & Tr.*, No. 9:03-cv-80593 (S.D. Fla.) (\$50 million recovery in Driver's Privacy Protection Act case on behalf of half-a-million Florida drivers against a national bank).

Davidson currently serves as Plaintiffs' Co-Lead Counsel in *In re Am. Med. Collection Agency, Inc. Customer Data Sec. Breach Litig.*, No. 2:19-md-02904 (D.N.J.) (representing class of LabCorp customers), on Plaintiffs' Steering Committee in *In re Intel Corp. CPU Mktg., Sales Pracs. & Prods. Liab. Litig.*, No. 3:18-md-02828 (D. Or.) (representing class of Intel CPU purchasers based on serious security vulnerabilities – including those known as "Spectre" and "Meltdown" – that infect nearly all of Intel's x86



processors manufactured and sold since 1995), and spearheads several aspects of *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pract. & Antitrust Litig.*, No. 2:17-md-02785 (D. Kan.) (representing certified class for RICO and antitrust claims involving the illegal monopolization of the epinephrine auto-injector market, which allowed the prices of the life-saving EpiPen to rise over 600% in 9 years).

Davidson also served as Plaintiffs' Co-Lead Counsel in *In re NHL Players' Concussion Injury Litig.*, No. 0:14-md-02551 (D. Minn.) (representing retired National Hockey League players in multidistrict litigation suit against the NHL regarding injuries suffered due to repetitive head trauma and concussions), and in *In re Pet Food Prods. Liab. Litig.*, No. 1:07-cv-02867 (D.N.J.) (\$24 million recovery in multidistrict consumer class action on behalf of thousands of aggrieved pet owners nationwide against some of the nation's largest pet food manufacturers, distributors, and retailers). He also served as Plaintiffs' Co-Lead Counsel in *In re UnitedGlobalCom, Inc. S'holder Litig.*, C.A. No. 1012-VCS (Del. Ch.) (\$25 million recovery weeks before trial); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. Cir. Ct.) (\$11.5 million recovery for former Winn-Dixie shareholders following the corporate buyout by BI-LO); and *In re AuthenTec, Inc. S'holder Litig.*, No. 5-2012-CA-57589 (Fla. Cir. Ct.) (\$10 million recovery for former AuthenTec shareholders following a merger with Apple). The latter two cases are the two largest merger and acquisition recoveries in Florida history.

Davidson is a former lead assistant public defender in the Felony Division of the Broward County, Florida Public Defender's Office. During his tenure at the Public Defender's Office, he tried over 30 jury trials and defended individuals charged with major crimes ranging from third-degree felonies to life and capital felonies.

## Education

B.A., State University of New York at Geneseo, 1993; J.D., Nova Southeastern University Shepard Broad College of Law, 1996

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2021; Super Lawyer, *Super Lawyers Magazine*, 2021; One of "Florida's Most Effective Lawyers" in the Privacy category, American Law Media, 2020; J.D., *Summa Cum Laude*, Nova Southeastern University Shepard Broad College of Law, 1996; Associate Editor, *Nova Law Review*, Book Awards in Trial Advocacy, International Law, and Criminal Pretrial Practice

## Jason C. Davis | Partner

Jason Davis is a partner in the Firm's San Francisco office where he practices securities class actions and complex litigation involving equities, fixed-income, synthetic, and structured securities issued in public and private transactions. Davis was on the trial team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Most recently, he was part of the litigation team in *Luna v. Marvell Tech. Grp., Ltd.*, resulting in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors.

Before joining the Firm, Davis focused on cross-border transactions, mergers and acquisitions at Cravath, Swaine and Moore LLP in New York.

## Education

B.A., Syracuse University, 1998; J.D., University of California at Berkeley, Boalt Hall School of Law, 2002

## Honors / Awards

B.A., *Summa Cum Laude*, Syracuse University, 1998; International Relations Scholar of the year, Syracuse University; Teaching fellow, examination awards, Moot court award, University of California at Berkeley, Boalt Hall School of Law

## Mark J. Dearman | Partner

Mark Dearman is a partner in the Firm's Boca Raton office, where his practice focuses on consumer fraud, securities fraud, mass torts, antitrust, and whistleblower litigation. Dearman, along with other Robbins Geller attorneys, is currently leading the effort on behalf of cities and counties around the country in *In re National Prescription Opiate Litig.* He was recently appointed to the Plaintiffs' Steering Committee in *In re Zantac (Ranitidine) Prods. Liab. Litig.*, and as Chair of the Plaintiffs' Executive Committee in *In re Apple Inc. Device Performance Litig.*, Dearman obtained a \$310 million settlement. His other recent representative cases include *In re FieldTurf Artificial Turf Mktg. Pracs. Litig.*, No. 3:17-md-02779 (D.N.J.); *In re NHL Players' Concussion Injury Litig.*, 2015 U.S. Dist. LEXIS 38755 (D. Minn. 2015); *In re Sony Gaming Networks & Customer Data Sec. Breach Litig.*, 903 F. Supp. 2d 942 (S.D. Cal. 2012); *In re Volkswagen "Clean Diesel" Mktg. Sales Pracs. & Prods. Liab. Litig.*, 2016 U.S. Dist. LEXIS 1357 (N.D. Cal. 2016); *In re Ford Fusion & C-Max Fuel Econ. Litig.*, 2015 U.S. Dist. LEXIS 155383 (S.D.N.Y. 2015); *Looper v. FCA US LLC*, No. 5:14-cv-00700 (C.D. Cal.); *In re Aluminum Warehousing Antitrust Litig.*, 95 F. Supp. 3d 419 (S.D.N.Y. 2015), *aff'd*, 833 F.3d 151 (2d Cir. 2016); *In re Liquid Aluminum Sulfate Antitrust Litig.*, No. 16-md-2687 (D.N.J.); *In re Winn-Dixie Stores, Inc. S'holder Litig.*, No. 16-2011-CA-010616 (Fla. 4th Jud. Cir. Ct., Duval Cnty.); *Gemelas v. Dannon Co. Inc.*, No. 1:08-cv-00236 (N.D. Ohio); and *In re AuthenTec, Inc. S'holder Litig.*, No. 05-2012-CA-57589 (Fla. 18th Jud. Cir. Ct., Brevard Cnty.). Prior to joining the Firm, he founded Dearman & Gerson, where he defended Fortune 500 companies, with an emphasis on complex commercial litigation, consumer claims, and mass torts (products liability and personal injury), and has obtained extensive jury trial experience throughout the United States. Having represented defendants for so many years before joining the Firm, Dearman has a unique perspective that enables him to represent clients effectively.

## Education

B.A., University of Florida, 1990; J.D., Nova Southeastern University, 1993

## Honors / Awards

AV rated by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2020; In top 1.5% of Florida Civil Trial Lawyers in *Florida Trend's* Florida Legal Elite, 2004, 2006

## Kathleen B. Douglas | Partner

Kathleen Douglas is a partner in the Firm's Boca Raton office. She focuses her practice on securities fraud class actions and consumer fraud. Most recently, Douglas and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.

Douglas was also a key member of the litigation team in *In re UnitedHealth Grp. Inc. PSLRA Litig.*, in which she and team of Robbins Geller attorneys achieved a substantial \$925 million recovery. In addition to the monetary recovery, UnitedHealth also made critical changes to a number of its corporate governance policies, including electing a shareholder-nominated member to the company's Board of Directors. Likewise, in *Nieman v. Duke Energy Corp.*, she and a team of attorneys obtained a \$146.25 million recovery, which is the largest recovery in North Carolina for a case involving securities fraud and is one of the five largest recoveries in the Fourth Circuit. In addition, Douglas was a member of the team of attorneys that represented investors in *Knurr v. Orbital ATK, Inc.*, which recovered \$108 million for shareholders and is believed to be the fourth-largest securities class action settlement in the history of the Eastern District of Virginia. Douglas has served as class counsel in several class actions brought on behalf of Florida emergency room physicians. These cases were against some of the nation's largest Health Maintenance Organizations and settled for substantial increases in reimbursement rates and millions of dollars in past damages for the class.

## Education

B.S., Georgetown University, 2004; J.D., University of Miami School of Law, 2007

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2012-2017; B.S., *Cum Laude*, Georgetown University, 2004

## Travis E. Downs III | Partner

Travis Downs is a partner in the Firm's San Diego office. His areas of expertise include prosecution of shareholder and securities litigation, including complex shareholder derivative actions. Downs led a team of lawyers who successfully prosecuted over 65 stock option backdating derivative actions in federal and state courts across the country, resulting in hundreds of millions in financial givebacks for the plaintiffs and extensive corporate governance enhancements, including annual directors elections, majority voting for directors, and shareholder nomination of directors. Notable cases include: *In re Community Health Sys., Inc. S'holder Derivative Litig.* (\$60 million in financial relief and unprecedented corporate governance reforms); *In re Marvell Tech. Grp. Ltd. Derivative Litig.* (\$54 million in financial relief and extensive corporate governance enhancements); *In re McAfee, Inc. Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re Affiliated Computer Servs. Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re KB Home S'holder Derivative Litig.* (\$30 million in financial relief and extensive corporate governance enhancements); *In re Juniper Networks Derivative Litig.* (\$22.7 million in financial relief and extensive corporate governance enhancements); *In re Nvidia Corp. Derivative Litig.* (\$15 million in financial relief and extensive corporate governance enhancements); and *City of Pontiac Gen. Emps.' Ret. Sys. v. Langone* (achieving landmark corporate governance reforms for investors).

Downs was also part of the litigation team that obtained a \$67 million settlement in *City of Westland Police & Fire Ret. Sys. v. Stumpf*, a shareholder derivative action alleging that Wells Fargo participated in the mass-processing of home foreclosure documents by engaging in widespread robo-signing, and a \$250 million settlement in *In re Google, Inc. Derivative Litig.*, an action alleging that Google facilitated in the improper advertising of prescription drugs. Downs is a frequent speaker at conferences and seminars and has lectured on a variety of topics related to shareholder derivative and class action litigation.

## Education

B.A., Whitworth University, 1985; J.D., University of Washington School of Law, 1990

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Best Lawyer in America, *Best Lawyers*®, 2018-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Southern California Best Lawyer, *Best Lawyers*®, 2018-2021; Board of Trustees, Whitworth University; Super Lawyer, *Super Lawyers Magazine*, 2008; B.A., Honors, Whitworth University, 1985

## Daniel S. Drosman | Partner

Dan Drosman is a partner in the Firm's San Diego office and a member of the Firm's Management Committee. He focuses his practice on securities fraud and other complex civil litigation and has obtained significant recoveries for investors in cases such as *Morgan Stanley*, *Cisco Systems*, *The Coca-Cola Company*, *Petco*, *PMI*, and *America West*. Drosman served as lead trial counsel in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Drosman also helped secure a \$388 million recovery for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* On a percentage basis, that settlement is the largest recovery ever achieved in an RMBS class action. Drosman also served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

Most recently, Drosman was part of the Robbins Geller litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant. In another recent case, Drosman and the Robbins Geller litigation team obtained a \$62.5 million settlement in *Villella v. Chemical and Mining Company of Chile Inc.*, which alleged that Sociedad Química y Minera de Chile S.A. ("SQM") violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the Company's failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars' worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014.

In a pair of cases – *Abu Dhabi Commercial Bank, et al. v. Morgan Stanley & Co. Inc.* ("Cheyne" litigation) and *King County, Washington, et al. v. IKB Deutsche Industriebank AG* ("Rhinebridge" litigation) – Drosman led a group of attorneys prosecuting fraud claims against the credit rating agencies, where he is distinguished as one of the few plaintiffs' counsel to defeat the rating agencies' traditional First Amendment defense and their motions for summary judgment based on the mischaracterization of credit ratings as mere opinions not actionable in fraud.

Prior to joining the Firm, Drosman served as an Assistant District Attorney for the Manhattan District Attorney's Office, and an Assistant United States Attorney in the Southern District of California, where he investigated and prosecuted violations of the federal narcotics, immigration, and official corruption law.

## Education

B.A., Reed College, 1990; J.D., Harvard Law School, 1993

## Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2019-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Southern California Best Lawyers, *The Wall Street Journal*, 2021; Leading Lawyer in America, *Lawdragon*, 2018-2021; Southern California Best Lawyer, *Best Lawyers*®, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2017-2020; Recommended Lawyer, *The Legal 500*, 2017-2018; Top 100 Lawyer, *Daily Journal*, 2017; Department of Justice Special Achievement Award, Sustained Superior Performance of Duty; B.A., Honors, Reed College, 1990; *Phi Beta Kappa*, Reed College, 1990

## Thomas E. Egler | Partner

Tom Egler is a partner in the Firm's San Diego office and focuses his practice on representing clients in major complex, multidistrict litigations, such as *Lehman Brothers*, *Countrywide Mortgage Backed Securities*, *WorldCom*, *AOL Time Warner*, and *Qwest*. He has represented institutional investors both as plaintiffs in individual actions and as lead plaintiffs in class actions.

Egler also serves as a Lawyer Representative to the Ninth Circuit Judicial Conference from the Southern District of California, and in the past has served on the Executive Board of the San Diego chapter of the Association of Business Trial Lawyers. Prior to joining the Firm, Egler was a law clerk to the Honorable Donald E. Ziegler, Chief Judge, United States District Court, Western District of Pennsylvania.

## Education

B.A., Northwestern University, 1989; J.D., The Catholic University of America, Columbus School of Law, 1995

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2017-2018; Associate Editor, *Catholic University Law Review*

## Alan I. Ellman | Partner

Alan Ellman is a partner in the Firm's Melville office, where he concentrates his practice on prosecuting complex securities fraud cases on behalf of institutional investors. Most recently, Ellman was on the team of Robbins Geller attorneys who obtained a \$34.5 million recovery in *Patel v. L-3 Communications Holdings, Inc.*, which represents a high percentage of damages that plaintiffs could reasonably expect to be recovered at trial and is more than eight times higher than the average settlement of cases with comparable investor losses. He was also on the team of attorneys who recovered in excess of \$34 million for investors in *In re OSG Sec. Litig.*, which represented an outsized recovery of 93% of bond purchasers' damages and 28% of stock purchasers' damages. The creatively structured settlement included more than \$15 million paid by a bankrupt entity.

Ellman was also on the team of Robbins Geller attorneys who achieved final approval in *Curran v. Freshpet, Inc.*, which provides for the payment of \$10.1 million for the benefit of eligible settlement class members. Additionally, he was on the team of attorneys who obtained final approval of a \$7.5 million recovery in *Plymouth County Retirement Association v. Advisory Board Company*. In 2006, Ellman received a Volunteer and Leadership Award from Housing Conservation Coordinators (HCC) for his *pro bono* service defending a client in Housing Court against a non-payment action, arguing an appeal before the Appellate Term, and staffing HCC's legal clinic. He also successfully appealed a *pro bono* client's criminal sentence before the Appellate Division.

## Education

B.S., B.A., State University of New York at Binghamton, 1999; J.D., Georgetown University Law Center, 2003

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2017-2020; Rising Star, *Super Lawyers Magazine*, 2014-2015; B.S., B.A., *Cum Laude*, State University of New York at Binghamton, 1999

## Jason A. Forge | Partner

Jason Forge is a partner in the Firm's San Diego office. He specializes in complex investigations, litigation, and trials. As a federal prosecutor and private practitioner, Forge has conducted and supervised scores of jury and bench trials in federal and state courts, including the month-long trial of a defense contractor who conspired with Congressman Randy "Duke" Cunningham in the largest bribery scheme in congressional history. He recently obtained approval of a \$160 million recovery in the first successful securities fraud case against Wal-Mart Stores, Inc. in *City of Pontiac General Employees' Retirement System v. Wal-Mart Stores, Inc.* In addition, Forge was a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial.

After the trial victory over Puma Biotechnology and Alan Auerbach, Forge joined a Robbins Geller litigation team that had defeated 12 motions for summary judgment against 40 defendants and was about to depose 17 experts in the home stretch to trial. Forge and the team used these depositions to disprove a truth-on-the-market argument that nine defense experts had embraced. Soon after the last of these expert depositions, the Robbins Geller team secured a \$1.025 billion settlement from American Realty Capital Properties and other defendants that included a record \$237 million contribution from individual defendants and represented more than twice the recovery rate obtained by several funds that had had



opted out of the class.

Forge was a key member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement refunds over 90% of the money thousands of students paid to “enroll” in Trump University. He represented the class on a *pro bono* basis. Forge has also successfully defeated motions to dismiss and obtained class certification against several prominent defendants, including the first federal RICO case against Scotts Miracle-Gro, which recently settled for up to \$85 million. He was a member of the litigation team that obtained a \$125 million settlement in *In re LendingClub Securities Litigation*, a settlement that ranks among the top ten largest securities recoveries ever in the Northern District of California.

In a case against another prominent defendant, Pfizer Inc., Forge led an investigation that uncovered key documents that Pfizer had not produced in discovery. Although fact discovery in the case had already closed, the district judge ruled that the documents had been improperly withheld and ordered that discovery be reopened, including reopening the depositions of Pfizer’s former CEO, CFO, and General Counsel. Less than six months after completing these depositions, Pfizer settled the case for \$400 million.

## Education

B.B.A., The University of Michigan Ross School of Business, 1990; J.D., The University of Michigan Law School, 1993

## Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2019-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Southern California Best Lawyer, *Best Lawyers*®, 2019-2021; Local Litigation Star, *Benchmark Litigation*, 2020; Plaintiffs’ Lawyer Trailblazer, *The National Law Journal*, 2018; Top 100 Lawyer, *Daily Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; Two-time recipient of one of Department of Justice’s highest awards: Director’s Award for Superior Performance by Litigation Team; numerous commendations from Federal Bureau of Investigation (including commendation from FBI Director Robert Mueller III), Internal Revenue Service, and Defense Criminal Investigative Service; J.D., *Magna Cum Laude*, Order of the Coif, The University of Michigan Law School, 1993; B.B.A., High Distinction, The University of Michigan Ross School of Business, 1990

## Paul J. Geller | Partner

Paul Geller, managing partner of the Firm's Boca Raton, Florida office, is a founding partner of the Firm, a member of its Executive and Management Committees, and head of the Firm's Consumer Practice Group. Geller's 27 years of litigation experience is broad, and he has handled cases in each of the Firm's practice areas. Notably, before devoting his practice to the representation of consumers and investors, he defended companies in high-stakes class action litigation, providing him an invaluable perspective. Geller has tried bench and jury trials on both the plaintiffs' and defendants' sides, and has argued before numerous state, federal, and appellate courts throughout the country.

Geller was recently selected to serve in a leadership position on behalf of governmental entities and other plaintiffs in the sprawling litigation concerning the nationwide prescription opioid epidemic. In reporting on the selection of the lawyers to lead the case, *The National Law Journal* reported that Geller and "[t]he team reads like a 'Who's Who' in mass torts." Geller was also part of the leadership team representing consumers in the massive *Volkswagen "Clean Diesel" Emissions* case. The San Francisco legal newspaper *The Recorder* labeled Geller and the group that was appointed in that case, which settled for more than \$17 billion, a "class action dream team."

Geller is also currently serving as Co-Lead Counsel in *In re EpiPen (Epinephrine Injection, USP) Mktg., Sales Pracs. & Antitrust Litig.*, a nationwide class action that alleges that pharmaceutical company Mylan N.V. and others engaged in anticompetitive and unfair business conduct in its sale and marketing of the EpiPen Auto-Injector device.

Some of Geller's other recent noteworthy successes include a \$650 million recovery in a cutting-edge class action in *In re Facebook Biometric Info. Privacy Litig.*, concerning Facebook's alleged privacy violations through its collection of users' biometric identifiers without informed consent; and a \$265 million recovery in a securities class action against Massey Energy in *In re Massey Energy Co. Sec. Litig.*, after Massey Energy was found accountable for a tragic explosion at the Upper Big Branch mine in Raleigh County, West Virginia. He also secured a \$146.25 million recovery against *Duke Energy in Nieman v. Duke Energy Corp.*, the largest recovery in North Carolina for a case involving securities fraud, and one of the 2017's largest recoveries in the Fourth Circuit.

## Education

B.S., University of Florida, 1990; J.D., Emory University School of Law, 1993

## Honors / Awards

Rated AV by Martindale-Hubbell; Fellow, Litigation Counsel of America (LCA) Proven Trial Lawyers; Best Lawyer in America, *Best Lawyers*®, 2017-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2007-2021; Leading Lawyer, *Chambers USA*, 2021; Leading Lawyer in America, *Lawdragon*, 2006-2007, 2009-2021; Florida Best Lawyer in America, *Best Lawyers*®, 2017-2021; One of "Florida's Most Effective Lawyers" in the Privacy category, American Law Media, 2020; Legend, *Lawdragon*, 2020; Recommended Lawyer, *The Legal 500*, 2016, 2019; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2018; Lawyer of the Year, *Best Lawyers*®, 2018; Attorney of the Month, *Attorney At Law*, 2017; Featured in "Lawyer Limelight" series, *Lawdragon*, 2017; Top Rated Lawyer, South Florida's Legal Leaders, *Miami Herald*, 2015; Litigation Star, *Benchmark Litigation*, 2013; "Legal Elite," *Florida Trend Magazine*; One of "Florida's Most Effective Lawyers," American Law Media; One of Florida's top lawyers in *South Florida Business Journal*; One of the Nation's Top "40 Under 40," *The National Law Journal*; One of Florida's Top Lawyers, *Law & Politics*; Editor, *Emory Law Journal*; Order of the Coif, Emory University School of Law

## John H. George | Partner

John George is a partner in the Firm's San Francisco office, where his practice focuses on complex securities class actions. George served as lead counsel in *In re Facebook Biometric Info. Privacy Litig.*, a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of users' biometric identifiers without informed consent that resulted in a \$650 million settlement.

George and a team of Robbins Geller attorneys recently obtained a \$62.5 million settlement in *Villella v. Chemical and Mining Company of Chile Inc.*, a securities class action against a Chilean mining company. The case alleged that Sociedad Química y Minera de Chile S.A. ("SQM") violated the Securities Exchange Act of 1934 by issuing materially false and misleading statements regarding the Company's failure to disclose that money from SQM was channeled illegally to electoral campaigns for Chilean politicians and political parties as far back as 2009. SQM had also filed millions of dollars' worth of fictitious tax receipts with Chilean authorities in order to conceal bribery payments from at least 2009 through fiscal 2014. Due to the company being based out of Chile and subject to Chilean law and rules, George and the Robbins Geller litigation team put together a multilingual litigation team with Chilean expertise.

Prior to joining the Firm, George served as a law clerk to the Honorable Marilyn L. Huff of the United States District Court for the Southern District of California. He earned his Bachelor of Arts degree in psychology from the University of San Francisco. George earned his Juris Doctor degree, *summa cum laude*, from the University of San Diego School of Law. He was Valedictorian of his law school class and received 12 awards for having the highest grade in individual classes. During law school, George served as a judicial extern to Judge Huff and the Honorable M. Margaret McKeown of the Ninth Circuit Court of Appeals.

## Education

B.A., University of San Francisco, 2008; J.D., University of San Diego School of Law, 2013

## Honors / Awards

Valedictorian, University of San Diego School of Law, 2013; J.D., *Summa Cum Laude*, University of San Diego School of Law, 2013

## Robert D. Gerson | Partner

Robert Gerson is a partner in the Firm's Melville office, where he practices securities fraud litigation and other complex matters. Before joining Robbins Geller, Gerson was associated with a prominent plaintiffs' class action firm, where he represented institutional investors in numerous securities fraud class actions, as well as "opt out" litigations. Gerson is a member of the Committee on Securities Litigation of the Bar Association of the City of New York. He is admitted to practice before the courts of the State of New York, as well as the United States Courts of Appeals for the Second and Eighth Circuits, and the United States District Courts for the Southern and Eastern Districts of New York.

### Education

B.A., University of Maryland, 2006; J.D., New York Law School, 2009

### Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2020

## Jonah H. Goldstein | Partner

Jonah Goldstein is a partner in the Firm's San Diego office and is responsible for prosecuting complex securities cases and obtaining recoveries for investors. He also represents corporate whistleblowers who report violations of the securities laws. Goldstein has achieved significant settlements on behalf of investors including in *In re HealthSouth Sec. Litig.* (over \$670 million recovered against HealthSouth, UBS and Ernst & Young), *In re Cisco Sec. Litig.* (approximately \$100 million), and *Marcus v. J.C. Penney Company, Inc.* (\$97.5 million recovery). Goldstein also served on the Firm's trial team in *In re AT&T Corp. Sec. Litig.*, MDL No. 1399 (D.N.J.), which settled after two weeks of trial for \$100 million, and aided in the \$65 million recovery in *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.*, the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade. Most recently, he was part of the litigation team in *Luna v. Marvell Tech. Grp., Ltd.*, resulting in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors. Before joining the Firm, Goldstein served as a law clerk for the Honorable William H. Erickson on the Colorado Supreme Court and as an Assistant United States Attorney for the Southern District of California, where he tried numerous cases and briefed and argued appeals before the Ninth Circuit Court of Appeals.

### Education

B.A., Duke University, 1991; J.D., University of Denver College of Law, 1995

### Honors / Awards

Recommended Lawyer, *The Legal 500*, 2018-2019; Comments Editor, *University of Denver Law Review*, University of Denver College of Law

## Benny C. Goodman III | Partner

Benny Goodman is a partner in the Firm's San Diego office. He primarily represents plaintiffs in shareholder actions on behalf of aggrieved corporations. Goodman has recovered hundreds of millions of dollars in shareholder derivative actions pending in state and federal courts across the nation. Most recently, he led a team of lawyers in litigation brought on behalf of Community Health Systems, Inc., resulting in a \$60 million payment to the company, the largest recovery in a shareholder derivative action in Tennessee and the Sixth Circuit, as well as best-in-class value-enhancing corporate governance reforms that included two shareholder-nominated directors to the Community Health Board of Directors.

Similarly, Goodman recovered a \$25 million payment to Lumber Liquidators and numerous corporate governance reforms, including a shareholder-nominated director, in *In re Lumber Liquidators Holdings, Inc. S'holder Derivative Litig.* In *In re Google Inc. S'holder Derivative Litig.*, Goodman achieved groundbreaking corporate governance reforms designed to mitigate regulatory and legal compliance risk associated with online pharmaceutical advertising, including among other things, the creation of a \$250 million fund to help combat rogue pharmacies from improperly selling drugs online.

## Education

B.S., Arizona State University, 1994; J.D., University of San Diego School of Law, 2000

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2018-2021; Recommended Lawyer, *The Legal 500*, 2017

## Elise J. Grace | Partner

Elise Grace is a partner in the San Diego office and counsels the Firm's institutional clients on options to secure premium recoveries in securities litigation both within the United States and internationally. Grace is a frequent lecturer and author on securities and accounting fraud, and develops annual MCLE and CPE accredited educational programs designed to train public fund representatives on practices to protect and maximize portfolio assets, create long-term portfolio value, and best fulfill fiduciary duties. Grace has routinely been named a Recommended Lawyer by *The Legal 500* and named a Leading Plaintiff Financial Lawyer by *Lawdragon*. Grace has prosecuted various significant securities fraud class actions, as well as the AOL Time Warner state and federal securities opt-out litigations, which resulted in a combined settlement of over \$629 million for defrauded investors. Before joining the Firm, Grace practiced at Clifford Chance, where she defended numerous Fortune 500 companies in securities class actions and complex business litigation.

## Education

B.A., University of California, Los Angeles, 1993; J.D., Pepperdine School of Law, 1999

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Recommended Lawyer, *The Legal 500*, 2016-2017; J.D., *Magna Cum Laude*, Pepperdine School of Law, 1999; American Jurisprudence Bancroft-Whitney Award – Civil Procedure, Evidence, and Dalsimer Moot Court Oral Argument; Dean's Academic Scholarship Recipient, Pepperdine School of Law; B.A., *Summa Cum Laude*, University of California, Los Angeles, 1993; B.A., *Phi Beta Kappa*, University of California, Los Angeles, 1993

## Tor Gronborg | Partner

Tor Gronborg is a partner in the Firm's San Diego office and a member of the Firm's Management Committee. He often lectures on topics such as the Federal Rules of Civil Procedure and electronic discovery. Gronborg has served as lead or co-lead counsel in numerous securities fraud cases that have collectively recovered nearly \$2 billion for investors. Most recently, Gronborg and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.

In addition to *Valeant*, Gronborg's work has included significant recoveries against corporations such as Cardinal Health (\$600 million), Motorola (\$200 million), Duke Energy (\$146.25 million), Sprint Nextel Corp. (\$131 million), Prison Realty (\$104 million), CIT Group (\$75 million), Wyeth (\$67.5 million), and Intercept Pharmaceuticals (\$55 million), to name a few. Gronborg was also a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, No. SACV15-0865 (C.D. Cal.), a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial. On three separate occasions, Gronborg's pleadings have been upheld by the federal Courts of Appeals (*Broudo v. Dura Pharms., Inc.*, 339 F.3d 933 (9th Cir. 2003), *rev'd on other grounds*, 544 U.S. 336 (2005); *In re Daou Sys.*, 411 F.3d 1006 (9th Cir. 2005); *Staehr v. Hartford Fin. Servs. Grp.*, 547 F.3d 406 (2d Cir. 2008)). He has also been responsible for a number of significant rulings, including *In re Sanofi-Aventis Sec. Litig.*, 293 F.R.D. 449 (S.D.N.Y. 2013); *Silverman v. Motorola, Inc.*, 798 F. Supp. 2d 954 (N.D. Ill. 2011); *Roth v. Aon Corp.*, 2008 U.S. Dist. LEXIS 18471 (N.D. Ill. 2008); *In re Cardinal Health, Inc. Sec. Litigs.*, 426 F. Supp. 2d 688 (S.D. Ohio 2006); and *In re Dura Pharms., Inc. Sec. Litig.*, 452 F. Supp. 2d 1005 (S.D. Cal. 2006).

## Education

B.A., University of California, Santa Barbara, 1991; Rotary International Scholar, University of Lancaster, U.K., 1992; J.D., University of California, Berkeley, 1995

## Honors / Awards

Best Lawyer in America, *Best Lawyers®*, 2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2013-2021; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2019; Moot Court Board Member, University of California, Berkeley; AFL-CIO history scholarship, University of California, Santa Barbara

## Ellen Gusikoff Stewart | Partner

Ellen Stewart is a partner in the Firm's San Diego office, and is a member of the Firm's Summer Associate Hiring Committee. She currently practices in the Firm's settlement department, negotiating and documenting complex securities, merger, ERISA, and derivative action settlements. Notable settlements include: *In re Facebook Biometric Info. Privacy Litig.* (N.D. Cal. 2021) (\$650 million); *KBC Asset Management v. 3D Systems Corp.* (D.S.C. 2018) (\$50 million); *Luna v. Marvell Tech. Grp.* (N.D. Cal. 2018) (\$72.5 million); *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.* (M.D. Tenn. 2015) (\$65 million); and *City of Sterling Heights Gen. Emps.' Ret. Sys v. Hospira, Inc.* (N.D. Ill. 2014) (\$60 million).

Stewart has served on the Federal Bar Association Ad Hoc Committee for the revisions to the Settlement Guidelines for the Northern District of California and was a contributor to the Guidelines and Best Practices – Implementing 2018 Amendments to Rule 23 Class Action Settlement Provisions manual of the Bolch Judicial Institute at the Duke University School of Law.

## Education

B.A., Muhlenberg College, 1986; J.D., Case Western Reserve University, 1989

## Honors / Awards

Rated Distinguished by Martindale-Hubbell



## Robert Henssler | Partner

Bobby Henssler is a partner in the Firm's San Diego office, where he focuses his practice on securities fraud and other complex civil litigation. He has obtained significant recoveries for investors in cases such as *Enron*, *Blackstone*, and *CIT Group*. Henssler is currently a key member of the team of attorneys prosecuting fraud claims against Goldman Sachs stemming from Goldman's conduct in subprime mortgage transactions (including "Abacus").

Most recently, Henssler and a team of Robbins Geller attorneys a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever.

Henssler was also lead counsel in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. Henssler also led the litigation teams in *Marcus v. J.C. Penney Company, Inc.* (\$97.5 million recovery), *Landmen Partners Inc. v. The Blackstone Group L.P.* (\$85 million recovery), *In re Novatel Wireless Sec. Litig.* (\$16 million recovery), *Carpenters Pension Trust Fund of St. Louis v. Barclays PLC* (\$14 million settlement), and *Kmiec v. Powerwave Technologies, Inc.* (\$8.2 million settlement), to name a few.

## Education

B.A., University of New Hampshire, 1997; J.D., University of San Diego School of Law, 2001

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2021; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; Recommended Lawyer, *The Legal 500*, 2018-2019

## Steven F. Hubachek | Partner

Steve Hubachek is a partner in the Firm's San Diego office. He is a member of the Firm's appellate group, where his practice concentrates on federal appeals. He has more than 25 years of appellate experience, has argued over 100 federal appeals, including 3 cases before the United States Supreme Court and 7 cases before en banc panels of the Ninth Circuit Court of Appeals. Prior to his work with the Firm, Hubachek joined Perkins Coie in Seattle, Washington, as an associate. He was admitted to the Washington State Bar in 1987 and was admitted to the California State Bar in 1990, practicing for many years with Federal Defenders of San Diego, Inc. He also had an active trial practice, including over 30 jury trials, and was Chief Appellate Attorney for Federal Defenders.

## Education

B.A., University of California, Berkeley, 1983; J.D., Hastings College of the Law, 1987

## Honors / Awards

AV rated by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2014-2021; Super Lawyer, *Super Lawyers Magazine*, 2007-2009, 2019-2021; Assistant Federal Public Defender of the Year, National Federal Public Defenders Association, 2011; Appellate Attorney of the Year, San Diego Criminal Defense Bar Association, 2011 (co-recipient); President's Award for Outstanding Volunteer Service, Mid City Little League, San Diego, 2011; E. Stanley Conant Award for exceptional and unselfish devotion to protecting the rights of the indigent accused, 2009 (joint recipient); *The Daily Transcript* Top Attorneys, 2007; J.D., *Cum Laude*, Order of the Coif, Thurston Honor Society, Hastings College of Law, 1987

## Maxwell R. Huffman | Partner

Maxwell Huffman is a partner in the Firm's San Diego office. He focuses his practice on representing institutional and individual investors in shareholder class and derivative actions in the context of mergers, acquisitions, recapitalizations, and other major corporate transactions. Huffman was a member of the litigation team for *In re Dole Food Co., Inc. S'holder Litig.*, where he went to trial in the Delaware Court of Chancery on claims of breach of fiduciary duty on behalf of Dole Food Co., Inc. shareholders and obtained a \$148 million recovery, which is the largest trial verdict ever in a class action challenging a merger transaction. Most recently, Huffman successfully obtained a partial settlement of \$60 million in *In re Tesla Motors, Inc. S'holder Litig.*, a case which alleged that the members of the Tesla Board of Directors breached their fiduciary duties, unjustly enriched themselves, and wasted corporate assets in connection with their approval of Tesla's acquisition of SolarCity Corp. in 2016.

Huffman is part of Robbins Geller's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. The rise in "blank check" financing poses unique risks to investors, and this group – comprised of experienced litigators, investigators, and forensic accountants – represents the vanguard of ensuring integrity, honesty, and justice in this rapidly developing investment arena.

## Education

B.A., California State University, Sacramento, 2005; J.D., Gonzaga University School of Law, 2009

## Honors / Awards

Top 40 Under 40, *Daily Journal*, 2020; Recommended Lawyer, *The Legal 500*, 2019; Winning Litigator, *The National Law Journal*, 2018; Titan of the Industry, *The American Lawyer*, 2018

## James I. Jaconette | Partner

James Jaconette is one of the founding partners of the Firm and is located in its San Diego office. He manages cases in the Firm's securities class action and shareholder derivative litigation practices. He has served as one of the lead counsel in securities cases with recoveries to individual and institutional investors totaling over \$8 billion. He also advises institutional investors, including hedge funds, pension funds, and financial institutions. Landmark securities actions in which he contributed in a primary litigating role include *In re Informix Corp. Sec. Litig.*, and *In re Dynegy Inc. Sec. Litig.* and *In re Enron Corp. Sec. Litig.*, where he represented lead plaintiff The Regents of the University of California. Most recently, Jaconette was part of the trial team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action.

## Education

B.A., San Diego State University, 1989; M.B.A., San Diego State University, 1992; J.D., University of California Hastings College of the Law, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; J.D., *Cum Laude*, University of California Hastings College of the Law, 1995; Associate Articles Editor, *Hastings Law Journal*, University of California Hastings College of the Law; B.A., with Honors and Distinction, San Diego State University, 1989

## Rachel L. Jensen | Partner

Rachel Jensen is a partner in the Firm's San Diego office. Jensen has developed a nearly 20-year track record of success in helping to craft impactful business reforms and recover billions of dollars on behalf of individuals, businesses, and government entities injured by unlawful business practices, fraudulent schemes, and hazardous products.

Jensen was one of the lead attorneys who secured a historic recovery on behalf of Trump University students nationwide in two class actions against President Donald J. Trump, which provided \$25 million and nearly 100% refunds to class members. Jensen represented the class on a *pro bono* basis. As a member of the Plaintiffs' Steering Committee in the Fiat Chrysler EcoDiesel litigation, Jensen helped obtain an \$840 million global settlement for concealed defeat devices in "EcoDiesel" SUVs and trucks. Jensen also represented drivers against Volkswagen in one of the most brazen corporate frauds in recent history, helping recover \$17 billion for emission cheating in "clean" diesel vehicles. Jensen also serves as one of the lead counsel for policyholders against certain Lloyd's of London syndicates for collusive practices in the insurance market. Most recently, Jensen's representation of California passengers in a landmark consumer and civil rights case against Greyhound for subjecting them to discriminatory immigration raids had an immediate impact as Greyhound now provides "know your rights" information to passengers and implemented other business reforms.

Among other recoveries, Jensen has played significant roles in *In re LendingClub Sec. Litig.*, No. 3:16-cv-02627-WHA (N.D. Cal.) (\$125 million settlement that ranks among the top ten largest securities recoveries ever in N.D. Cal.); *Negrete v. Allianz Life Ins. Co. of N. Am.*, No. CV056838CAS(MANx) (C.D. Cal.) (\$250 million to senior citizens targeted for exorbitant deferred annuities that would not mature in their lifetimes); *In re Ins. Brokerage Antitrust Litig.*, No. 04-5184(CCC) (D.N.J.) (\$200 million recovered for

policyholders who paid inflated premiums due to kickback scheme among major insurers and brokers); *In re Morning Song Bird Food Litig.*, No. 3:12-cv-01592-JAH-AGS (S.D. Cal.) (\$85 million settlement in refunds to bird lovers who purchased Scotts Miracle-Gro wild bird food treated with pesticides that are hazardous to birds); *City of Westland Police & Fire Ret. Sys. v. Stumpf*, No. 3:11-cv-02369-SI (N.D. Cal.) (\$67 million in homeowner down-payment assistance and credit counseling for cities hardest hit by the foreclosure crisis and computer integration for mortgage servicing segments in derivative settlement with Wells Fargo for “robo-signing” of foreclosure affidavits); *In re Mattel, Inc., Toy Lead Paint Prods. Liab. Litig.*, No. 2:07-ml-01897-DSF-AJW (C.D. Cal.) (\$50 million in refunds and quality assurance business reforms for toys made in China with lead and magnets); and *In re Checking Account Overdraft Litig.*, No. 1:09-md-2036-JLK (S.D. Fla.) (\$500 million in settlements with major banks for manipulating debit transactions to maximize overdraft fees).

## Education

B.A., Florida State University, 1997; University of Oxford, International Human Rights Law Program at New College, Summer 1998; J.D., Georgetown University Law School, 2000

## Honors / Awards

Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2016-2021; Leading Lawyer in America, *Lawdragon*, 2017-2021; Best Lawyer in Southern California: One to Watch, *Best Lawyers*®, 2021; Top Woman Lawyer, *Daily Journal*, 2017, 2020; California Trailblazer, *The Recorder*, 2019; Plaintiffs’ Lawyer Trailblazer, *The National Law Journal*, 2018; Rising Star, *Super Lawyers Magazine*, 2015; Nominated for 2011 Woman of the Year, *San Diego Magazine*; Editor-in-Chief, *First Annual Review of Gender and Sexuality Law*, Georgetown University Law School; Dean’s List 1998-1999; B.A., *Cum Laude*, Florida State University’s Honors Program, 1997; *Phi Beta Kappa*

## Steven M. Jodlowski | Partner

Steven Jodlowski is a partner in the Firm's San Diego office. His practice focuses on high-stakes complex litigation, often involving antitrust, securities, and consumer claims. In recent years, he has specialized in representing investors in a series of antitrust actions involving the manipulation of benchmark rates, including the *ISDAfix Benchmark* litigation, which to date resulted in the recovery of \$504.5 million on behalf of investors, and *In re SSA Bonds Antitrust Litig.*, which resulted in the recovery of \$95.5 million on behalf of investors. He is currently serving as interim co-lead class counsel in *Thompson v. 1-800 Contacts, Inc.*, where the court has granted preliminary approval of \$24.9 million in settlements. Jodlowski was also part of the trial team in an antitrust monopolization case against a multinational computer and software company.

Jodlowski has successfully prosecuted numerous antitrust and RICO cases. These cases resulted in the recovery of more than \$1 billion for investors and policyholders. Jodlowski has also represented institutional and individual shareholders in corporate takeover actions in state and federal court. He has handled pre- and post-merger litigation stemming from the acquisition of publicly listed companies in the biotechnology, oil and gas, information technology, specialty retail, electrical, banking, finance, and real estate industries, among others.

## Education

B.B.A., University of Central Oklahoma, 2002; J.D., California Western School of Law, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2019; Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; CAOC Consumer Attorney of the Year Award Finalist, 2015; J.D., *Cum Laude*, California Western School of Law, 2005

## Chad Johnson | Partner

Chad Johnson is a partner with nearly 30 years of experience handling complex securities cases and breach of fiduciary duty actions. Johnson's background includes significant time as a plaintiffs' lawyer, a securities-fraud prosecutor, and a defense lawyer. Johnson previously served as the head of New York's securities fraud unit referred to as the Investor Protection Bureau. In that role, he prosecuted cases that resulted in billions of dollars of recoveries for New Yorkers and helped make new law in the area of securities enforcement for the benefit of investors. Johnson's experience in that position included prosecuting Wall Street dark pool operators for their false statements to the investing public.

Johnson represents institutional and individual investors in securities and breach of fiduciary duty cases, including representing investors in direct or "opt-out" actions and also in class actions. Johnson represents some of the world's largest and most sophisticated asset managers, public pension funds, and sovereign wealth funds. Johnson also represents whistleblowers in false claims act or "*qui tam*" actions. Johnson's cases have resulted in some of the largest recoveries for shareholders on record. This includes *WorldCom* (which recovered more than \$6 billion for shareholders), *Wachovia* (which recovered \$627 million for shareholders), *Williams* (which recovered \$311 million for shareholders), and *Washington Mutual* (which recovered \$208 million for shareholders). Johnson also helped recover \$16.65 billion from Bank of America and \$13 billion from JP Morgan Chase on behalf of state and federal working groups focused on toxic residential mortgage-backed securities (RMBS) devised and sold by those banks. Johnson has tried cases in federal and state courts, in the Delaware Court of Chancery, and before arbitration tribunals in the United States and overseas. Johnson also advises clients about how best to enforce their rights as shareholders outside the United States.

## Education

B.A., University of Michigan, 1989; J.D., Harvard Law School, 1993

## Honors / Awards

J.D., *Cum Laude*, Harvard Law School, 1993; B.A., High Distinction, University of Michigan, 1989

## Evan J. Kaufman | Partner

Evan Kaufman is a partner in the Firm's Melville office. He focuses his practice in the area of complex litigation, including securities, ERISA, corporate fiduciary duty, derivative, and consumer fraud class actions. Kaufman has served as lead counsel or played a significant role in numerous actions, including: *In re TD Banknorth S'holders Litig.* (\$50 million recovery); *In re Gen. Elec. Co. ERISA Litig.* (\$40 million cost to GE, including significant improvements to GE's employee retirement plan, and benefits to GE plan participants valued in excess of \$100 million); *EnergySolutions, Inc. Sec. Litig.* (\$26 million recovery); *Lockheed Martin Corp. Sec. Litig.* (\$19.5 million recovery); *In re Warner Chilcott Ltd. Sec. Litig.* (\$16.5 million recovery); *In re Third Avenue Mgmt. Sec. Litig.* (\$14.25 million recovery); *In re Giant Interactive Grp., Inc. Sec. Litig.* (\$13 million recovery); *In re Royal Grp. Tech. Sec. Litig.* (\$9 million recovery); *Fidelity Ultra Short Bond Fund Litig.* (\$7.5 million recovery); *In re Audiovox Derivative Litig.* (\$6.75 million recovery and corporate governance reforms); *State Street Yield Plus Fund Litig.* (\$6.25 million recovery); *In re Merrill Lynch & Co., Inc., Internet Strategies Sec. Litig.* (resolved as part of a \$39 million global settlement); and *In re MONY Grp., Inc. S'holder Litig.* (obtained preliminary injunction requiring disclosures in proxy statement).

## Education

B.A., University of Michigan, 1992; J.D., Fordham University School of Law, 1995

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2013-2015, 2017-20120; Member, *Fordham International Law Journal*, Fordham University School of Law



## David A. Knotts | Partner

David Knotts is a partner in the Firm's San Diego office and, in addition to ongoing litigation work, teaches a full-semester course on M&A litigation at the University of California Berkeley School of Law. He focuses his practice on securities class action litigation in the context of mergers and acquisitions, representing both individual shareholders and institutional investors. Knotts has been counsel of record for shareholders on a number of significant recoveries in courts and throughout the country, including *In re Rural/Metro Corp. S'holders Litig.* (nearly \$110 million total recovery, affirmed by the Delaware Supreme Court in *RBC v. Jervis*), *In re Del Monte Foods Co. S'holders Litig.* (\$89.4 million), *Websense* (\$40 million), *In re Onyx S'holders Litig.* (\$30 million), and *Joy Global* (\$20 million). *Websense* and *Onyx* are both believed to be the largest post-merger class settlements in California state court history. When Knotts recently presented the settlement as lead counsel for the stockholders in *Joy Global*, the United States District Court for the Eastern District of Wisconsin noted that "this is a pretty extraordinary settlement, recovery on behalf of the members of the class. . . . [I]t's always a pleasure to work with people who are experienced and who know what they are doing."

Before joining Robbins Geller, Knotts was an associate at one of the largest law firms in the world and represented corporate clients in various aspects of state and federal litigation, including major antitrust matters, trade secret disputes, and unfair competition claims.

## Education

B.S., University of Pittsburgh, 2001; J.D., Cornell Law School, 2004

## Honors / Awards

Next Generation Partner, *The Legal 500*, 2019-2021; 40 & Under Hot List, *Benchmark Litigation*, 2018, 2020; Recommended Lawyer, *The Legal 500*, 2017-2019; Wiley W. Manuel Award for Pro Bono Legal Services, State Bar of California; Casa Cornelia Inns of Court; J.D., *Cum Laude*, Cornell Law School, 2004

## Laurie L. Largent | Partner

Laurie Largent is a partner in the Firm's San Diego, California office. Her practice focuses on securities class action and shareholder derivative litigation and she has helped recover millions of dollars for injured shareholders. Largent was part of the litigation team that obtained a \$265 million recovery in *In re Massey Energy Co. Sec. Litig.*, in which Massey was found accountable for a tragic explosion at the Upper Big Branch mine in Raleigh County, West Virginia. She also helped obtain \$67.5 million for Wyeth shareholders in *City of Livonia Emps.' Ret. Sys. v. Wyeth*, settling claims that the defendants misled investors about the safety and commercial viability of one of the company's leading drug candidates. Most recently, Largent was on the team that secured a \$64 million recovery for Dana Corp. shareholders in *Plumbers & Pipefitters Nat'l Pension Fund v. Burns*, in which the Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action. Some of Largent's other cases include: *In re Sanofi-Aventis Sec. Litig.* (S.D.N.Y.) (\$40 million); *In re Bridgepoint Educ., Inc. Sec. Litig.* (S.D. Cal.) (\$15.5 million); *Ross v. Abercrombie & Fitch Co.* (S.D. Ohio) (\$12 million); *Maiman v. Talbott* (C.D. Cal.) (\$8.25 million); *In re Cafepress Inc. S'holder Litig.* (Cal. Super. Ct., San Mateo Cnty.) (\$8 million); and *Krystek v. Ruby Tuesday, Inc.* (M.D. Tenn.) (\$5 million). Largent's current cases include securities fraud cases against Dell, Inc. (W.D. Tex.) and Banc of California (C.D. Cal.).

Largent is a past board member on the San Diego County Bar Foundation and the San Diego Volunteer Lawyer Program. She has also served as an Adjunct Business Law Professor at Southwestern College in Chula Vista, California.

## Education

B.B.A., University of Oklahoma, 1985; J.D., University of Tulsa, 1988

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Board Member, San Diego County Bar Foundation, 2013-2017; Board Member, San Diego Volunteer Lawyer Program, 2014-2017

## Angel P. Lau | Partner

Angel Lau is a partner in the Firm's San Diego office, where her practice focuses on complex securities litigation. She is a member of the litigation team prosecuting actions against investment banks and the leading national credit rating agencies for their role in structuring and rating structured investment vehicles. These cases are among the first to successfully allege fraud against the rating agencies, whose ratings have historically been protected by the First Amendment.

As part of the Firm's litigation team, Lau helped secure a \$388 million recovery for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.* The resulting settlement is, on a percentage basis, the largest recovery ever achieved in a class action brought on behalf of purchasers of RMBS. She was part of the litigation team that obtained a landmark \$272 million recovery from the Second Circuit Court of Appeals in its precedent-setting *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* decision, which dramatically expanded the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of mortgage-backed securities investors. Additionally, Lau also helped to obtain a landmark settlement, on the eve of trial, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the structured investment vehicles in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.* Before joining the Firm, Lau worked at an investment bank in New York, with experience in arbitrage trading and securitized products.

## Education

B.A., Stanford University, 1994; J.D., University of San Diego School of Law, 2012

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2020-2021

## Arthur C. Leahy | Partner

Art Leahy is a founding partner in the Firm's San Diego office and a member of the Firm's Executive and Management Committees. He has over 20 years of experience successfully litigating securities actions and derivative cases. Leahy has recovered well over two billion dollars for the Firm's clients and has negotiated comprehensive pro-investor corporate governance reforms at several large public companies. Most recently, Leahy helped secure a \$272 million recovery on behalf of mortgage-backed securities investors in *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* In the *Goldman Sachs* case, he helped achieve favorable decisions in the Second Circuit Court of Appeals on behalf of investors of Goldman Sachs mortgage-backed securities and again in the Supreme Court, which denied Goldman Sachs' petition for certiorari, or review, of the Second Circuit's reinstatement of the plaintiff's case. He was also part of the Firm's trial team in the AT&T securities litigation, which AT&T and its former officers paid \$100 million to settle after two weeks of trial. Prior to joining the Firm, he served as a judicial extern for the Honorable J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, and served as a judicial law clerk for the Honorable Alan C. Kay of the United States District Court for the District of Hawaii.

## Education

B.A., Point Loma Nazarene University, 1987; J.D., University of San Diego School of Law, 1990

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2016-2017; J.D., *Cum Laude*, University of San Diego School of Law, 1990; Managing Editor, *San Diego Law Review*, University of San Diego School of Law

## Nathan R. Lindell | Partner

Nate Lindell is a partner in the Firm's San Diego office, where his practice focuses on representing aggrieved investors in complex civil litigation. He has helped achieve numerous significant recoveries for investors, including: *In re Enron Corp. Sec. Litig.* (\$7.2 billion recovery); *In re HealthSouth Corp. Sec. Litig.* (\$671 million recovery); *Luther v. Countrywide Fin. Corp.* (\$500 million recovery); *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.* (\$388 million recovery); *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* (\$272 million recovery); *In re Morgan Stanley Mortg. Pass-Through Certificates Litig.* (\$95 million recovery); *Massachusetts Bricklayers & Masons Tr. Funds v. Deutsche Alt-A Sec., Inc.* (\$32.5 million recovery); *City of Ann Arbor Emps.' Ret. Sys. v. Citigroup Mortg. Loan Trust Inc.* (\$24.9 million recovery); *Plumbers' Union Local No. 12 Pension Fund v. Nomura Asset Acceptance Corp.* (\$21.2 million recovery); and *Genesee Cnty. Emps.' Ret. Sys. v. Thornburg Mortg., Inc.* (\$11.25 million recovery). In October 2016, Lindell successfully argued in front of the New York Supreme Court, Appellate Division, First Judicial Department, for the reversal of an earlier order granting defendants' motion to dismiss in *Phoenix Light SF Limited v. Morgan Stanley*.

Lindell was also a member of the litigation team responsible for securing a landmark victory from the Second Circuit Court of Appeals in its precedent-setting *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* decision, which dramatically expanded the scope of permissible class actions asserting claims under the Securities Act of 1933 on behalf of mortgage-backed securities investors, and ultimately resulted in a \$272 million recovery for investors.

## Education

B.S., Princeton University, 2003; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2017; Charles W. Caldwell Alumni Scholarship, University of San Diego School of Law; CALI/AmJur Award in Sports and the Law

## Ryan Llorens | Partner

Ryan Llorens is a partner in the Firm's San Diego office. Llorens' practice focuses on litigating complex securities fraud cases. He has worked on a number of securities cases that have resulted in significant recoveries for investors, including: *In re HealthSouth Corp. Sec. Litig.* (\$670 million); *AOL Time Warner* (\$629 million); *In re AT&T Corp. Sec. Litig.* (\$100 million); *In re Fleming Cos. Sec. Litig.* (\$95 million); and *In re Cooper Cos., Inc. Sec Litig.* (\$27 million).

## Education

B.A., Pitzer College, 1997; J.D., University of San Diego School of Law, 2002

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015

## Andrew S. Love | Partner

Andrew Love is a partner in the Firm's San Francisco office. His practice focuses primarily on appeals of securities fraud class action cases. Love has briefed and argued cases on behalf of defrauded investors and consumers in several U.S. Courts of Appeal, as well as in the California appellate courts. Prior to joining the Firm, Love represented inmates on California's death row in appellate and habeas corpus proceedings, successfully arguing capital cases in both the California Supreme Court and the Ninth Circuit. During his many years as a death penalty lawyer, he co-chaired the Capital Case Defense Seminar (2004-2013), recognized as the largest conference for death penalty practitioners in the country. He regularly presented at the seminar and at other conferences on a wide variety of topics geared towards effective appellate practice. Additionally, he was on the faculty of the National Institute for Trial Advocacy's Post-Conviction Skills Seminar. Love has also written several articles on appellate advocacy and capital punishment that have appeared in *The Daily Journal*, *CACJ Forum*, *American Constitution Society*, and other publications.

## Education

University of Vermont, 1981; J.D., University of San Francisco School of Law, 1985

## Honors / Awards

J.D., *Cum Laude*, University of San Francisco School of Law, 1985; McAuliffe Honor Society, University of San Francisco School of Law, 1982-1985

## Erik W. Luedeke | Partner

Erik Luedeke is a partner in the Firm's San Diego office, where he represents individual and institutional investors in shareholder derivative and securities litigation. As corporate fiduciaries, directors and officers are duty-bound to act in the best interest of the corporation and its shareholders. When they fail to do so they breach their fiduciary duty and may be held liable for harm caused to the corporation. Luedeke's shareholder derivative practice focuses on litigating breach of fiduciary duty and related claims on behalf of corporations and shareholders injured by wayward corporate fiduciaries. Notable shareholder derivative actions in which he recently participated and the recoveries he helped to achieve include *In re Community Health Sys., Inc. S'holder Derivative Litig.* (\$60 million in financial relief and unprecedented corporate governance reforms), *In re Lumber Liquidators Holdings, Inc. S'holder Derivative Litig.* (\$26 million in financial relief plus substantial governance), and *In re Google Inc. S'holder Derivative Litig.* (\$250 million in financial relief to fund substantial governance).

Luedeke's practice also includes the prosecution of complex securities class action cases on behalf of aggrieved investors. Luedeke was a member of the litigation team in *Jaffe v. Household Int'l, Inc.*, No. 02-C-5893 (N.D. Ill.), that resulted in a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial ending in a plaintiffs' verdict. He was also a member of the litigation teams in *In re UnitedHealth Grp. Inc. PSLRA Litig.*, No. 06-CV-1691 (D. Minn.) (\$925 million recovery), and *In re Questcor Pharms., Inc. Sec. Litig.*, No. 8:12-cv-01623 (C.D. Cal.) (\$38 million recovery).

## Education

B.S./B.A., University of California Santa Barbara, 2001; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2017; Student Comment Editor, *San Diego International Law Journal*, University of San Diego School of Law

## Christopher H. Lyons | Partner

Christopher Lyons is a partner in the Firm's Nashville office. He focuses his practice on representing institutional and individual investors in merger-related class action litigation and in complex securities litigation. Lyons has been a significant part of litigation teams that have achieved substantial recoveries for investors. Notable cases include *Good Technology* (\$52 million recovered for investors in a privately held technology company), *The Fresh Market (Morrison v. Berry)* (\$27.5 million recovered), *Calamos Asset Management* (\$22.4 million recovered), and *BancorpSouth* (\$13 million recovered). His *pro bono* work includes representing individuals who are appealing denial of necessary medical benefits by TennCare (Tennessee's Medicaid program), through the Tennessee Justice Center.

Before joining Robbins Geller, Lyons practiced at a prominent Delaware law firm, where he mostly represented officers and directors defending against breach of fiduciary duty claims in the Delaware Court of Chancery and in the Delaware Supreme Court. Before that, he clerked for Vice Chancellor J. Travis Laster of the Delaware Court of Chancery. Lyons now applies the expertise he gained from those experiences to help investors uncover wrongful conduct and recover the money and other remedies to which they are rightfully entitled.

## Education

B.A., Colorado College, 2006; J.D., Vanderbilt University Law School, 2010

## Honors / Awards

Best Lawyer in America: One to Watch, *Best Lawyers*®, 2022; 40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2018-2020; B.A., Distinction in International Political Economy, Colorado College, 2006; J.D., Law & Business Certificate, Vanderbilt University Law School, 2010



## Noam Mandel | Partner

Noam Mandel is a partner in the Firm's Manhattan office. Mandel has extensive experience in all aspects of litigation on behalf of investors, including securities law claims, corporate derivative actions, fiduciary breach class actions, and appraisal litigation. Mandel has represented investors in federal and state courts throughout the United States and has significant experience advising investors concerning their interests in litigation and investigating and prosecuting claims on their behalf.

Mandel has served as counsel in numerous outstanding securities litigation recoveries, including in *In re Nortel Networks Corporation Securities Litigation* (\$1.07 billion shareholder recovery), *Ohio Public Employees Retirement System v. Freddie Mac* (\$410 million shareholder recovery), and *In re Satyam Computer Services, Ltd. Securities Litigation* (\$150 million shareholder recovery). Mandel has also served as counsel in notable fiduciary breach class and derivative actions, particularly before the Court of Chancery of the State of Delaware. These actions include the groundbreaking fiduciary duty litigation challenging the CVS/Caremark merger (*Louisiana Municipal Police Employees' Retirement System v. Crawford*), which resulted in more than \$3.3 billion in additional consideration for Caremark shareholders. Mandel currently serves as counsel in *In re Dell Technologies Inc. Class V Stockholders Litigation*, which is presently before the Court of Chancery of the State of Delaware.

## Education

B.S., Georgetown University, School of Foreign Service, 1998; J.D., Boston University School of Law, 2002

## Honors / Awards

J.D., *Cum Laude*, Boston University School of Law, 2002; Member, *Boston University Law Review*, Boston University School of Law

## Carmen A. Medici | Partner

Carmen Medici is a partner in the Firm's San Diego office and focuses on complex antitrust class action litigation and unfair competition law. He represents businesses and consumers who are the victims of price-fixing, monopolization, collusion, and other anticompetitive and unfair business practices. Medici specializes in litigation against giants in the financial, pharmaceutical, and commodities industries.

Medici currently serves as co-lead counsel in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time. He is also a part of the co-lead counsel team in *In re SSA Bonds Antitrust Litig.*, pending in the Southern District of New York, representing bond purchasers who were defrauded by a brazen price-fixing scheme perpetrated by traders at some of the nation's largest banks. Medici is also a member of the litigation team in *In re Dealer Mgmt. Sys. Antitrust Litig.*, a lawsuit brought on behalf of car dealerships pending in federal court in Chicago, where one defendant has settled for nearly \$30 million.

## Education

B.S., Arizona State University, 2003; J.D., University of San Diego School of Law, 2006

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2021

## Mark T. Millkey | Partner

Mark Millkey is a partner in the Firm's Melville office. He has significant experience in the areas of securities and consumer litigation, as well as in federal and state court appeals.

During his career, Millkey has worked on a major consumer litigation against MetLife that resulted in a benefit to the class of approximately \$1.7 billion, as well as a securities class action against Royal Dutch/Shell that settled for a minimum cash benefit to the class of \$130 million and a contingent value of more than \$180 million. Since joining Robbins Geller, he has worked on securities class actions that have resulted in approximately \$300 million in settlements.

## Education

B.A., Yale University, 1981; M.A., University of Virginia, 1983; J.D., University of Virginia, 1987

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2013-2020

## David W. Mitchell | Partner

David Mitchell is a partner in the Firm's San Diego office and focuses his practice on antitrust and securities fraud litigation. He is a former federal prosecutor who has tried nearly 20 jury trials. As head of the Firm's Antitrust and Competition Law Practice Group, he has served as lead or co-lead counsel in numerous cases and has helped achieve substantial settlements for shareholders. His most notable antitrust cases include *Dahl v. Bain Cap. Partners, LLC*, obtaining more than \$590 million for shareholders, and *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Additionally, Mitchell served as co-lead counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining \$504.5 million for plaintiffs. Currently, Mitchell serves as court-appointed lead counsel in *In re Aluminum Warehousing Antitrust Litig., City of Providence, Rhode Island v. BATS Global Markets Inc., In re SSA Bonds Antitrust Litig., In re Remicade Antitrust Litig., and In re 1-800 Contacts Antitrust Litig.*

## Education

B.A., University of Richmond, 1995; J.D., University of San Diego School of Law, 1998

## Honors / Awards

Member, Enright Inn of Court; Best Lawyer in America, *Best Lawyers*®, 2018-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top 50 Lawyers in San Diego, *Super Lawyers Magazine*, 2021; Leading Lawyer in America, *Lawdragon*, 2020-2021; Southern California Best Lawyer, *Best Lawyers*®, 2018-2021; Super Lawyer, *Super Lawyers Magazine*, 2016-2021; Honoree, Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; Antitrust Trailblazer, *The National Law Journal*, 2015; "Best of the Bar," *San Diego Business Journal*, 2014

## Maureen E. Mueller | Partner

Maureen Mueller is a partner in the Firm's Boca Raton office, where her practice focuses on complex securities litigation. Mueller has helped recover more than \$3 billion for investors. She was a member of the Firm's trial team in *Jaffe v. Household Int'l, Inc.*, No. 02-C-05893 (N.D. Ill.), a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. She was also a member of the team of attorneys responsible for recovering a record-breaking \$925 million for investors in the *UnitedHealth* litigation, *In re UnitedHealth Grp. Inc. PSLRA Litig.*, No. 06-CV-1216 (JMR/FLN) (D. Minn.), and served as co-lead counsel in *In re Wachovia Preferred Securities and Bond/Notes Litig.*, No. 09 Civ. 6351 (RJS) (S.D.N.Y.), which recovered \$627 million. More recently, Mueller was on the Robbins Geller team that secured a \$30 million settlement in *In re ADT Inc. S'holder Litig.*, No. 502018CA003494XXXXMB-AG (Fla. Cir. Ct., 15th Jud. Cir.), a securities class action arising out of the company's violations the Securities Act of 1933. She was also a member of the team of attorneys that recovered \$13 million in *Burges v. BancorpSouth, Inc.*, No. 3:14-cv-01564 (M.D. Tenn.), and represented investors in *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031-TSE-MSN (E.D. Va.), which recovered \$108 million for shareholders and is believed to be the fourth-largest securities class action settlement in the history of the Eastern District of Virginia.

## Education

B.S., Trinity University, 2002; J.D., University of San Diego School of Law, 2007

## Honors / Awards

Next Generation Partner, *The Legal 500*, 2018-2021; Recommended Lawyer, *The Legal 500*, 2017, 2019; Top Litigator Under 40, *Benchmark Litigation*, 2017; Top Women Lawyer, *Daily Journal*, 2017; Rising Star, *Super Lawyers Magazine*, 2015-2017; "Outstanding Young Attorneys," *San Diego Daily Transcript*, 2010; Lead Articles Editor, *San Diego Law Review*, University of San Diego School of Law

## Danielle S. Myers | Partner

Danielle Myers is a partner in the Firm's San Diego office and focuses her practice on complex securities litigation. Myers is one of the partners who oversees the Portfolio Monitoring Program® and provides legal recommendations to the Firm's institutional investor clients on their options to maximize recoveries in securities litigation, both within the United States and internationally, from inception to settlement. She is also part of Robbins Geller's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies.

Myers advises the Firm's clients in connection with lead plaintiff applications and has helped secure appointment of the Firm's clients as lead plaintiff and the Firm's appointment as lead counsel in hundreds of securities class actions, which cases have yielded more than \$4 billion for investors, including 2018-2021 recoveries in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, No. 3:15-cv-07658 (D.N.J.) (\$1.2 billion); *In re Am. Realty Cap. Proprs., Inc. Litig.*, No. 1:15-mc-00040 (S.D.N.Y.) (\$1.025 billion); *Smilovits v. First Solar, Inc.*, No. 2:12-cv-00555 (D. Ariz.) (\$350 million); *City of Pontiac Gen. Ret. Sys. v. Wal-Mart Stores, Inc.*, No. 5:12-cv-5162 (W.D. Ark.) (\$160 million); *Evellard v. LendingClub Corp.*, No. 3:16-cv-02627 (N.D. Cal.) (\$125 million); *Knurr v. Orbital ATK, Inc.*, No. 1:16-cv-01031 (E.D. Va.) (\$108 million); and *Marcus v. J.C. Penney Co., Inc.*, No. 6:13-cv-00736 (E.D. Tex.) (\$97.5 million). Myers is also a frequent lecturer on securities fraud and corporate governance reform at conferences and events around the world.

## Education

B.A., University of California at San Diego, 1997; J.D., University of San Diego, 2008

## Honors / Awards

Best Lawyer in America: One to Watch, *Best Lawyers*®, 2021-2022; Leading Lawyer, *The Legal 500*, 2020-2021; Best Lawyer in Southern California: One to Watch, *Best Lawyers*®, 2021; Future Star, *Benchmark Litigation*, 2019-2020; Next Generation Lawyer, *The Legal 500*, 2017-2019; Recommended Lawyer, *The Legal 500*, 2019; Rising Star, *Super Lawyers Magazine*, 2015-2018; One of the "Five Associates to Watch in 2012," *Daily Journal*; Member, *San Diego Law Review*; CALI Excellence Award in Statutory Interpretation

## Eric I. Niehaus | Partner

Eric Niehaus is a partner in the Firm's San Diego office, where his practice focuses on complex securities and derivative litigation. His efforts have resulted in numerous multi-million dollar recoveries to shareholders and extensive corporate governance changes. Recent examples include: *In re Deutsche Bank AG Sec. Litig.* (S.D.N.Y.); *In re NYSE Specialists Sec. Litig.* (S.D.N.Y.); *In re Novatel Wireless Sec. Litig.* (S.D. Cal.); *Batwin v. Occam Networks, Inc.* (C.D. Cal.); *Comm'ns Workers of Am. Plan for Emps.' Pensions and Death Benefits v. CSK Auto Corp.* (D. Ariz.); *Marie Raymond Revocable Tr. v. Mat Five* (Del. Ch.); and *Kelleher v. ADVO, Inc.* (D. Conn.). Niehaus is currently prosecuting cases against several financial institutions arising from their role in the collapse of the mortgage-backed securities market. Before joining the Firm, Niehaus worked as a Market Maker on the American Stock Exchange in New York and the Pacific Stock Exchange in San Francisco.

## Education

B.S., University of Southern California, 1999; J.D., California Western School of Law, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2016; J.D., *Cum Laude*, California Western School of Law, 2005; Member, *California Western Law Review*

## Brian O. O'Mara | Partner

Brian O'Mara is a partner in the Firm's San Diego office. His practice focuses on complex securities and antitrust litigation. Since 2003, O'Mara has served as lead or co-lead counsel in numerous shareholder and antitrust actions, including: *Bennett v. Sprint Nextel Corp.* (D. Kan.) (\$131 million recovery); *In re CIT Grp. Inc. Sec. Litig.* (S.D.N.Y.) (\$75 million recovery); *In re MGM Mirage Sec. Litig.* (D. Nev.) (\$75 million recovery); *C.D.T.S. No. 1 v. UBS AG* (S.D.N.Y.); *In re Aluminum Warehousing Antitrust Litig.* (S.D.N.Y.); and *Alaska Elec. Pension Fund v. Bank of Am. Corp.* (S.D.N.Y.). Most recently, O'Mara served as class counsel in the ISDAfix Benchmark action against 14 major banks and broker ICAP plc, obtaining \$504.5 million for plaintiffs.

O'Mara has been responsible for a number of significant rulings, including: *Alaska Elec. Pension Fund v. Bank of Am. Corp.*, 175 F. Supp. 3d 44 (S.D.N.Y. 2016); *Bennett v. Sprint Nextel Corp.*, 298 F.R.D. 498 (D. Kan. 2014); *In re MGM Mirage Sec. Litig.*, 2013 U.S. Dist. LEXIS 139356 (D. Nev. 2013); *In re Constar Int'l, Inc. Sec. Litig.*, 2008 U.S. Dist. LEXIS 16966 (E.D. Pa. 2008), *aff'd*, 585 F.3d 774 (3d Cir. 2009); *In re Direct Gen. Corp. Sec. Litig.*, 2006 U.S. Dist. LEXIS 56128 (M.D. Tenn. 2006); and *In re Dura Pharms., Inc. Sec. Litig.*, 452 F. Supp. 2d 1005 (S.D. Cal. 2006). Prior to joining the Firm, he served as law clerk to the Honorable Jerome M. Polaha of the Second Judicial District Court of the State of Nevada.

## Education

B.A., University of Kansas, 1997; J.D., DePaul University, College of Law, 2002

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2016-2021; Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; CALI Excellence Award in Securities Regulation, DePaul University, College of Law

## Lucas F. Olts | Partner

Luke Olts is a partner in the Firm's San Diego office, where his practice focuses on securities litigation on behalf of individual and institutional investors. Olts recently served as lead counsel in *In re Facebook Biometric Info. Privacy Litig.*, a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of users' biometric identifiers without informed consent that resulted in a \$650 million settlement. Olts has focused on litigation related to residential mortgage-backed securities, and has served as lead counsel or co-lead counsel in some of the largest recoveries arising from the collapse of the mortgage market. For example, he was a member of the team that recovered \$388 million for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.*, and a member of the litigation team responsible for securing a \$272 million settlement on behalf of mortgage-backed securities investors in *NECA-IBEW Health & Welfare Fund v. Goldman Sachs & Co.* Olts also served as co-lead counsel in *In re Wachovia Preferred Sec. & Bond/Notes Litig.*, which recovered \$627 million under the Securities Act of 1933. He also served as lead counsel in *Siracusano v. Matrixx Initiatives, Inc.*, in which the U.S. Supreme Court unanimously affirmed the decision of the Ninth Circuit that plaintiffs stated a claim for securities fraud under §10(b) of the Securities Exchange Act of 1934 and SEC Rule 10b-5. Olts also served on the litigation team in *In re Deutsche Bank AG Sec. Litig.*, in which the Firm obtained a \$18.5 million settlement in a case against Deutsche Bank and certain of its officers alleging violations of the Securities Act of 1933. Before joining the Firm, Olts served as a Deputy District Attorney for the County of Sacramento, where he tried numerous cases to verdict, including crimes of domestic violence, child abuse, and sexual assault.

## Education

B.A., University of California, Santa Barbara, 2001; J.D., University of San Diego School of Law, 2004

## Honors / Awards

Future Star, *Benchmark Litigation*, 2018-2020; Next Generation Lawyer, *The Legal 500*, 2017; Top Litigator Under 40, *Benchmark Litigation*, 2017; Under 40 Hotlist, *Benchmark Litigation*, 2016

## Steven W. Pepich | Partner

Steve Pepich is a partner in the Firm's San Diego office. His practice has focused primarily on securities class action litigation, but has also included a wide variety of complex civil cases, including representing plaintiffs in mass tort, royalty, civil rights, human rights, ERISA, and employment law actions. Pepich has participated in the successful prosecution of numerous securities class actions, including: *Carpenters Health & Welfare Fund v. Coca-Cola Co.* (\$137.5 million recovery); *In re Fleming Cos. Inc. Sec. & Derivative Litig.* (\$95 million recovered); *In re Boeing Sec. Litig.* (\$92 million recovery); *In re Louisiana-Pacific Corp. Sec. Litig.* (\$65 million recovery); *Haw. Structural Ironworkers Pension Trust Fund v. Calpine Corp.* (\$43 million recovery); *In re Advanced Micro Devices Sec. Litig.* (\$34 million recovery); and *Gohler v. Wood*, (\$17.2 million recovery). Pepich was a member of the plaintiffs' trial team in *Mynaf v. Taco Bell Corp.*, which settled after two months of trial on terms favorable to two plaintiff classes of restaurant workers for recovery of unpaid wages. He was also a member of the plaintiffs' trial team in *Newman v. Stringfellow* where, after a nine-month trial in Riverside, California, all claims for exposure to toxic chemicals were ultimately resolved for \$109 million.

## Education

B.S., Utah State University, 1980; J.D., DePaul University, 1983

## Daniel J. Pfefferbaum | Partner

Daniel Pfefferbaum is a partner in the Firm's San Francisco office, where his practice focuses on complex securities litigation. He has been a member of litigation teams that have recovered more than \$100 million for investors, including: *Garden City Emps.' Ret. Sys. v. Psychiatric Sols., Inc.* (\$65 million recovery); *In re PMI Grp., Inc. Sec. Litig.* (\$31.25 million recovery); *Cunha v. Hansen Natural Corp.* (\$16.25 million recovery); *In re Accuray Inc. Sec. Litig.* (\$13.5 million recovery); and *Twinde v. Threshold Pharms., Inc.* (\$10 million recovery). Pfefferbaum was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members are eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis.

## Education

B.A., Pomona College, 2002; J.D., University of San Francisco School of Law, 2006; LL.M. in Taxation, New York University School of Law, 2007

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2016-2020; Future Star, *Benchmark Litigation*, 2018-2020; Top 40 Under 40, *Daily Journal*, 2017; Rising Star, *Super Lawyers Magazine*, 2013-2017



## Theodore J. Pintaer | Partner

Ted Pintaer is a partner in the Firm's San Diego office. Pintaer has over 20 years of experience prosecuting securities fraud actions and derivative actions and over 15 years of experience prosecuting insurance-related consumer class actions, with recoveries in excess of \$1 billion. He was part of the litigation team in the AOL Time Warner state and federal court securities opt-out actions, which arose from the 2001 merger of America Online and Time Warner. These cases resulted in a global settlement of \$618 million. Pintaer was also on the trial team in *Knapp v. Gomez*, which resulted in a plaintiff's verdict. Pintaer has successfully prosecuted several RICO cases involving the deceptive sale of deferred annuities, including cases against Allianz Life Insurance Company of North America (\$250 million), American Equity Investment Life Insurance Company (\$129 million), Midland National Life Insurance Company (\$80 million), and Fidelity & Guarantee Life Insurance Company (\$53 million). He has participated in the successful prosecution of numerous other insurance and consumer class actions, including: (i) actions against major life insurance companies such as Manufacturer's Life (\$555 million initial estimated settlement value) and Principal Mutual Life Insurance Company (\$380+ million), involving the deceptive sale of life insurance; (ii) actions against major homeowners insurance companies such as Allstate (\$50 million) and Prudential Property and Casualty Co. (\$7 million); (iii) actions against automobile insurance companies such as the Auto Club and GEICO; and (iv) actions against Columbia House (\$55 million) and BMG Direct, direct marketers of CDs and cassettes. Pintaer and co-counsel recently settled a securities class action for \$32.8 million against Snap, Inc. in *Snap Inc. Securities Cases*, a case alleging violations of the Securities Act of 1933. Additionally, Pintaer has served as a panelist for numerous Continuing Legal Education seminars on federal and state court practice and procedure.

## Education

B.A., University of California, Berkeley, 1984; J.D., University of Utah College of Law, 1987

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2017; CAOC Consumer Attorney of the Year Award Finalist, 2015; Note and Comment Editor, *Journal of Contemporary Law*, University of Utah College of Law; Note and Comment Editor, *Journal of Energy Law and Policy*, University of Utah College of Law

## Ashley M. Price | Partner

Ashley Price is a partner in the Firm's San Diego office. Her practice focuses on complex securities litigation. Price served as lead counsel in *In re Am. Realty Cap. Proprs., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history.

Most recently, Price was a key member of the Robbins Geller litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant.

### Education

B.A., Duke University, 2006; J.D., Washington University in St. Louis, School of Law, 2011

### Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2016-2021

## Willow E. Radcliffe | Partner

Willow Radcliffe is a partner in the Firm's San Francisco office, where she concentrates her practice in securities class action litigation in federal court. She has been significantly involved in the prosecution of numerous securities fraud claims, including actions filed against Pfizer, Inc. (\$400 million recovery), Flowserve Corp. (\$55 million recovery), Santander Consumer USA Holdings Inc. (\$47 million), NorthWestern Corp. (\$40 million recovery), Ashworth, Inc. (\$15.25 million recovery), and Allscripts Healthcare Solutions, Inc. (\$9.75 million recovery). Additionally, Radcliffe has represented plaintiffs in other complex actions, including a class action against a major bank regarding the adequacy of disclosures made to consumers in California related to access checks. Before joining the Firm, she clerked for the Honorable Maria-Elena James, Magistrate Judge for the United States District Court for the Northern District of California.

### Education

B.A., University of California, Los Angeles 1994; J.D., Seton Hall University School of Law, 1998

### Honors / Awards

Best Lawyer in America: One to Watch, *Best Lawyers®*, 2021-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Best Lawyer in Northern California: One to Watch, *Best Lawyers®*, 2021; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; J.D., *Cum Laude*, Seton Hall University School of Law, 1998; Most Outstanding Clinician Award; Constitutional Law Scholar Award

## Jack Reise | Partner

Jack Reise is a partner in the Firm's Boca Raton office. Devoted to protecting the rights of those who have been harmed by corporate misconduct, his practice focuses on class action litigation (including securities fraud, shareholder derivative actions, consumer protection, antitrust, and unfair and deceptive insurance practices). Reise also dedicates a substantial portion of his practice to representing shareholders in actions brought under the federal securities laws. He is currently serving as lead counsel in more than a dozen cases nationwide. Most recently, Reise and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.* (D.N.J.), a case that *Vanity Fair* reported as “the corporate scandal of its era” that had raised “fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations.” This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever. As lead counsel, Reise has also represented investors in a series of cases involving mutual funds charged with improperly valuing their net assets, which settled for a total of more than \$50 million. Other notable actions include: *In re NewPower Holdings, Inc. Sec. Litig.* (S.D.N.Y.) (\$41 million settlement); *In re ADT Inc. S'holder Litig.* (Fla. Cir. Ct., 15th Jud. Cir.) (\$30 million settlement); *In re Red Hat, Inc. Sec. Litig.* (E.D.N.C.) (\$20 million settlement); and *In re AFC Enters., Inc. Sec. Litig.* (N.D. Ga.) (\$17.2 million settlement).

## Education

B.A., Binghamton University, 1992; J.D., University of Miami School of Law, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; American Jurisprudence Book Award in Contracts; J.D., *Cum Laude*, University of Miami School of Law, 1995; *University of Miami Inter-American Law Review*, University of Miami School of Law

## Frank A. Richter | Partner

Frank Richter is a partner in the Firm's Chicago office, where he focuses on shareholder, antitrust, and class action litigation. Richter has been part of litigation teams that have recovered hundreds of millions of dollars on behalf of shareholders, including in *Valeant Pharmaceuticals* (\$1.21 billion, D.N.J.), *HCA* (\$215 million, E.D. Tenn.), *Sprint* (\$131 million, D. Kan.), and *Dana Corp.* (\$64 million, N.D. Ohio). Most recently, Richter worked on the litigation team that secured a \$108 million settlement from Orbital ATK, Inc. (now Northrop Grumman Corporation), which is believed to be the fourth-largest securities class action settlement in the history of the Eastern District of Virginia. In addition to shareholder litigation, Richter also works on antitrust matters and was recently appointed to the Plaintiffs' Steering Committee in *In re Dealer Management Systems Antitrust Litigation* (N.D. Ill.).

## Education

B.A., Truman State University, 2007; M.M., DePaul University School of Music, 2009; J.D., DePaul University College of Law, 2012

## Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2017-2021; J.D., *Summa Cum Laude*, Order of the Coif, CALI Award for highest grade in seven courses, DePaul University College of Law, 2012

## Darren J. Robbins | Partner

Darren Robbins is a founding partner of Robbins Geller Rudman & Dowd LLP. Over the last two decades, Robbins has served as lead counsel in more than 100 securities class actions and has recovered billions of dollars for investors. Robbins recently served as lead counsel in *In re Am. Realty Cap. Proprs., Inc. Litig.*, a securities class action arising out of improper accounting practices, recovering more than \$1 billion for class members. The *American Realty* settlement represents the largest recovery as a percentage of damages of any major class action brought pursuant to the Private Securities Litigation Reform Act of 1995 and resolved prior to trial. The \$1+ billion settlement included the largest personal contributions (\$237.5 million) ever made by individual defendants to a securities class action settlement.

Robbins also led Robbins Geller's prosecution of wrongdoing related to the sale of residential mortgage-backed securities (RMBS) prior to the global financial crisis, including an RMBS securities class action against Goldman Sachs that yielded a \$272 million recovery for investors. Robbins served as co-lead counsel in connection with a \$627 million recovery for investors in *In re Wachovia Preferred Securities & Bond/Notes Litig.*, one of the largest securities class action settlements ever involving claims brought solely under the Securities Act of 1933.

One of the hallmarks of Robbins' practice has been his focus on corporate governance reform. In *UnitedHealth*, a securities fraud class action arising out of an options backdating scandal, Robbins represented lead plaintiff CalPERS and obtained the cancellation of more than 3.6 million stock options held by the company's former CEO and secured a record \$925 million cash recovery for shareholders. He also negotiated sweeping corporate governance reforms, including the election of a shareholder-nominated director to the company's board of directors, a mandatory holding period for shares acquired via option exercise, and compensation reforms that tied executive pay to performance. Recently, Robbins led a shareholder derivative action brought by several pension funds on behalf of Community Health Systems, Inc. that yielded a \$60 million payment to Community Health as well as corporate governance reforms that included two shareholder-nominated directors, the creation and appointment of a Healthcare Law Compliance Coordinator, the implementation of an executive compensation clawback in the event of a restatement, the establishment of an insider trading controls committee, and the adoption of a political expenditure disclosure policy.

## Education

B.S., University of Southern California, 1990; M.A., University of Southern California, 1990; J.D., Vanderbilt Law School, 1993

## Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2010-2022; Leading Lawyer, *The Legal 500*, 2020-2021; Leading Lawyer, *Chambers USA*, 2014-2021; Top 50 Lawyers in San Diego, *Super Lawyers Magazine*, 2015, 2021; Litigator of the Week, *The American Lawyer*, 2021; Southern California Best Lawyer, *Best Lawyers*®, 2012-2021; Local Litigation Star, *Benchmark Litigation*, 2013-2018, 2020; Recommended Lawyer, *The Legal 500*, 2011, 2017, 2019; Benchmark California Star, *Benchmark Litigation*, 2019; State Litigation Star, *Benchmark Litigation*, 2019; Lawyer of the Year, *Best Lawyers*®, 2017; Influential Business Leader, *San Diego Business Journal*, 2017; Litigator of the Year, *Our City San Diego*, 2017; One of the Top 100 Lawyers Shaping the Future, *Daily Journal*; One of the "Young Litigators 45 and Under," *The American Lawyer*; Attorney of the Year, *California Lawyer*; Managing Editor, *Vanderbilt Journal of Transnational Law*, Vanderbilt Law School

## Robert J. Robbins | Partner

Robert Robbins is a partner in the Firm's Boca Raton office. He focuses his practice on investigating securities fraud, initiating securities class actions, and helping institutional and individual shareholders litigate their claims to recover investment losses caused by fraud. Representing shareholders in all aspects of class actions brought pursuant to the federal securities laws, Robbins provides counsel in numerous securities fraud class actions across the country, helping secure significant recoveries for investors. Most recently, Robbins and a team of Robbins Geller attorneys obtained a \$1.21 billion settlement in *In re Valeant Pharms. Int'l, Inc. Sec. Litig.*, a case that *Vanity Fair* reported as "the corporate scandal of its era" that had raised "fundamental questions about the functioning of our health-care system, the nature of modern markets, and the slippery slope of ethical rationalizations." This is the largest securities class action settlement against a pharmaceutical manufacturer and the ninth largest ever. Robbins has also been a key member of litigation teams responsible for the successful prosecution of many other securities class actions, including: *Hospira* (\$60 million recovery); *3D Systems* (\$50 million); *CVS Caremark* (\$48 million recovery); *Baxter International* (\$42.5 million recovery); *R.H. Donnelley* (\$25 million recovery); *Spiegel* (\$17.5 million recovery); *TECO Energy* (\$17.35 million recovery); *AFC Enterprises* (\$17.2 million recovery); *Accretive Health* (\$14 million recovery); *Lender Processing Services* (\$14 million recovery); *Imperial Holdings* (\$12 million recovery); *Mannatech* (\$11.5 million recovery); *Newpark Resources* (\$9.24 million recovery); *Gilead Sciences* (\$8.25 million recovery); *TCP International* (\$7.175 million recovery); *Cryo Cell International* (\$7 million recovery); *Gainsco* (\$4 million recovery); and *Body Central* (\$3.425 million recovery).

## Education

B.S., University of Florida, 1999; J.D., University of Florida College of Law, 2002

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Rising Star, *Super Lawyers Magazine*, 2015-2017; J.D., High Honors, University of Florida College of Law, 2002; Member, *Journal of Law and Public Policy*, University of Florida College of Law; Member, *Phi Delta Phi*, University of Florida College of Law; *Pro bono* certificate, Circuit Court of the Eighth Judicial Circuit of Florida; Order of the Coif

## Henry Rosen | Partner

Henry Rosen is a partner in the Firm's San Diego office, where he is a member of the Hiring Committee and the Technology Committee, the latter of which focuses on applications to digitally manage documents produced during litigation and internally generate research files. He has significant experience prosecuting every aspect of securities fraud class actions and has obtained more than \$1 billion on behalf of defrauded investors. Prominent cases include *In re Cardinal Health, Inc. Sec. Litig.*, in which Rosen recovered \$600 million for defrauded shareholders. This \$600 million settlement is the largest recovery ever in a securities fraud class action in the Sixth Circuit, and remains one of the largest settlements in the history of securities fraud litigation. Additional recoveries include: *Jones v. Pfizer Inc.* (\$400 million); *In re First Energy* (\$89.5 million); *In re CIT Grp. Inc. Sec. Litig.* (\$75 million); *Stanley v. Safeskin Corp.* (\$55 million); *In re Storage Tech. Corp. Sec. Litig.* (\$55 million); and *Rasner v. Sturm* (FirstWorld Communications) (\$25.9 million).

## Education

B.A., University of California, San Diego, 1984; J.D., University of Denver, 1988

## Honors / Awards

Editor-in-Chief, *University of Denver Law Review*, University of Denver

## David A. Rosenfeld | Partner

David Rosenfeld is a partner in the Firm's Melville office. He has focused his practice of law for more than 15 years in the areas of securities litigation and corporate takeover litigation. He has been appointed as lead counsel in dozens of securities fraud lawsuits and has successfully recovered hundreds of millions of dollars for defrauded shareholders. Rosenfeld works on all stages of litigation, including drafting pleadings, arguing motions, and negotiating settlements. Most recently, he was on the team of Robbins Geller attorneys who obtained a \$34.5 million recovery in *Patel v. L-3 Communications Holdings, Inc.*, which represents a high percentage of damages that plaintiffs could reasonably expect to be recovered at trial and is more than eight times higher than the average settlement of cases with comparable investor losses.

Additionally, Rosenfeld led the Robbins Geller team in recovering in excess of \$34 million for investors in Overseas Shipholding Group, which represented an outsized recovery of 93% of bond purchasers' damages and 28% of stock purchasers' damages. The creatively structured settlement included more than \$15 million paid by a bankrupt entity. Rosenfeld also led the effort that resulted in the recovery of nearly 90% of losses for investors in Austin Capital, a sub-feeder fund of Bernard Madoff. In connection with this lawsuit, Rosenfeld met with and interviewed Madoff in federal prison. Rosenfeld has also achieved remarkable recoveries against companies in the financial industry. In addition to recovering \$70 million for investors in Credit Suisse Group, and having been appointed lead counsel in the securities fraud lawsuit against First BanCorp (which provided shareholders with a \$74.25 million recovery), he recently settled claims against Barclays for \$14 million, or 20% of investors' damages, for statements made about its LIBOR practices.

## Education

B.S., Yeshiva University, 1996; J.D., Benjamin N. Cardozo School of Law, 1999

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2014-2020; Future Star, *Benchmark Litigation*, 2016-2020; Recommended Lawyer, *The Legal 500*, 2018; Rising Star, *Super Lawyers Magazine*, 2011-2013



## Robert M. Rothman | Partner

Robert Rothman is a partner in the Firm's Melville office and a member of the Firm's Management Committee. He has recovered well in excess of \$1 billion on behalf of victims of investment fraud, consumer fraud, and antitrust violations.

Recently, Rothman served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.* where he obtained a \$1.025 billion cash recovery on behalf of investors. Rothman and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages ever obtained in a major PSLRA case before trial and includes the largest personal contributions by individual defendants in history. Additionally, Rothman has recovered hundreds of millions of dollars for investors in cases against First Bancorp, Doral Financial, Popular, iStar, Autoliv, CVS Caremark, Fresh Pet, The Great Atlantic & Pacific Tea Company (A&P), NBTY, Spiegel, American Superconductor, Iconix Brand Group, Black Box, OSI Pharmaceuticals, Gravity, Caminus, Central European Distribution Corp., OneMain Holdings, The Children's Place, CNinsure, Covisint, FleetBoston Financial, Interstate Bakeries, Hibernia Foods, Jakks Pacific, Jarden, Portal Software, Ply Gem Holdings, Orion Energy, Tommy Hilfiger, TD Banknorth, Teletech, Unitek, Vicuron, Xerium, W Holding, and dozens of others.

Rothman also represents shareholders in connection with going-private transactions and tender offers. For example, in connection with a tender offer made by Citigroup, Rothman secured an increase of more than \$38 million over what was originally offered to shareholders. He also actively litigates consumer fraud cases, including a case alleging false advertising where the defendant agreed to a settlement valued in excess of \$67 million.

## Education

B.A., State University of New York at Binghamton, 1990; J.D., Hofstra University School of Law, 1993

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2011, 2013-2020; New York Trailblazer, *New York Law Journal*, 2020; Dean's Academic Scholarship Award, Hofstra University School of Law; J.D., with Distinction, Hofstra University School of Law, 1993; Member, *Hofstra Law Review*, Hofstra University School of Law

## Samuel H. Rudman | Partner

Sam Rudman is a founding member of the Firm, a member of the Firm's Executive and Management Committees, and manages the Firm's New York offices. His 26-year securities practice focuses on recognizing and investigating securities fraud, and initiating securities and shareholder class actions to vindicate shareholder rights and recover shareholder losses. Rudman is also part of the Firm's SPAC Task Force, which is dedicated to rooting out and prosecuting fraud on behalf of injured investors in special purpose acquisition companies. A former attorney with the SEC, Rudman has recovered hundreds of millions of dollars for shareholders, including a \$200 million recovery in *Motorola*, a \$129 million recovery in *Doral Financial*, an \$85 million recovery in *Blackstone*, a \$74 million recovery in *First BanCorp*, a \$65 million recovery in *Forest Labs*, a \$62.5 million recovery in *SQM*, a \$50 million recovery in *TD Banknorth*, a \$48 million recovery in *CVS Caremark*, a \$34.5 million recovery in *L-3 Communications Holdings*, a \$32.8 million recovery in *Snap, Inc.*, and a \$18.5 million recovery in *Deutsche Bank*.

## Education

B.A., Binghamton University, 1989; J.D., Brooklyn Law School, 1992

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Leading Lawyer, *Chambers USA*, 2014-2021; Leading Lawyer in America, *Lawdragon*, 2016-2021; Super Lawyer, *Super Lawyers Magazine*, 2007-2020; New York Trailblazer, *New York Law Journal*, 2020; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2020; National Practice Area Star, *Benchmark Litigation*, 2019-2020; Local Litigation Star, *Benchmark Litigation*, 2013-2020; Recommended Lawyer, *The Legal 500*, 2018-2019; Litigation Star, *Benchmark Litigation*, 2013, 2017-2019; Dean's Merit Scholar, Brooklyn Law School; Moot Court Honor Society, Brooklyn Law School; Member, *Brooklyn Journal of International Law*, Brooklyn Law School

## Joseph Russello | Partner

Joseph Russello is a partner in the Firm's Melville office. He began his career as a defense lawyer and now represents investors in securities class actions at the trial and appellate levels.

Rusello spearheaded the team that recovered \$85 million in litigation against The Blackstone Group, LLC, a case that yielded a landmark decision from the Second Circuit Court of Appeals on "materiality" in securities actions. *Litwin v. Blackstone Grp., L.P.*, 634 F.3d 706 (2d Cir. 2011). He also led the team responsible for partially defeating dismissal and achieving a \$50 million settlement in litigation against BHP Billiton, an Australia-based mining company accused of concealing safety issues at a Brazilian iron-ore dam. *In re BHP Billiton Ltd. Sec. Litig.*, 276 F. Supp. 3d 65 (S.D.N.Y. 2017).

Recently, Rusello was co-counsel in a lawsuit against Allied Nevada Gold Corporation, recovering \$14.5 million for investors after the Ninth Circuit Court of Appeals reversed two dismissal decisions. *In re Allied Nev. Gold Corp. Sec. Litig.*, 743 F. App'x 887 (9th Cir. 2018). He was also instrumental in obtaining a settlement and favorable appellate decision in litigation against SAIC, Inc., a defense contractor embroiled in a decade-long overbilling fraud against the City of New York. *Ind. Pub. Ret. Sys. v. SAIC, Inc.*, 818 F.3d 85 (2d Cir. 2016). Other notable recent decisions include: *In re Qudian Sec. Litig.*, 2020 WL 7061890 (N.Y. App. Div., 1st Dep't Dec. 3, 2020); *Kazi v. XP Inc.*, 2020 WL 4581569 (N.Y. Sup. Ct., N.Y. Cnty. Aug. 5, 2020); *In re Dentsply Sirona, Inc. S'holders Litig.*, 2019 WL 3526142 (N.Y. Sup. Ct., N.Y. Cnty. Aug. 2, 2019); and *In re PPDAl Grp. Sec. Litig.*, 2019 WL 2751278 (N.Y. Sup. Ct., N.Y. Cnty. July 1, 2019). Other notable settlements include: *NBTY, Inc.* (\$16 million); *LaBranche & Co., Inc.* (\$13 million); *The Children's Place Retail Stores, Inc.* (\$12 million); and *Prestige Brands Holdings, Inc.* (\$11 million).

## Education

B.A., Gettysburg College, 1998; J.D., Hofstra University School of Law, 2001

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2020; *Law360* Securities Editorial Advisory Board, 2017

## Scott H. Saham | Partner

Scott Saham is a partner in the Firm's San Diego office, where his practice focuses on complex securities litigation. He is licensed to practice law in both California and Michigan. Most recently, Saham was a member of the litigation team that obtained a \$125 million settlement in *In re LendingClub Sec. Litig.*, a settlement that ranks among the top ten largest securities recoveries ever in the Northern District of California. He was also part of the litigation teams in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee, and *Luna v. Marvell Tech. Grp., Ltd.*, which resulted in a \$72.5 million settlement that represents approximately 24% to 50% of the best estimate of classwide damages suffered by investors. He also served as lead counsel prosecuting the *Pharmacia* securities litigation in the District of New Jersey, which resulted in a \$164 million recovery. Additionally, Saham was lead counsel in the *In re Coca-Cola Sec. Litig.* in the Northern District of Georgia, which resulted in a \$137.5 million recovery after nearly eight years of litigation. He also obtained reversal from the California Court of Appeal of the trial court's initial dismissal of the landmark *Countrywide* mortgage-backed securities action. This decision is reported as *Luther v. Countrywide Fin. Corp.*, 195 Cal. App. 4th 789 (2011), and following this ruling that revived the action the case settled for \$500 million.

## Education

B.A., University of Michigan, 1992; J.D., University of Michigan Law School, 1995

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021

## Vincent M. Serra | Partner

Vincent Serra is a partner in the Firm's Melville office and focuses his practice on complex securities, antitrust, consumer, and employment litigation. His efforts have contributed to the recovery of over a billion dollars on behalf of aggrieved plaintiffs and class members. Notably, Serra has contributed to several significant antitrust recoveries, including *Dahl v. Bain Cap. Partners, LLC* (\$590.5 million recovery), an antitrust action against the world's largest and most powerful private equity firms alleging collusive practices in multi-billion dollar leveraged buyouts, and *In re Currency Conversion Fee Antitrust Litig.* (\$336 million recovery). He has investigated and assisted with the development and prosecution of several ongoing market manipulation cases, including *In re Barclays Liquidity Cross & High Frequency Trading Litig.* and *In re Treasuries Sec. Auction Antitrust Litig.*, among others.

Additionally, Serra was a member of the litigation team that obtained a \$22.75 million settlement fund on behalf of route drivers in an action asserting violations of federal and state overtime laws against Cintas Corp. He was also part of the successful trial team in *Lebrilla v. Farmers Grp., Inc.*, which involved Farmers' practice of using inferior imitation parts when repairing insureds' vehicles. Other notable cases include *Alaska Elec. Pension Fund v. Pharmacia Corp.* (\$164 million recovery) and *In re Priceline.com Sec. Litig.* (\$80 million recovery). Serra is currently litigating several actions against manufacturers and retailers for the improper marketing, sale and/or warranting of consumer products. He is also involved in the Firm's "lead plaintiff" practice, where he recently assisted in securing lead plaintiff roles on behalf of clients in securities fraud actions brought against Wells Fargo, Alta Mesa Resources, BRF S.A., and LJM Funds Management.

## Education

B.A., University of Delaware, 2001; J.D., California Western School of Law, 2005

## Honors / Awards

Wiley W. Manuel Award for Pro Bono Legal Services, State Bar of California

## Jessica T. Shinnfield | Partner

Jessica Shinnfield is a partner in the Firm's San Diego office. Currently, her practice focuses on initiating, investigating, and prosecuting securities fraud class actions. Shinnfield served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history. Shinnfield also served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

Shinnfield was also a member of the litigation team prosecuting actions against investment banks and leading national credit rating agencies for their roles in structuring and rating structured investment vehicles backed by toxic assets in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Incorporated* and *King County, Washington v. IKB Deutsche Industriebank AG*. These cases were among the first to successfully allege fraud against the rating agencies, whose ratings have traditionally been protected by the First Amendment. Shinnfield also litigated individual opt-out actions against AOL Time Warner – *Regents of the Univ. of Cal. v. Parsons* and *Ohio Pub. Emps. Ret. Sys. v. Parsons* (recovery more than \$600 million). Additionally, she litigated an action against Omnicare, in which she helped obtain a favorable ruling for plaintiffs from the United States Supreme Court. Shinnfield has also successfully appealed lower court decisions in the Second, Seventh, and Ninth Circuit Courts of Appeals.

## Education

B.A., University of California at Santa Barbara, 2001; J.D., University of San Diego School of Law, 2004

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Plaintiffs' Lawyers Trailblazer, *The National Law Journal*, 2021; Litigator of the Week, *The American Lawyer*, 2020; Rising Star, *Super Lawyers Magazine*, 2015-2019; 40 & Under Hot List, *Benchmark Litigation*, 2018-2019; B.A., *Phi Beta Kappa*, University of California at Santa Barbara, 2001

## Elizabeth A. Shonson | Partner

Elizabeth Shonson is a partner in the Firm's Boca Raton office. She concentrates her practice on representing investors in class actions brought pursuant to the federal securities laws. Shonson has litigated numerous securities fraud class actions nationwide, helping achieve significant recoveries for aggrieved investors. She was a member of the litigation teams responsible for recouping millions of dollars for defrauded investors, including: *In re Massey Energy Co. Sec. Litig.* (S.D. W.Va.) (\$265 million); *Nieman v. Duke Energy Corp.* (W.D.N.C.) (\$146.25 million recovery); *In re ADT Inc. S'holder Litig.* (Fla. Cir. Ct., 15th Jud. Cir.) (\$30 million settlement); *Eshe Fund v. Fifth Third Bancorp* (S.D. Ohio) (\$16 million); *City of St. Clair Shores Gen. Emps. Ret. Sys. v. Lender Processing Servs., Inc.* (M.D. Fla.) (\$14 million); and *In re Synovus Fin. Corp.* (N.D. Ga.) (\$11.75 million).

## Education

B.A., Syracuse University, 2001; J.D., University of Florida Levin College of Law, 2005

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2016-2019; J.D., *Cum Laude*, University of Florida Levin College of Law, 2005; Editor-in-Chief, *Journal of Technology Law & Policy*; Phi Delta Phi; B.A., with Honors, *Summa Cum Laude*, Syracuse University, 2001; Phi Beta Kappa

## Trig Smith | Partner

Trig Smith is a partner in the Firm's San Diego office where he focuses his practice on complex securities litigation. He has been involved in the prosecution of numerous securities class actions that have resulted in over a billion dollars in recoveries for investors. His cases have included: *In re Cardinal Health, Inc. Sec. Litig.* (\$600 million recovery); *Jones v. Pfizer Inc.* (\$400 million recovery); *Silverman v. Motorola, Inc.* (\$200 million recovery); and *City of Livonia Emps.' Ret. Sys. v. Wyeth* (\$67.5 million). Most recently, he was a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial.

## Education

B.S., University of Colorado, Denver, 1995; M.S., University of Colorado, Denver, 1997; J.D., Brooklyn Law School, 2000

## Honors / Awards

Member, *Brooklyn Journal of International Law*, Brooklyn Law School; CALI Excellence Award in Legal Writing, Brooklyn Law School

## Mark Solomon | Partner

Mark Solomon is a founding partner in the Firm's San Diego office and leads its international litigation practice. Over the last 27 years, he has regularly represented United States- and United Kingdom-based pension funds and asset managers in class and non-class securities litigation in federal and state courts throughout the United States. He has been admitted to the Bars of England and Wales (Barrister), Ohio, and California, but now practices exclusively in California, as well as in various United States federal district and appellate courts.

Solomon has spearheaded the prosecution of many significant securities fraud cases. He has obtained multi-hundred million dollar recoveries for plaintiffs in pre-trial settlements and significant corporate governance reforms designed to limit recidivism and promote appropriate standards. He litigated, through the rare event of trial, the securities class action against Helionetics Inc. and its executives, where he won a \$15.4 million federal jury verdict. Prior to the most recent financial crisis, he was instrumental in obtaining some of the first mega-recoveries in the field in California and Texas, serving as co-lead counsel in *In re Informix Corp. Sec. Litig.* (N.D. Cal.) and recovering \$131 million for Informix investors; and serving as co-lead counsel in *Schwartz v. TXU Corp.* (N.D. Tex.), where he helped obtain a recovery of over \$149 million for a class of purchasers of TXU securities. Solomon is currently counsel to a number of pension funds serving as lead plaintiffs in cases throughout the United States. For instance, Solomon represented the Norfolk County Council, as Administering Authority of the Norfolk Pension Fund, in *Hsu v. Puma Biotechnology, Inc.* where, after three weeks of trial, the Fund obtained a jury verdict in favor of the class against the company and its CEO. He also represented the British Coal Staff Superannuation Scheme and the Mineworkers' Pension Scheme in *Smilovits v. First Solar, Inc.* in which the class recently recovered \$350 million on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

## Education

B.A., Trinity College, Cambridge University, England, 1985; L.L.M., Harvard Law School, 1986; Inns of Court School of Law, Degree of Utter Barrister, England, 1987

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2017-2018; Recommended Lawyer, *The Legal 500*, 2016-2017; Lizette Bentwich Law Prize, Trinity College, 1983 and 1984; Hollond Travelling Studentship, 1985; Harvard Law School Fellowship, 1985-1986; Member and Hardwicke Scholar of the Honourable Society of Lincoln's Inn



## Hillary B. Stakem | Partner

Hillary Stakem is a partner in the Firm's San Diego office, where her practice focuses on complex securities litigation. Stakem was a member of the litigation team in *Jaffe v. Household Int'l, Inc.*, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. She was also part of the litigation teams that secured a \$388 million recovery for investors in J.P. Morgan residential mortgage-backed securities in *Fort Worth Employees' Retirement Fund v. J.P. Morgan Chase & Co.* and a \$131 million recovery in favor of plaintiffs in *Bennett v. Sprint Nextel Corp.* Additionally, Stakem helped to obtain a landmark settlement, on the eve of trial, from the major credit rating agencies and Morgan Stanley arising out of the fraudulent ratings of bonds issued by the structured investment vehicles in *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.* Stakem also obtained a \$350 million settlement on the eve of trial in *Smilovits v. First Solar, Inc.*, the fifth-largest PSLRA settlement ever recovered in the Ninth Circuit, and was on the team of Robbins Geller attorneys who obtained a \$97.5 million recovery in *Marcus v. J.C. Penney Company, Inc.*

Most recently, Stakem was a member of the Robbins Geller litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant.

## Education

B.A., College of William and Mary, 2009; J.D., UCLA School of Law, 2012

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2021; B.A., *Magna Cum Laude*, College of William and Mary, 2009

## Jeffrey J. Stein | Partner

Jeffrey Stein is a partner in the Firm's San Diego office, where he practices securities fraud litigation and other complex matters. He was a member of the litigation team that secured a historic recovery on behalf of Trump University students in two class actions against President Donald J. Trump. The settlement provides \$25 million to approximately 7,000 consumers. This result means individual class members are eligible for upwards of \$35,000 in restitution. Stein represented the class on a *pro bono* basis.

Before joining the Firm, Stein focused on civil rights litigation, with special emphasis on the First, Fourth, and Eighth Amendments. In this capacity, he helped his clients secure successful outcomes before the United States Supreme Court and the Ninth Circuit Court of Appeals.

## Education

B.S., University of Washington, 2005; J.D., University of San Diego School of Law, 2009

## Christopher D. Stewart | Partner

Christopher Stewart is a partner in the Firm's San Diego office. His practice focuses on complex securities and shareholder derivative litigation. Stewart served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, he and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history. Most recently, Stewart served as lead counsel in *Smilovits v. First Solar, Inc.*, and obtained a \$350 million settlement on the eve of trial. The settlement is fifth-largest PSLRA settlement ever recovered in the Ninth Circuit.

He was also part of the litigation team that obtained a \$67 million settlement in *City of Westland Police & Fire Ret. Sys. v. Stumpf*, a shareholder derivative action alleging that Wells Fargo participated in the mass-processing of home foreclosure documents by engaging in widespread robo-signing. Stewart also served on the litigation team in *In re Deutsche Bank AG Sec. Litig.*, in which the Firm obtained a \$18.5 million settlement in a case against Deutsche Bank and certain of its officers alleging violations of the Securities Act of 1933.

## Education

B.S., Santa Clara University, 2004; M.B.A., University of San Diego School of Business Administration, 2009; J.D., University of San Diego School of Law, 2009

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2015-2020; J.D., *Magna Cum Laude*, Order of the Coif, University of San Diego School of Law, 2009; Member, *San Diego Law Review*

## Sabrina E. Tirabassi | Partner

Sabrina Tirabassi is a partner in the Firm's Boca Raton office, where her practice focuses on complex securities litigation, including the Firm's lead plaintiff motion practice. In this role, Tirabassi remains at the forefront of litigation trends and issues arising under the Private Securities Litigation Reform Act of 1995. Further, Tirabassi has been an integral member of the litigation teams responsible for securing significant monetary recoveries on behalf of shareholders, including: *Villella v. Chemical and Mining Company of Chile Inc.*, No. 1:15-cv-02106 (S.D.N.Y.); *In re ADT Inc. S'holder Litig.*, No. 502018CA003494XXXXMB-AG (Fla. Cir. Ct., 15th Jud. Cir.); *KBC Asset Mgmt. NV v. Aegerion Pharms., Inc.*, No. 1:14-cv-10105-MLW (D. Mass.); *Sohal v. Yan*, No. 1:15-cv-00393-DAP (N.D. Ohio); *McGee v. Constant Contact, Inc.*, No. 1:15-cv-13114-MLW (D. Mass.); and *Schwartz v. Urban Outfitters, Inc.*, No. 2:13-cv-05978-MAK (E.D. Pa.).

## Education

B.A., University of Florida, 2000; J.D., Nova Southeastern University Shepard Broad College of Law, 2006, *Magna Cum Laude*

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2010, 2015-2018; J.D., *Magna Cum Laude*, Nova Southeastern University Shepard Broad College of Law, 2006

## Douglas Wilens | Partner

Douglas Wilens is a partner in the Firm's Boca Raton office. Wilens is a member of the Firm's Appellate Practice Group, participating in numerous appeals in federal and state courts across the country. Most notably, Wilens handled successful and precedent-setting appeals in *Ind. Pub. Ret. Sys. v. SAIC, Inc.*, 818 F.3d 85 (2d Cir. 2016) (addressing duty to disclose under SEC Regulation Item 303 in §10(b) case), *Mass. Ret. Sys. v. CVS Caremark Corp.*, 716 F.3d 229 (1st Cir. 2013) (addressing pleading of loss causation in §10(b) case), and *Lormand v. US Unwired, Inc.*, 565 F.3d 228 (5th Cir. 2009) (addressing pleading of falsity, scienter, and loss causation in §10(b) case).

Before joining the Firm, Wilens was an associate at a nationally recognized firm, where he litigated complex actions on behalf of numerous professional sports leagues, including the National Basketball Association, the National Hockey League, and Major League Soccer. He has also served as an adjunct professor at Florida Atlantic University and Nova Southeastern University, where he taught undergraduate and graduate-level business law classes.

## Education

B.S., University of Florida, 1992; J.D., University of Florida College of Law, 1995

## Honors / Awards

Book Award for Legal Drafting, University of Florida College of Law; J.D., with Honors, University of Florida College of Law, 1995

## Shawn A. Williams | Partner

Shawn Williams, a founding partner of the Firm, is the managing partner of the Firm's San Francisco office and a member of the Firm's Management Committee. Williams has served as lead counsel in a range of privacy and securities class actions, yielding hundreds of millions of dollars, including: *In re Facebook Biometric Info. Privacy Litig.* (\$650 million recovery); *City of Westland Police & Fire Ret. Sys. v. Metlife, Inc.* (\$84 million recovery); *Chicago Laborers Pension Fund v. Alibaba Grp. Holding Ltd.* (\$75 million recovery); *In re Krispy Kreme Doughnuts, Inc. Sec. Litig.* (\$75 million recovery); *In re Medtronic, Inc. Sec. Litig.* (\$43 million recovery); *In re Cadence Design Sys., Inc. Sec. Litig.* (\$38 million recovery); and *City of Sterling Heights Gen. Emps'. Ret. Sys. v. Prudential Fin., Inc.* (\$33 million recovery).

Williams is also member of the Firm's Shareholder Derivative Practice Group which has secured tens of millions of dollars in cash recoveries and comprehensive corporate governance reforms in a number of high-profile cases including: *In re McAfee, Inc. Derivative Litig.*; *In re Marvell Tech. Grp. Ltd. Derivative Litig.*; *In re KLA-Tencor Corp. S'holder Derivative Litig.*; *The Home Depot, Inc. Derivative Litig.*; and *City of Westland Police and Fire Ret. Sys. v. Stumpf (Wells Fargo & Co.)*.

Before joining the Firm, Williams served for 5 years as an Assistant District Attorney in the Manhattan District Attorney's Office, where he tried over 20 cases to New York City juries and led white-collar fraud grand jury investigations.

## Education

B.A., The State of University of New York at Albany, 1991; J.D., University of Illinois, 1995

## Honors / Awards

Best Lawyer in America, *Best Lawyers®*, 2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Super Lawyer, *Super Lawyers Magazine*, 2014-2017, 2020-2021; Leading Lawyer in America, *Lawdragon*, 2018-2021; Top 100 Lawyer, *Daily Journal*, 2019; California Trailblazer, *The Recorder*, 2019; Titan of the Plaintiffs Bar, *Law360*, 2019; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2019; Board Member, California Bar Foundation, 2012-2014

## David T. Wissbroecker | Partner

David Wissbroecker is a partner in the Firm's San Diego and Chicago offices. He focuses his practice on securities class action litigation in the context of mergers and acquisitions, representing both individual shareholders and institutional investors. As part of the litigation team at Robbins Geller, Wissbroecker has helped secure monetary recoveries for shareholders that collectively exceed \$1 billion. Wissbroecker has litigated numerous high-profile cases in Delaware and other jurisdictions, including shareholder class actions challenging the acquisitions of Dole, Kinder Morgan, Del Monte Foods, Affiliated Computer Services, Intermix, and Rural Metro. His practice has recently expanded to include numerous proxy fraud cases in federal court, along with shareholder document demand litigation in Delaware. Before joining the Firm, Wissbroecker served as a staff attorney for the United States Court of Appeals for the Seventh Circuit, and then as a law clerk for the Honorable John L. Coffey, Circuit Judge for the Seventh Circuit.

### Education

B.A., Arizona State University, 1998; J.D., University of Illinois College of Law, 2003

### Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2020-2021; Recommended Lawyer, *The Legal 500*, 2019; Rising Star, *Super Lawyers Magazine*, 2015; J.D., *Magna Cum Laude*, University of Illinois College of Law, 2003; B.A., *Cum Laude*, Arizona State University, 1998

## Christopher M. Wood | Partner

Christopher Wood is the partner in charge of Robbins Geller Rudman & Dowd LLP's Nashville office, where his practice focuses on complex securities litigation. He has been a member of the litigation teams responsible for recovering hundreds of millions of dollars for investors, including: *In re Massey Energy Co. Sec. Litig.* (\$265 million recovery); *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery); *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.* (\$65 million recovery); *In re Micron Tech., Inc. Sec. Litig.* (\$42 million recovery); and *Winslow v. BancorpSouth, Inc.* (\$29.5 million recovery).

Working together with Public Funds Public Schools (a national campaign founded by the Southern Poverty Law Center and Education Law Center), Wood helped to strike down Tennessee's school voucher program, which would have diverted critically needed funds from public school students in Nashville and Memphis. Wood has also provided pro bono legal services through Tennessee Justice for Our Neighbors, Volunteer Lawyers & Professionals for the Arts, the Ninth Circuit's Pro Bono Program, and the San Francisco Bar Association's Volunteer Legal Services Program.

### Education

B.A., Vanderbilt University, 2003; J.D., University of San Francisco School of Law, 2006

### Honors / Awards

40 & Under Hot List, *Benchmark Litigation*, 2021; Rising Star, *Super Lawyers Magazine*, 2011-2013, 2015-2020

## Debra J. Wyman | Partner

Debra Wyman is a partner in the Firm's San Diego office. She specializes in securities litigation and has litigated numerous cases against public companies in state and federal courts that have resulted in over \$2 billion in securities fraud recoveries. Wyman served as lead counsel in *In re Am. Realty Cap. Props., Inc. Litig.*, a case arising out of ARCP's manipulative accounting practices, and obtained a \$1.025 billion recovery. For five years, she and the litigation team prosecuted nine different claims for violations of the Securities Exchange Act of 1934 and the Securities Act of 1933, involving seven different stock or debt offerings and two mergers. The recovery represents the highest percentage of damages of any major PSLRA case prior to trial and includes the largest personal contributions by individual defendants in history. Most recently, Wyman was part of the litigation team in *Monroe County Employees' Retirement System v. The Southern Company* in which an \$87.5 settlement was reached after three years of litigation. The settlement resolved claims for violations of the Securities Exchange Act of 1934 stemming from defendants' issuance of materially misleading statements and omissions regarding the status of construction of a first-of-its-kind "clean coal" power plant that was designed to transform coal into synthetic gas that could then be used to fuel the power plant.

Wyman was also a member of the trial team in *Schuh v. HCA Holdings, Inc.*, which resulted in a \$215 million recovery for shareholders, the largest securities class action recovery ever in Tennessee. The recovery achieved represents more than 30% of the aggregate classwide damages, far exceeding the typical recovery in a securities class action. Wyman prosecuted the complex securities and accounting fraud case *In re HealthSouth Corp. Sec. Litig.*, one of the largest and longest-running corporate frauds in history, in which \$671 million was recovered for defrauded HealthSouth investors. She was also part of the trial team that litigated *In re AT&T Corp. Sec. Litig.*, which was tried in the United States District Court, District of New Jersey, and settled after only two weeks of trial for \$100 million. Wyman was also part of the litigation team that secured a \$64 million recovery for Dana Corp. shareholders in *Plumbers & Pipefitters National Pension Fund v. Burns*, in which the Firm's Appellate Practice Group successfully appealed to the Sixth Circuit Court of Appeals twice, reversing the district court's dismissal of the action.

## Education

B.A., University of California Irvine, 1990; J.D., University of San Diego School of Law, 1997

## Honors / Awards

Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; San Diego Litigator of the Year, *Benchmark Litigation*, 2021; Plaintiff Litigator of the Year, *Benchmark Litigation*, 2021; Leading Lawyer in America, *Lawdragon*, 2020-2021; Top Woman Lawyer, *Daily Journal*, 2017, 2020; MVP, *Law360*, 2020; Litigator of the Week, *The American Lawyer*, 2020; Litigator of the Year, *Our City San Diego*, 2017; Super Lawyer, *Super Lawyers Magazine*, 2016-2017

## Susan K. Alexander | Of Counsel

Susan Alexander is Of Counsel to the Firm and is based in the San Francisco office. Alexander's practice specializes in federal appeals of securities fraud class actions on behalf of investors. With nearly 30 years of federal appellate experience, she has argued on behalf of defrauded investors in circuit courts throughout the United States. Among her most notable cases are *Mineworkers' Pension Scheme v. First Solar Inc.* (\$350 million recovery), *In re VeriFone Holdings, Inc. Sec. Litig.* (\$95 million recovery), and the successful appellate ruling in *Alaska Elec. Pension Fund v. Flowserve Corp.* (\$55 million recovery). Other representative results include: *Stoyas v. Toshiba Corp.*, 896 F.3d 933 (9th Cir. 2018) (reversing dismissal of securities fraud action and holding that the Exchange Act applies to unsponsored American Depositary Shares), *cert. denied*, 588 U.S. \_\_\_ (2019); *W. Va. Pipe Trades Health & Welfare Fund v. Medtronic, Inc.*, 845 F.3d 384 (8th Cir. 2016) (reversing summary judgment of securities fraud action on statute of limitations grounds); *In re Ubiquiti Networks, Inc. Sec. Litig.*, 669 F. App'x 878 (9th Cir. 2016) (reversing dismissal of §11 claim); *Carpenters Pension Tr. Fund of St. Louis v. Barclays PLC*, 750 F.3d 227 (2d Cir. 2014) (reversing dismissal of securities fraud complaint, focused on loss causation); *Panther Partners Inc. v. Ikanos Commc'ns, Inc.*, 681 F.3d 114 (2d Cir. 2012) (reversing dismissal of §11 claim); *City of Pontiac Gen. Emps. Ret. Sys. v. MBIA, Inc.*, 637 F.3d 169 (2d Cir. 2011) (reversing dismissal of securities fraud complaint, focused on statute of limitations); *In re Gilead Scis. Sec. Litig.*, 536 F.3d 1049 (9th Cir. 2008) (reversing dismissal of securities fraud complaint, focused on loss causation); *Barrie v. Intervoice-Brite, Inc.*, 397 F.3d 249 (5th Cir.) (reversing dismissal of securities fraud complaint, focused on scienter), *reh'g denied and op. modified*, 409 F.3d 653 (5th Cir. 2005); and *Pirraglia v. Novell, Inc.*, 339 F.3d 1182 (10th Cir. 2003) (reversing dismissal of securities fraud complaint, focused on scienter). Alexander's prior appellate work was with the California Appellate Project ("CAP"), where she prepared appeals and petitions for writs of *habeas corpus* on behalf of individuals sentenced to death. At CAP, and subsequently in private practice, she litigated and consulted on death penalty direct and collateral appeals for ten years.

## Education

B.A., Stanford University, 1983; J.D., University of California, Los Angeles, 1986

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2015-2021; American Academy of Appellate Lawyers; California Academy of Appellate Lawyers; Ninth Circuit Advisory Rules Committee; Appellate Delegate, Ninth Circuit Judicial Conference; ABA Council of Appellate Lawyers

## Laura M. Andracchio | Of Counsel

Laura Andracchio is Of Counsel in the Firm's San Diego office. Having first joined the Firm in 1997, she was a Robbins Geller partner for ten years before her role as Of Counsel. As a partner with the Firm, Andracchio led dozens of securities fraud cases against public companies throughout the country, recovering hundreds of millions of dollars for injured investors. Her current focus remains securities fraud litigation under the federal securities laws.

Most recently, Andracchio was a member of the litigation team in *In re American Realty Cap. Props., Inc. Litig.* (S.D.N.Y.), in which a \$1.025 billion recovery was approved in 2020. She was also on the litigation team for *City of Pontiac Gen. Emps.' Ret. Sys. v. Walmart Stores, Inc.* (W.D. Ark.), in which a \$160 million recovery for Walmart investors was approved in 2019. She also assisted in litigating a case brought against J.P. Morgan Chase & Co., *Fort Worth Emps.' Ret. Fund v. J.P. Morgan Chase & Co.* (S.D.N.Y.), on behalf of investors in residential mortgage-backed securities, which resulted in a recovery of \$388 million in 2017.

Andracchio was also a lead member of the trial team in *In re AT&T Corp. Sec. Litig.*, recovering \$100 million for the class after two weeks of trial in district court in New Jersey. Before trial, she managed and litigated the case, which was pending for four years. She also led the trial team in *Brody v. Hellman*, a case against Qwest and former directors of U.S. West seeking an unpaid dividend, recovering \$50 million for the class, which was largely comprised of U.S. West retirees. Other cases Andracchio has litigated include: *City of Hialeah Emps.' Ret. Sys. v. Toll Brothers, Inc.*; *Ross v. Abercrombie & Fitch Co.*; *In re GMH Cmtys. Tr. Sec. Litig.*; *In re Vicuron Pharms., Inc. Sec. Litig.*; and *In re Navarre Corp. Sec. Litig.*

## Education

B.A., Bucknell University, 1986; J.D., Duquesne University School of Law, 1989

## Honors / Awards

Order of the Barristers, J.D., with honors, Duquesne University School of Law, 1989

## Matthew J. Balotta | Of Counsel

Matt Balotta is Of Counsel in the Firm's San Diego office, where his practice focuses on securities fraud litigation. Balotta earned his Bachelor of Arts degree in History, *summa cum laude*, from the University of Pittsburgh and his Juris Doctor degree from Harvard Law School. During law school, Balotta was a summer associate with the Firm and interned at the National Consumer Law Center. He also participated in the Employment Law and Delivery of Legal Services Clinics and served on the General Board of the Harvard Civil Rights-Civil Liberties Law Review.

## Education

B.A., University of Pittsburgh, 2005; J.D., Harvard Law School, 2015

## Honors / Awards

B.A., *Summa Cum Laude*, University of Pittsburgh, 2005



## Randi D. Bandman | Of Counsel

Randi Bandman is Of Counsel in the Firm's San Diego office. Throughout her career, she has represented and advised hundreds of clients, including pension funds, managers, banks, and hedge funds, such as the Directors Guild of America, Screen Actors Guild, Writers Guild of America, and Teamster funds. Bandman's cases have yielded billions of dollars of recoveries. Notable cases include the AOL Time Warner, Inc. merger (\$629 million), *In re Enron Corp. Sec. Litig.* (\$7.2 billion), Private Equity litigation (*Dahl v. Bain Cap. Partners, LLC*) (\$590.5 million), *In re WorldCom Sec. Litig.* (\$657 million), and *In re Facebook Biometric Info. Privacy Litig.* (\$650 million).

Bandman is currently representing plaintiffs in the Foreign Exchange Litigation pending in the Southern District of New York which alleges collusive conduct by the world's largest banks to fix prices in the \$5.3 trillion a day foreign exchange market and in which billions of dollars have been recovered to date for injured plaintiffs. Bandman is part of the Robbins Geller Co-Lead Counsel team representing the class in the "High Frequency Trading" case, which accuses stock exchanges of giving unfair advantages to high-speed traders versus all other investors, resulting in billions of dollars being diverted. Bandman was instrumental in the landmark state settlement with the tobacco companies for \$12.5 billion. Bandman also led an investigation with congressional representatives on behalf of artists into allegations of "pay for play" tactics, represented Emmy winning writers with respect to their claims involving a long-running television series, represented a Hall of Fame sports figure, and negotiated agreements in connection with a major motion picture. Recently, Bandman was chosen to serve on the Law Firm Advisory Board of the Association of Media & Entertainment Counsel, an organization made up of thousands of attorneys from studios, networks, guilds, talent agencies, and top media companies, dealing with protecting content distributed through a variety of formats worldwide.

## Education

B.A., University of California, Los Angeles; J.D., University of Southern California

## Lea Malani Bays | Of Counsel

Lea Malani Bays is Of Counsel in the Firm's San Diego office. She focuses on e-discovery issues, from preservation through production, and provides counsel to the Firm's multi-disciplinary e-discovery team consisting of attorneys, forensic analysts, and database professionals. Through her role as counsel to the e-discovery team, Bays is very familiar with the various stages of e-discovery, including identification of relevant electronically stored information, data culling, predictive coding protocols, privilege, and responsiveness reviews, as well as having experience in post-production discovery through trial preparation. Through speaking at various events, she is also a leader in shaping the broader dialogue on e-discovery issues.

Bays was recently part of the litigation team that earned the approval of a \$131 million settlement in favor of plaintiffs in *Bennett v. Sprint Nextel Corp.* The settlement, which resolved claims arising from Sprint Corporation's ill-fated merger with Nextel Communications in 2005, represents a significant recovery for the plaintiff class, achieved after five years of tireless effort by the Firm. Prior to joining Robbins Geller, Bays was a Litigation Associate at Kaye Scholer LLP's New York office. She has experience in a wide range of litigation, including complex securities litigation, commercial contract disputes, business torts, antitrust, civil fraud, and trust and estate litigation.

## Education

B.A., University of California, Santa Cruz, 1997; J.D., New York Law School, 2007

## Honors / Awards

Leading Lawyer, *Chambers USA*, 2019-2021; J.D., *Magna Cum Laude*, New York Law School, 2007; Executive Editor, *New York Law School Law Review*; Legal Aid Society's Pro Bono Publico Award; NYSBA Empire State Counsel; Professor Stephen J. Ellmann Clinical Legal Education Prize; John Marshall Harlan Scholars Program, Justice Action Center

## Mary K. Blasy | Of Counsel

Mary Blasy is Of Counsel to the Firm and is based in the Firm's Melville and Washington, D.C. offices. Her practice focuses on the investigation, commencement, and prosecution of securities fraud class actions and shareholder derivative suits. Blasy has recovered hundreds of millions of dollars for investors in securities fraud class actions against Reliance Acceptance Corp. (\$66 million); Sprint Corp. (\$50 million); Titan Corporation (\$15+ million); Martha Stewart Omni-Media, Inc. (\$30 million); and Coca-Cola Co. (\$137.5 million). Blasy has also been responsible for prosecuting numerous complex shareholder derivative actions against corporate malefactors to address violations of the nation's securities, environmental, and labor laws, obtaining corporate governance enhancements valued by the market in the billions of dollars.

In 2014, the Presiding Justice of the Appellate Division of the Second Department of the Supreme Court of the State of New York appointed Blasy to serve as a member of the Independent Judicial Election Qualification Commission, which until December 2018 reviewed the qualifications of candidates seeking public election to New York State Supreme Courts in the 10th Judicial District. She also served on the *Law360* Securities Editorial Advisory Board from 2015 to 2016.

## Education

B.A., California State University, Sacramento, 1996; J.D., UCLA School of Law, 2000

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2016-2020; *Law360* Securities Editorial Advisory Board, 2015-2016; Member, Independent Judicial Election Qualification Commission, 2014-2018

## William K. Cavanagh, Jr. | Of Counsel

Bill Cavanagh is Of Counsel in the Firm's Washington, D.C. office. Cavanagh concentrates his practice in employee benefits law and works with the Firm's Institutional Outreach Team. Prior to joining Robbins Geller, Cavanagh was employed by Ullico for the past nine years, most recently as President of Ullico Casualty Group. The Ullico Casualty Group is the leading provider of fiduciary liability insurance for trustees in both the private as well as the public sector. Prior to that he was President of the Ullico Investment Company.

Preceding Cavanagh's time at Ullico, he was a partner at the labor and employee benefits firm Cavanagh and O'Hara in Springfield, Illinois for 28 years. In that capacity, Cavanagh represented public pension funds, jointly trusteed Taft-Hartley, health, welfare, pension, and joint apprenticeship funds advising on fiduciary and compliance issues both at the Board level as well as in administrative hearings, federal district courts, and the United States Courts of Appeals. During the course of his practice, Cavanagh had extensive trial experience in state and the relevant federal district courts. Additionally, Cavanagh served as co-counsel on a number of cases representing trustees seeking to recover plan assets lost as a result of fraud in the marketplace.

### Education

B.A., Georgetown University, 1974; J.D., John Marshall Law School, 1978

### Honors / Awards

Rated AV Preeminent by Martindale-Hubbell

## Christopher Collins | Of Counsel

Christopher Collins is Of Counsel in the Firm's San Diego office and his practice focuses on antitrust and consumer protection. Collins served as co-lead counsel in *Wholesale Elec. Antitrust Cases I & II*, charging an antitrust conspiracy by wholesale electricity suppliers and traders of electricity in California's newly deregulated wholesale electricity market wherein plaintiffs secured a global settlement for California consumers, businesses, and local governments valued at more than \$1.1 billion. He was also involved in California's tobacco litigation, which resulted in the \$25.5 billion recovery for California and its local entities. Collins is currently counsel on the California Energy Manipulation antitrust litigation, the Memberworks upsell litigation, as well as a number of consumer actions alleging false and misleading advertising and unfair business practices against major corporations. He formerly served as a Deputy District Attorney for Imperial County where he was in charge of the Domestic Violence Unit.

### Education

B.A., Sonoma State University, 1988; J.D., Thomas Jefferson School of Law, 1995

## Patrick J. Coughlin | Of Counsel

Patrick Coughlin is Of Counsel to the Firm and is based in the San Diego office. He has been lead counsel for several major securities matters, including one of the earliest and largest class action securities cases to go to trial, *In re Apple Computer Sec. Litig.*, No. C-84-20148 (N.D. Cal.). Coughlin was a member of the Firm's trial team in *Hsu v. Puma Biotechnology, Inc.*, No. SACV15-0865 (C.D. Cal.), a securities fraud class action that resulted in a verdict in favor of investors after a two-week jury trial. He also served as lead counsel in *In re Facebook Biometric Info. Privacy Litig.*, No. 3:15-cv-03747-JD (N.D. Cal.), a cutting-edge class action concerning Facebook's alleged privacy violations through its collection of users' biometric identifiers without informed consent that resulted in a \$650 million settlement. Coughlin currently serves as co-lead counsel in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litig.*, in which a settlement of \$5.5 billion was approved in the Eastern District of New York. This case was brought on behalf of millions of U.S. merchants against Visa and MasterCard and various card-issuing banks, challenging the way these companies set and collect tens of billions of dollars annually in merchant fees. The settlement is believed to be the largest antitrust class action settlement of all time.

Coughlin was one of the lead attorneys who secured a historic \$25 million recovery on behalf of approximately 7,000 Trump University students in two class actions against President Donald J. Trump, which means individual class members are eligible for upwards of \$35,000 in restitution. He represented the class on a *pro bono* basis. Additional prominent securities class actions prosecuted by Coughlin include: the *Enron* litigation, in which \$7.2 billion was recovered; the *Qwest* litigation, in which a \$445 million recovery was obtained; and the *HealthSouth* litigation, in which a \$671 million recovery was obtained.

## Education

B.S., Santa Clara University, 1977; J.D., Golden Gate University, 1983

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Best Lawyer in America, *Best Lawyers*®, 2006-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2004-2021; Southern California Best Lawyer, *Best Lawyers*®, 2012-2021; Hall of Fame, *Lawdragon*, 2020; Plaintiffs' Lawyer Trailblazer, *The National Law Journal*, 2019; Outstanding Antitrust Litigation Achievement in Private Law Practice, American Antitrust Institute, 2018; Senior Statesman, *Chambers USA*, 2014-2018; Antitrust Trailblazer, *The National Law Journal*, 2015; Top 100 Lawyers, *Daily Journal*, 2008; Leading Lawyer in America, *Lawdragon*, 2006, 2008-2009

## Desiree Cummings | Of Counsel

Desiree Cummings is Of Counsel to the Firm and is based in the Manhattan office. Cummings focuses her practice on complex securities litigation, consumer and privacy litigation, and breach of fiduciary duty actions.

Before joining Robbins Geller, Cummings spent several years prosecuting securities fraud as an Assistant Attorney General with the New York State Office of the Attorney General's Investor Protection Bureau. As an Assistant Attorney General, Cummings was instrumental in the office's investigation and prosecution of J.P. Morgan and Goldman Sachs in connection with the marketing, sale and issuance of residential mortgage-backed securities, resulting in recoveries worth over \$1.6 billion for the State of New York. In connection with investigating and prosecuting securities fraud as part of a federal and state RMBS Working Group, Cummings was awarded the Louis J. Lefkowitz Award for Exceptional Service. Cummings began her career as a litigator at Paul, Weiss, Rifkind, Wharton & Garrison LLP where she spent several years representing major financial institutions, a pharmaceutical manufacturer, and public and private companies in connection with commercial litigations and state and federal regulatory investigations.

At Robbins Geller, Cummings currently serves as counsel in a data breach and privacy class action and in numerous securities fraud class actions pending in the United States District Court for the Southern District of New York and the United States District Court for the District of Minnesota. Cummings also serves as counsel in several breach of fiduciary duty actions presently pending in the Court of Chancery of the State of Delaware.

## Education

B.A., Binghamton University, 2001, *cum laude*; J.D., University of Michigan Law School, 2004

## Honors / Awards

Louis J. Lefkowitz Award for Exceptional Service, New York State Office of the Attorney General, 2012

## Vicki Multer Diamond | Of Counsel

Vicki Multer Diamond is Of Counsel to the Firm and is based in the Firm's Melville office. She has over 25 years of experience as an investigator and attorney. Her practice at the Firm focuses on the initiation, investigation, and prosecution of securities fraud class actions. Diamond played a significant role in the factual investigations and successful oppositions to the defendants' motions to dismiss in a number of cases, including *Tableau*, *One Main*, *Valeant*, and *Orbital ATK*.

Diamond has served as an investigative consultant to several prominent law firms, corporations, and investment firms. Before joining the Firm, she was an Assistant District Attorney in Brooklyn, New York, where she served as a senior Trial Attorney in the Felony Trial Bureau, and was special counsel to the Special Commissioner of Investigations for the New York City schools, where she investigated and prosecuted crime and corruption within the New York City school system.

## Education

B.A., State University of New York at Binghamton, 1990; J.D., Hofstra University School of Law, 1993

## Honors / Awards

Member, *Hofstra Property Law Journal*, Hofstra University School of Law

## Michael J. Dowd | Of Counsel

Mike Dowd was a founding partner of the Firm. He has practiced in the area of securities litigation for 20 years, prosecuting dozens of complex securities cases and obtaining significant recoveries for investors in cases such as *UnitedHealth* (\$925 million), *WorldCom* (\$657 million), *AOL Time Warner* (\$629 million), *Qwest* (\$445 million), and *Pfizer* (\$400 million).

Dowd served as lead trial counsel in *Jaffe v. Household International* in the Northern District of Illinois, a securities class action that obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Dowd also served as the lead trial lawyer in *In re AT&T Corp. Sec. Litig.*, which was tried in the District of New Jersey and settled after only two weeks of trial for \$100 million. Dowd served as an Assistant United States Attorney in the Southern District of California from 1987-1991, and again from 1994-1998, where he handled dozens of jury trials and was awarded the Director's Award for Superior Performance.

## Education

B.A., Fordham University, 1981; J.D., University of Michigan School of Law, 1984

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Director's Award for Superior Performance, United States Attorney's Office; Best Lawyer in America, *Best Lawyers*®, 2015-2022; Leading Plaintiff Financial Lawyer, *Lawdragon*, 2019-2021; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Southern California Best Lawyer, *Best Lawyers*®, 2015-2021; Super Lawyer, *Super Lawyers Magazine*, 2010-2020; Lawyer of the Year, *Best Lawyers*®, 2020; Recommended Lawyer, *The Legal 500*, 2016-2019; Hall of Fame, *Lawdragon*, 2018; Litigator of the Year, *Our City San Diego*, 2017; Leading Lawyer in America, *Lawdragon*, 2014-2016; Litigator of the Week, *The American Lawyer*, 2015; Litigation Star, *Benchmark Litigation* 2013; Directorship 100, NACD Directorship, 2012; Attorney of the Year, *California Lawyer*, 2010; Top 100 Lawyers, *Daily Journal*, 2009; B.A., *Magna Cum Laude*, Fordham University, 1981



## William J. Geddish | Of Counsel

William Geddish is Of Counsel to the Firm and is based in the Melville office, where his practice focuses on complex securities litigation. Before joining the Firm, he was an associate in the New York office of a large international law firm, where his practice focused on complex commercial litigation.

Since joining the Firm, Geddish has played a significant role in the following litigations: *In re Barrick Gold Sec. Litig.* (\$140 million recovery); *Landmen Partners, Inc. v. The Blackstone Grp., L.P.* (\$85 million recovery); *City of Austin Police Ret. Sys. v. Kinross Gold Corp.* (\$33 million recovery); *City of Roseville Emps' Ret. Sys. v. EnergySolutions, Inc.* (\$26 million recovery); *Beaver Cnty. Emps' Ret. Fund v. Tile Shop Holdings, Inc.* (\$9.5 million recovery); and *Barbara Marciano v. Schell & Kampeter, Inc.* (\$2 million recovery).

## Education

B.A., Sacred Heart University, 2006, J.D., Hofstra University School of Law, 2009

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2013-2020; J.D., *Magna Cum Laude*, Hofstra University School of Law, 2009; Gina Maria Escarce Memorial Award, Hofstra University School of Law

## Richard W. Gonnello | Of Counsel

Richard Gonnello is Of Counsel in the Firm's Manhattan office. He has two decades of experience litigating complex securities actions.

Gonnello has successfully represented institutional and individual investors. He has obtained substantial recoveries in numerous securities class actions, including *In re Royal Ahold Sec. Litig.* (D. Md.) (\$1.1 billion) and *In re Tremont Sec. Law, State Law & Ins. Litig.* (S.D.N.Y.) (\$100 million). Gonnello has also obtained favorable recoveries for institutional investors pursuing direct opt-out claims, including cases against Qwest Communications International, Inc. (\$175 million) and Tyco International Ltd (\$21 million).

Gonnello has co-authored the following articles appearing in the *New York Law Journal*: "Staehr Hikes Burden of Proof to Place Investor on Inquiry Notice" and "Potential Securities Fraud: 'Storm Warnings' Clarified."

## Education

B.A., Rutgers University, 1995; J.D., UCLA School of Law, 1998

## Honors / Awards

B.A., *Summa Cum Laude*, Rutgers University, 1995

## Mitchell D. Gravo | Of Counsel

Mitchell Gravo is Of Counsel to the Firm and is a member of the Firm's institutional investor client services group. With more than 30 years of experience as a practicing attorney, he serves as liaison to the Firm's institutional investor clients throughout the United States and Canada, advising them on securities litigation matters.

Gravo's clients include Anchorage Economic Development Corporation, Anchorage Convention and Visitors Bureau, UST Public Affairs, Inc., International Brotherhood of Electrical Workers, Alaska Seafood International, Distilled Spirits Council of America, RIM Architects, Anchorage Police Department Employees Association, Fred Meyer, and the Automobile Manufacturer's Association. Prior to joining the Firm, he served as an intern with the Municipality of Anchorage, and then served as a law clerk to Superior Court Judge J. Justin Ripley.

## Education

B.A., Ohio State University; J.D., University of San Diego School of Law

## Dennis J. Herman | Of Counsel

Dennis Herman is Of Counsel in the Firm's San Francisco office where he focuses his practice on securities class actions. He has led or been significantly involved in the prosecution of numerous securities fraud claims that have resulted in substantial recoveries for investors, including settled actions against Massey Energy (\$265 million), Coca-Cola (\$137 million), VeriSign (\$78 million), Psychiatric Solutions, Inc. (\$65 million), St. Jude Medical, Inc. (\$50 million), NorthWestern (\$40 million), BancorpSouth (\$29.5 million), America Service Group (\$15 million), Specialty Laboratories (\$12 million), Stellant (\$12 million), and Threshold Pharmaceuticals (\$10 million).

## Education

B.S., Syracuse University, 1982; J.D., Stanford Law School, 1992

## Honors / Awards

Best Lawyer in America, *Best Lawyers*®, 2018-2022; Northern California Best Lawyer, *Best Lawyers*®, 2018-2021; Super Lawyer, *Super Lawyers Magazine*, 2017-2018; Order of the Coif, Stanford Law School; Urban A. Sontheimer Award (graduating second in his class), Stanford Law School; Award-winning Investigative Newspaper Reporter and Editor in California and Connecticut

## Helen J. Hodges | Of Counsel

Helen Hodges is Of Counsel in the Firm's San Diego office. She specializes in securities fraud litigation. Hodges has been involved in numerous securities class actions, including: *Dynegy*, which was settled for \$474 million; *Thurber v. Mattel*, which was settled for \$122 million; *Nat'l Health Labs*, which was settled for \$64 million; and *Knapp v. Gomez*, Civ. No. 87-0067-H(M) (S.D. Cal.), in which a plaintiffs' verdict was returned in a Rule 10b-5 class action. Additionally, beginning in 2001, Hodges focused on the prosecution of *Enron*, where a record \$7.2 billion recovery was obtained for investors.

### Education

B.S., Oklahoma State University, 1979; J.D., University of Oklahoma, 1983

### Honors / Awards

Rated AV by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2021; Philanthropist of the Year, Women for OSU at Oklahoma State University, 2020; served on the Oklahoma State University Foundation Board of Trustees, 2013-2021; Super Lawyer, *Super Lawyers Magazine*, 2007

## David J. Hoffa | Of Counsel

David Hoffa is Of Counsel in the Firm's Washington D.C. office. He has served as a liaison to over 110 institutional investors in portfolio monitoring, securities litigation, and claims filing matters. His practice focuses on providing a variety of legal and consulting services to U.S. state and municipal employee retirement systems and single and multi-employer U.S. Taft-Hartley benefit funds. In addition to serving as a leader on the Firm's Israel Institutional Investor Outreach Team, Hoffa also serves as a member of the Firm's lead plaintiff advisory team, and advises public and multi-employer pension funds around the country on issues related to fiduciary responsibility, legislative and regulatory updates, and "best practices" in the corporate governance of publicly traded companies.

Early in his legal career, Hoffa worked for a law firm based in Birmingham, Michigan, where he appeared regularly in Michigan state court in litigation pertaining to business, construction, and employment related matters. Hoffa has also appeared before the Michigan Court of Appeals on several occasions.

### Education

B.A., Michigan State University, 1993; J.D., Michigan State University College of Law, 2000

## Andrew W. Hutton | Of Counsel

Drew Hutton is Of Counsel in the Firm's San Diego and New York offices, responsible for simplifying cases of complex financial fraud. Hutton has prosecuted a variety of securities actions, achieving high-profile recoveries and results. Representative cases against corporations and their auditors include *In re AOL Time Warner Sec. Litig.* (\$2.5 billion) and *In re Williams Cos. Sec. Litig.* (\$311 million). Representative cases against corporations and their executives include *In re Broadcom Sec. Litig.* (\$150 million) and *In re Clarent Corp. Sec. Litig.* (class plaintiff's 10b-5 jury verdict against former CEO). Hutton is also active in shareholder derivative litigation, achieving monetary recoveries and governance changes, including *In re Affiliated Computer Servs. Derivative Litig.* (\$30 million), *In re KB Home S'holder Derivative Litig.* (\$30 million), and *In re KeyCorp Derivative Litig.* (modified CEO stock options and governance). Hutton has also litigated securities cases in bankruptcy court (*In re WorldCom, Inc.* – \$15 million for individual claimant) and a complex options case before FINRA (eight-figure settlement for individual investor). Hutton is also experienced in complex, multi-district consumer litigation. Representative nationwide insurance cases include *In re Prudential Sales Pracs. Litig.* (\$4 billion), *In re Metro. Life Ins. Co. Sales Pracs. Litig.* (\$2 billion), and *In re Conseco Life Ins. Co. Cost of Ins. Litig.* (\$200 million). Representative nationwide consumer lending cases include a \$30 million class settlement of Truth-in-Lending claims against American Express and a \$24 million class settlement of RICO and RESPA claims against Community Bank of Northern Virginia (now PNC Bank).

Hutton is the founder of Hutton Law Group, a plaintiffs' litigation practice currently representing retirees, individual investors, and businesses, and is also the founder of Hutton Investigative Accounting, a financial forensics and investigation firm. Before founding Hutton Law and joining Robbins Geller, Hutton was a public company accountant, Certified Public Accountant, and broker of stocks, options, and insurance products. Hutton has also served as an expert litigation consultant in both financial and corporate governance capacities. Hutton is often responsible for working with experts retained by the Firm in litigation and has conducted dozens of depositions of financial professionals, including audit partners, CFOs, directors, bankers, actuaries, and opposing experts.

## Education

B.A., University of California, Santa Barbara, 1983; J.D., Loyola Law School, 1994

## Frank J. Janecek, Jr. | Of Counsel

Frank Janecek is Of Counsel in the Firm's San Diego office and practices in the areas of consumer/antitrust, Proposition 65, taxpayer, and tobacco litigation. He served as co-lead counsel, as well as court-appointed liaison counsel, in *Wholesale Elec. Antitrust Cases I & II*, charging an antitrust conspiracy by wholesale electricity suppliers and traders of electricity in California's newly deregulated wholesale electricity market. In conjunction with the Governor of the State of California, the California State Attorney General, the California Public Utilities Commission, the California Electricity Oversight Board, a number of other state and local governmental entities and agencies, and California's large, investor-owned electric utilities, plaintiffs secured a global settlement for California consumers, businesses, and local governments valued at more than \$1.1 billion. Janecek also chaired several of the litigation committees in California's tobacco litigation, which resulted in the \$25.5 billion recovery for California and its local entities, and also handled a constitutional challenge to the State of California's Smog Impact Fee in *Ramos v. Dep't of Motor Vehicles*, which resulted in more than a million California residents receiving full refunds and interest, totaling \$665 million.

## Education

B.S., University of California, Davis, 1987; J.D., Loyola Law School, 1991

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2013-2018

## Nancy M. Juda | Of Counsel

Nancy Juda is Of Counsel to the Firm and is based in the Firm's Washington, D.C. office. Her practice focuses on advising Taft-Hartley pension and welfare funds on issues related to corporate fraud in the United States securities markets. Juda's experience as an ERISA attorney provides her with unique insight into the challenges faced by pension fund trustees as they endeavor to protect and preserve their funds' assets.

Prior to joining Robbins Geller, Juda was employed by the United Mine Workers of America Health & Retirement Funds, where she began her practice in the area of employee benefits law. She was also associated with a union-side labor law firm in Washington, D.C., where she represented the trustees of Taft-Hartley pension and welfare funds on qualification, compliance, fiduciary, and transactional issues under ERISA and the Internal Revenue Code.

Using her extensive experience representing employee benefit funds, Juda advises trustees regarding their options for seeking redress for losses due to securities fraud. She currently advises trustees of funds providing benefits for members of unions affiliated with North America's Building Trades of the AFL-CIO. Juda also represents funds in ERISA class actions involving breach of fiduciary claims.

## Education

B.A., St. Lawrence University, 1988; J.D., American University, 1992

## Francis P. Karam | Of Counsel

Frank Karam is Of Counsel to the Firm and is based in the Firm's Melville office. Karam is a trial lawyer with 30 years of experience. His practice focuses on complex class action litigation involving shareholders' rights and securities fraud. He also represents a number of landowners and royalty owners in litigation against large energy companies. He has tried complex cases involving investment fraud and commercial fraud, both on the plaintiff and defense side, and has argued numerous appeals in state and federal courts. Throughout his career, Karam has tried more than 100 cases to verdict.

Karam has served as a partner at several prominent plaintiffs' securities firms. From 1984 to 1990, Karam was an Assistant District Attorney in the Bronx, New York, where he served as a senior Trial Attorney in the Homicide Bureau. He entered private practice in 1990, concentrating on trial and appellate work in state and federal courts.

## Education

A.B., College of the Holy Cross; J.D., Tulane University School of Law

## Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2019-2020; "Who's Who" for Securities Lawyers, *Corporate Governance Magazine*, 2015

## Ashley M. Kelly | Of Counsel

Ashley Kelly is Of Counsel in the San Diego office, where she represents large institutional and individual investors as a member of the Firm's antitrust and securities fraud practices. Her work is primarily federal and state class actions involving the federal antitrust and securities laws, common law fraud, breach of contract, and accounting violations. Kelly's case work has been in the financial services, oil & gas, e-commerce, and technology industries. In addition to being an attorney, she is a Certified Public Accountant. Kelly was an important member of the litigation team that obtained a \$500 million settlement on behalf of investors in *Luther v. Countrywide Fin. Corp.*, which was the largest residential mortgage-backed securities purchaser class action recovery in history.

## Education

B.S., Pennsylvania State University, 2005; J.D., Rutgers University-Camden, 2011

## Honors / Awards

Rising Star, *Super Lawyers Magazine*, 2016, 2018-2021

## Jerry E. Martin | Of Counsel

Jerry Martin is Of Counsel in the Firm's Nashville office. He specializes in representing individuals who wish to blow the whistle to expose fraud and abuse committed by federal contractors, health care providers, tax cheats, or those who violate the securities laws. Martin was a member of the litigation team that obtained a \$65 million recovery in *Garden City Emps.' Ret. Sys. v. Psychiatric Solutions, Inc.*, the fourth-largest securities recovery ever in the Middle District of Tennessee and one of the largest in more than a decade.

Before joining the Firm, Martin served as the presidentially appointed United States Attorney for the Middle District of Tennessee from May 2010 to April 2013. As U.S. Attorney, he made prosecuting financial, tax, and health care fraud a top priority. During his tenure, Martin co-chaired the Attorney General's Advisory Committee's Health Care Fraud Working Group. Martin has been recognized as a national leader in combatting fraud and has addressed numerous groups and associations, such as Taxpayers Against Fraud and the National Association of Attorneys General, and was a keynote speaker at the American Bar Association's Annual Health Care Fraud Conference.

### Education

B.A., Dartmouth College, 1996; J.D., Stanford University, 1999

### Honors / Awards

Super Lawyer, *Super Lawyers Magazine*, 2016-2019

## Ruby Menon | Of Counsel

Ruby Menon is Of Counsel to the Firm and serves as a member of the Firm's legal, advisory, and business development group. She also serves as the liaison to the Firm's many institutional investor clients in the United States and abroad. For over 12 years, Menon served as Chief Legal Counsel to two large multi-employer retirement plans, developing her expertise in many areas of employee benefits and pension administration, including legislative initiatives and regulatory affairs, investments, tax, fiduciary compliance, and plan administration.

### Education

B.A., Indiana University, 1985; J.D., Indiana University School of Law, 1988

## Eugene Mikolajczyk | Of Counsel

Eugene Mikolajczyk is Of Counsel to the Firm and is based in the Firm's San Diego Office. Mikolajczyk has over 30 years' experience prosecuting shareholder and securities litigation cases as both individual and class actions. Among the cases are *Heckmann v. Ahmanson*, in which the court granted a preliminary injunction to prevent a corporate raider from exacting greenmail from a large domestic media/entertainment company.

Mikolajczyk was a primary litigation counsel in an international coalition of attorneys and human rights groups that won a historic settlement with major U.S. clothing retailers and manufacturers on behalf of a class of over 50,000 predominantly female Chinese garment workers, in an action seeking to hold the Saipan garment industry responsible for creating a system of indentured servitude and forced labor. The coalition obtained an unprecedented agreement for supervision of working conditions in the Saipan factories by an independent NGO, as well as a substantial multi-million dollar compensation award for the workers.

## Education

B.S., Elizabethtown College, 1974; J.D., Dickinson School of Law, Penn State University, 1978



## Roxana Pierce | Of Counsel

Roxana Pierce is Of Counsel in Robbins Geller Rudman & Dowd LLP's Washington D.C. office. She is an international lawyer whose practice focuses on protecting investor rights and the rights of victims of consumer fraud, waste, and abuse, including county pension funds, institutional investors, and state and city governmental entities. She zealously represents her clients with claims for consumer protection, securities, products liability, contracts, and other violations, whether through litigation, arbitration, mediation, or negotiation. She has represented clients in over 75 countries and 12 states, with extensive experience in the Middle East, Asia, Russia, the former Soviet Union, Germany, Belgium, the Caribbean, and India. Pierce's client base includes large institutional investors, state, county, and city retirement funds, pension funds, attorneys general, international banks, asset managers, foreign governments, multinational corporations, sovereign wealth funds, and high-net-worth individuals. She presently has over 20 class, private, and group actions on file, including cases against the largest pharmaceutical and automobile manufacturers in the world for securities fraud consumer rights violations.

Pierce has counseled international clients since 1994. She has spearheaded the contract negotiations for hundreds of projects, including several valued at over \$1 billion, and typically conducts her negotiations with the leadership of foreign governments and the leadership of Fortune 500 corporations, foreign and domestic. Pierce presently represents several European legacy banks in litigation concerning the 2008 financial crisis.

Pierce has been assisting the litigation team at Robbins Geller with the investigation of the opioids and e-cigarette issues facing many states, cities, and municipalities for more than four years. In particular, she has been working closely with doctors and other health care providers to obtain evidence relating to the opioid crisis facing Maryland, the District of Columbia, Pennsylvania, and Florida.

## Education

B.A., Pepperdine University, 1988; J.D., Thomas Jefferson School of Law, 1994

## Honors / Awards

Certificate of Accomplishment, Export-Import Bank of the United States; Humanitarian Spirit Award for Advocacy, The National Center for Children and Families, 2019

## Sara B. Polychron | Of Counsel

Sara Polychron is Of Counsel in the Firm's San Diego office, where her practice focuses on complex securities litigation. She is part of the litigation team prosecuting actions against investment banks and the leading credit rating agencies for their role in the structuring and rating of residential mortgage-backed securities and their subsequent collapse.

Sara earned her Bachelor of Arts degree with honors from the University of Minnesota, where she studied Sociology with an emphasis in Criminology and Law. As an undergraduate she interned with the Hennepin County Attorney's Office, where she advocated for victims of domestic violence and assisted in sentencing negotiations in Juvenile Court. Sara received her Juris Doctor degree from the University of San Diego School of Law, where she was the recipient of two academic scholarships. While in law school, she interned with the Center for Public Interest Law and was a contributing author and assistant editor to the California Regulatory Law Reporter. She also worked as a legal research assistant at the law school and clerked for two San Diego law firms.

### Education

B.A., University of Minnesota, 1999; J.D., University of San Diego School of Law, 2005

## Svenna Prado | Of Counsel

Svenna Prado is Of Counsel in the Firm's San Diego office, where she focuses on various aspects of international securities and consumer litigation. She was part of the litigation teams that secured settlements against German defendant IKB, as well as Deutsche Bank and Deutsche Bank/West LB for their role in structuring residential mortgage-backed securities and their subsequent collapse. Before joining the Firm, Prado was Head of the Legal Department for a leading international staffing agency in Germany where she focused on all aspects of employment litigation and corporate governance. After she moved to the United States, Prado worked with an internationally oriented German law firm as Counsel to corporate clients establishing subsidiaries in the United States and Germany. As a law student, Prado worked directly for several years for one of the appointed Trustees winding up Eastern German operations under receivership in the aftermath of the German reunification. Utilizing her experience in this area of law, Prado later helped many clients secure successful outcomes in U.S. Bankruptcy Court.

### Education

J.D., University of Erlangen-Nuremberg, Germany, 1996; Qualification for Judicial Office, Upper Regional Court Nuremberg, Germany, 1998; New York University, "U.S. Law and Methodologies," 2001

## Stephanie Schroder | Of Counsel

Stephanie Schroder is Of Counsel in the Firm's San Diego office and focuses her practice on advising institutional investors, including public and multi-employer pension funds, on issues related to corporate fraud in the United States and worldwide financial markets. Schroder has been with the Firm since its formation in 2004, and has over 17 years of securities litigation experience.

Schroder has obtained millions of dollars on behalf of defrauded investors. Prominent cases include: *In re AT&T Corp. Sec. Litig.* (\$100 million recovery at trial); *In re FirstEnergy Corp. Sec. Litig.* (\$89.5 million recovery); *Rasner v. Sturm (FirstWorld Communications)*; and *In re Advanced Lighting Sec. Litig.* Schroder also specializes in derivative litigation for breaches of fiduciary duties by corporate officers and directors. Significant litigation includes *In re OM Grp. S'holder Litig.* and *In re Chiquita S'holder Litig.* Schroder also represented clients that suffered losses from the Madoff fraud in the *Austin Capital* and *Meridian Capital* litigations, which were successfully resolved. In addition, Schroder is a frequent lecturer on securities fraud, shareholder litigation, and options for institutional investors seeking to recover losses caused by securities and accounting fraud.

## Education

B.A., University of Kentucky, 1997; J.D., University of Kentucky College of Law, 2000

## Kevin S. Sciarani | Of Counsel

Kevin Sciarani is Of Counsel to the Firm and is based in the San Diego office, where his practice focuses on complex securities litigation. Sciarani earned Bachelor of Science and Bachelor of Arts degrees from the University of California, San Diego. He graduated *magna cum laude* from the University of California, Hastings College of the Law with a Juris Doctor degree, where he served as a Senior Articles Editor on the *Hastings Law Journal*.

During law school, Sciarani interned for the U.S. Securities and Exchange Commission and the Antitrust Section of the California Department of Justice. In his final semester, he served as an extern to the Honorable Susan Illston of the United States District Court for the Northern District of California. Sciarani also received recognition for his *pro bono* assistance to tenants living in foreclosed properties due to the subprime mortgage crisis.

## Education

B.S., B.A., University of California, San Diego, 2005; J.D., University of California, Hastings College of the Law, 2014

## Honors / Awards

J.D., *Magna Cum Laude*, Order of the Coif, University of California, Hastings College of the Law, 2014; CALI Excellence Award, Senior Articles Editor, *Hastings Law Journal*, University of California, Hastings College of the Law

## Christopher P. Seefer | Of Counsel

Christopher Seefer is Of Counsel in the Firm's San Francisco office. He concentrates his practice in securities class action litigation, including cases against Verisign, UTStarcom, VeriFone, Nash Finch, NextCard, Terayon, and America West. Seefer served as an Assistant Director and Deputy General Counsel for the Financial Crisis Inquiry Commission, which reported to Congress in January 2011 its conclusions as to the causes of the global financial crisis. Prior to joining the Firm, he was a Fraud Investigator with the Office of Thrift Supervision, Department of the Treasury (1990-1999), and a field examiner with the Office of Thrift Supervision (1986-1990).

### Education

B.A., University of California Berkeley, 1984; M.B.A., University of California, Berkeley, 1990; J.D., Golden Gate University School of Law, 1998

## Arthur L. Shingler III | Of Counsel

Arthur Shingler is Of Counsel in the Firm's San Diego office. Shingler has successfully represented both public and private sector clients in hundreds of complex, multi-party actions with billions of dollars in dispute. Throughout his career, he has obtained outstanding results for those he has represented in cases generally encompassing shareholder derivative and securities litigation, unfair business practices litigation, publicity rights and advertising litigation, ERISA litigation, and other insurance, health care, employment, and commercial disputes.

Representative matters in which Shingler served as lead litigation or settlement counsel include, among others: *In re Royal Dutch/Shell ERISA Litig.* (\$90 million settlement); *In re Priceline.com Sec. Litig.* (\$80 million settlement); *In re General Motors ERISA Litig.* (\$37.5 million settlement, in addition to significant revision of retirement plan administration); *Wood v. Ionatron, Inc.* (\$6.5 million settlement); *In re Lattice Semiconductor Corp. Derivative Litig.* (corporate governance settlement, including substantial revision of board policies and executive management); *In re 360networks Class Action Sec. Litig.* (\$7 million settlement); and *Rothschild v. Tyco Int'l (US), Inc.*, 83 Cal. App. 4th 488 (2000) (shaped scope of California's Unfair Practices Act as related to limits of State's False Claims Act).

### Education

B.A., Point Loma Nazarene College, 1989; J.D., Boston University School of Law, 1995

### Honors / Awards

B.A., *Cum Laude*, Point Loma Nazarene College, 1989

## Leonard B. Simon | Of Counsel

Leonard Simon is Of Counsel in the Firm's San Diego office. His practice has been devoted to litigation in the federal courts, including both the prosecution and the defense of major class actions and other complex litigation in the securities and antitrust fields. Simon has also handled a substantial number of complex appellate matters, arguing cases in the United States Supreme Court, several federal Courts of Appeals, and several California appellate courts. He has also represented large, publicly traded corporations. Simon served as plaintiffs' co-lead counsel in *In re Am. Cont'l Corp./Lincoln Sav. & Loan Sec. Litig.*, MDL No. 834 (D. Ariz.) (settled for \$240 million), and *In re NASDAQ Market-Makers Antitrust Litig.*, MDL No. 1023 (S.D.N.Y.) (settled for more than \$1 billion). He was also in a leadership role in several of the state court antitrust cases against Microsoft, and the state court antitrust cases challenging electric prices in California. He was centrally involved in the prosecution of *In re Washington Pub. Power Supply Sys. Sec. Litig.*, MDL No. 551 (D. Ariz.), the largest securities class action ever litigated.

Simon is an Adjunct Professor of Law at Duke University, the University of San Diego, and the University of Southern California Law Schools. He has lectured extensively on securities, antitrust, and complex litigation in programs sponsored by the American Bar Association Section of Litigation, the Practising Law Institute, and ALI-ABA, and at the UCLA Law School, the University of San Diego Law School, and the Stanford Business School. He is an Editor of *California Federal Court Practice* and has authored a law review article on the PSLRA.

## Education

B.A., Union College, 1970; J.D., Duke University School of Law, 1973

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2016-2020; Super Lawyer, *Super Lawyers Magazine*, 2008-2016; J.D., Order of the Coif and with Distinction, Duke University School of Law, 1973

## Laura S. Stein | Of Counsel

Laura Stein is Of Counsel in the Firm's Philadelphia office. Since 1995, she has practiced in the areas of securities class action litigation, complex litigation, and legislative law. Stein has served as one of the Firm's and the nation's top asset recovery experts with a focus on minimizing losses suffered by shareholders due to corporate fraud and breaches of fiduciary duty. She also seeks to deter future violations of federal and state securities laws by reinforcing the standards of good corporate governance. Stein works with over 500 institutional investors across the nation and abroad, and her clients have served as lead plaintiff in successful cases where billions of dollars were recovered for defrauded investors against such companies as: AOL Time Warner, TYCO, Cardinal Health, AT&T, Hanover Compressor, 1st Bancorp, Enron, Dynegy, Inc., Honeywell International, Bridgestone, LendingClub, Orbital ATK, and Walmart, to name a few. Many of the cases led by Stein's clients have accomplished groundbreaking corporate governance achievements, including obtaining shareholder-nominated directors. She is a frequent presenter and educator on securities fraud monitoring, litigation, and corporate governance.

## Education

B.A., University of Pennsylvania, 1992; J.D., University of Pennsylvania Law School, 1995

## John J. Stoia, Jr. | Of Counsel

John Stoia is Of Counsel to the Firm and is based in the Firm's San Diego office. He is one of the founding partners and former managing partner of the Firm. He focuses his practice on insurance fraud, consumer fraud, and securities fraud class actions. Stoia has been responsible for over \$10 billion in recoveries on behalf of victims of insurance fraud due to deceptive sales practices such as "vanishing premiums" and "churning." He has worked on dozens of nationwide complex securities class actions, including *In re Am. Cont'l Corp./Lincoln Sav. & Loan Sec. Litig.*, which arose out of the collapse of Lincoln Savings & Loan and Charles Keating's empire. Stoia was a member of the plaintiffs' trial team that obtained verdicts against Keating and his co-defendants in excess of \$3 billion and settlements of over \$240 million.

He also represented numerous large institutional investors who suffered hundreds of millions of dollars in losses as a result of major financial scandals, including AOL Time Warner and WorldCom. Currently, Stoia is lead counsel in numerous cases against online discount voucher companies for violations of both federal and state laws including violation of state gift card statutes.

## Education

B.S., University of Tulsa, 1983; J.D., University of Tulsa, 1986; LL.M., Georgetown University Law Center, 1987

## Honors / Awards

Rated AV Preeminent by Martindale-Hubbell; Top Lawyer in San Diego, *San Diego Magazine*, 2013-2020; Super Lawyer, *Super Lawyers Magazine*, 2007-2017; Litigator of the Month, *The National Law Journal*, July 2000; LL.M. Top of Class, Georgetown University Law Center

## David C. Walton | Of Counsel

David Walton was a founding partner of the Firm. For over 25 years, he has prosecuted class actions and private actions on behalf of defrauded investors, particularly in the area of accounting fraud. He has investigated and participated in the litigation of highly complex accounting scandals within some of America's largest corporations, including Enron (\$7.2 billion), HealthSouth (\$671 million), WorldCom (\$657 million), AOL Time Warner (\$629 million), Countrywide (\$500 million), and Dynegy (\$474 million), as well as numerous companies implicated in stock option backdating.

Walton is a member of the Bar of California, a Certified Public Accountant (California 1992), a Certified Fraud Examiner, and is fluent in Spanish. In 2003-2004, he served as a member of the California Board of Accountancy, which is responsible for regulating the accounting profession in California.

## Education

B.A., University of Utah, 1988; J.D., University of Southern California Law Center, 1993

## Honors / Awards

Recommended Lawyer, *The Legal 500*, 2019; Super Lawyer, *Super Lawyers Magazine*, 2015-2016; California Board of Accountancy, Member, 2003-2004; *Southern California Law Review*, Member, University of Southern California Law Center; Hale Moot Court Honors Program, University of Southern California Law Center

## Jonathan Zweig | Of Counsel

Jonathan Zweig is Of Counsel to the Firm and is based in the Manhattan office. Zweig's practice focuses primarily on complex securities litigation, corporate control cases, and breach of fiduciary actions on behalf of investors.

Before joining Robbins Geller, Zweig served for over six years as an Assistant Attorney General with the New York State Office of the Attorney General's Investor Protection Bureau, where he prosecuted civil securities fraud actions and tried two major cases on behalf of the State. In *New York v. Exxon Mobil Corporation*, a high-profile securities fraud case concerning climate risk disclosures, Zweig examined numerous witnesses and delivered the State's closing argument at trial. In *New York v. Laurence Allen et al.*, Zweig and his colleagues achieved a total victory at trial for defrauded investors in a private equity fund, and established for the first time the retroactive application of the Martin Act's expanded statute of limitations. Zweig also conducted data-intensive investigations of Credit Suisse concerning its alternative trading system and its wholesale market making business, resulting in joint settlements with the SEC totaling \$70 million from Credit Suisse. On two occasions, Zweig was awarded the Louis J. Lefkowitz Award for Exceptional Service.

Zweig was previously a litigator at Davis Polk & Wardwell LLP, where he represented clients in securities litigation, mass tort, and other matters. Zweig also clerked for Judge Jacques L. Wiener, Jr. of the U.S. Court of Appeals for the Fifth Circuit, and Judge Sarah S. Vance of the U.S. District Court for the Eastern District of Louisiana.

## Education

B.A., Yale University, 2007; J.D., Harvard Law School, 2010

## Honors / Awards

Louis J. Lefkowitz Award for Exceptional Service, New York State Office of the Attorney General, 2015, 2020; J.D., *Magna Cum Laude*, Harvard Law School, 2010; B.A., *Summa Cum Laude*, Yale University, 2007



## Bruce Gamble | Special Counsel

Bruce Gamble is Special Counsel to the Firm in the Firm's Washington D.C. office and is a member of the Firm's institutional investor client services group. He serves as liaison with the Firm's institutional investor clients in the United States and abroad, advising them on securities litigation matters. Gamble formerly served as Of Counsel to the Firm, providing a broad array of highly specialized legal and consulting services to public retirement plans. Before working with Robbins Geller, Gamble was General Counsel and Chief Compliance Officer for the District of Columbia Retirement Board, where he served as chief legal advisor to the Board of Trustees and staff. Gamble's experience also includes serving as Chief Executive Officer of two national trade associations and several senior level staff positions on Capitol Hill.

### Education

B.S., University of Louisville, 1979; J.D., Georgetown University Law Center, 1989

### Honors / Awards

Executive Board Member, National Association of Public Pension Attorneys, 2000-2006; American Banker selection as one of the most promising U.S. bank executives under 40 years of age, 1992

## Tricia L. McCormick | Special Counsel

Tricia McCormick is Special Counsel to the Firm and focuses primarily on the prosecution of securities class actions. McCormick has litigated numerous cases against public companies in the state and federal courts which resulted in hundreds of millions of dollars in recoveries to investors. She is also a member of a team that is in constant contact with clients who wish to become actively involved in the litigation of securities fraud. In addition, McCormick is active in all phases of the Firm's lead plaintiff motion practice.

### Education

B.A., University of Michigan, 1995; J.D., University of San Diego School of Law, 1998

### Honors / Awards

J.D., *Cum Laude*, University of San Diego School of Law, 1998

## R. Steven Aronica | Forensic Accountant

Steven Aronica is a Certified Public Accountant licensed in the States of New York and Georgia and is a member of the American Institute of Certified Public Accountants, the Institute of Internal Auditors, and the Association of Certified Fraud Examiners. Aronica has been instrumental in the prosecution of numerous financial and accounting fraud civil litigation claims against companies that include Lucent Technologies, Tyco, Oxford Health Plans, Computer Associates, Aetna, WorldCom, Vivendi, AOL Time Warner, Ikon, Doral Financial, First BanCorp, Acclaim Entertainment, Pall Corporation, iStar Financial, Hibernia Foods, NBTY, Tommy Hilfiger, Lockheed Martin, the Blackstone Group, and Motorola. In addition, he assisted in the prosecution of numerous civil claims against the major United States public accounting firms.

Aronica has been employed in the practice of financial accounting for more than 30 years, including public accounting, where he was responsible for providing clients with a wide range of accounting and auditing services; the investment bank Drexel Burnham Lambert, Inc., where he held positions with accounting and financial reporting responsibilities; and at the SEC, where he held various positions in the divisions of Corporation Finance and Enforcement and participated in the prosecution of both criminal and civil fraud claims.

### Education

B.B.A., University of Georgia, 1979

## Andrew J. Rudolph | Forensic Accountant

Andrew Rudolph is the Director of the Firm's Forensic Accounting Department, which provides in-house forensic accounting expertise in connection with securities fraud litigation against national and foreign companies. He has directed hundreds of financial statement fraud investigations, which were instrumental in recovering billions of dollars for defrauded investors. Prominent cases include *Qwest*, *HealthSouth*, *WorldCom*, *Boeing*, *Honeywell*, *Vivendi*, *Aurora Foods*, *Informix*, *Platinum Software*, *AOL Time Warner*, and *UnitedHealth*.

Rudolph is a Certified Fraud Examiner and a Certified Public Accountant licensed to practice in California. He is an active member of the American Institute of Certified Public Accountants, California's Society of Certified Public Accountants, and the Association of Certified Fraud Examiners. His 20 years of public accounting, consulting, and forensic accounting experience includes financial fraud investigation, auditor malpractice, auditing of public and private companies, business litigation consulting, due diligence investigations, and taxation.

### Education

B.A., Central Connecticut State University, 1985

## Christopher Yurcek | Forensic Accountant

Christopher Yurcek is the Assistant Director of the Firm's Forensic Accounting Department, which provides in-house forensic accounting and litigation expertise in connection with major securities fraud litigation. He has directed the Firm's forensic accounting efforts on numerous high-profile cases, including *In re Enron Corp. Sec. Litig.* and *Jaffe v. Household Int'l, Inc.*, which obtained a record-breaking \$1.575 billion settlement after 14 years of litigation, including a six-week jury trial in 2009 that resulted in a verdict for plaintiffs. Other prominent cases include *HealthSouth*, *UnitedHealth*, *Vesta*, *Informix*, *Mattel*, *Coca-Cola*, and *Media Vision*.

Yurcek has over 20 years of accounting, auditing, and consulting experience in areas including financial statement audit, forensic accounting and fraud investigation, auditor malpractice, turn-around consulting, business litigation, and business valuation. He is a Certified Public Accountant licensed in California, holds a Certified in Financial Forensics (CFF) Credential from the American Institute of Certified Public Accountants, and is a member of the California Society of CPAs and the Association of Certified Fraud Examiners.

### Education

B.A., University of California, Santa Barbara, 1985

# EXHIBIT A-48

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	DECLARATION OF STEVEN N. WILLIAMS FILED ON BEHALF OF JOSEPH SAVERI LAW FIRM, LLP IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Steven N. Williams, declare as follows:

1. I am Partner in the law firm of Joseph Saveri Law Firm, LLP (“Saveri”). I was previously a Partner in the law firm of Cotchett, Pitre & McCarthy, LLP (collectively the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action. I make this declaration of my own knowledge pursuant to 28 U.S.C. § 1746.

2. This Firm is counsel of record for certain Class Plaintiffs in this action.

3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.

4. The Firm seeks an award of \$159,354.76 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.

5. A Firm resume is attached as **Exhibit B**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st day of September, 2021, at San Francisco, California.



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Steven N. Williams

# **EXHIBIT A**

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
 No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
 Joseph Saveri Law Firm LLP  
 Inception through June 31, 2021

<b><i>CATEGORY</i></b>		<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees		1,058.85
Transportation, Hotels & Meals		38,374.94
Messenger, Overnight Delivery		2,983.32
Outside:		50,447.19
In-House: (4722 color copies at 1.00 per page; 11,162 black and white copies at .25 per page)		7,512.50
Online Legal and Financial Research		8,987.96
Litigation Fund Contribution		50,000.00
<b><i>TOTAL</i></b>		<b><i>\$159,364.76</i></b>



# **EXHIBIT B**



JOSEPH SAVERI  
LAW FIRM

SAN FRANCISCO, CA NEW YORK, NY

2021

Joseph Saveri Law Firm, LLP  
Firm Resume

## FIRM HISTORY AND BACKGROUND

The Joseph Saveri Law Firm, LLP is one of the country's most acclaimed and successful boutique firms. It achieves ground-breaking results for plaintiffs in antitrust law, class actions, complex business disputes, securities litigation, consumer protection, intellectual property, and *qui tam*/whistleblower cases, in federal and state courts throughout the United States and across the globe.

The Firm was founded in 2012 by Joseph Saveri. Since then, it has led several groundbreaking and precedent-setting cases. It has served as lead and co-counsel on a variety of cases involving: challenges to price-fixing; monopolization; illegal reverse payments; “pay-for-delay” agreements involving the drugs Cipro, Lidoderm, Restasis, and Opana ER; and “no-poach” agreements restricting hiring and recruiting at major corporations. These cases cover diverse industries including pharmaceuticals, high-technology, electronics, banking and financial services, transportation, and sports leagues.

The Firm is widely regarded as one of the nation’s leading law firms; it has established a track record leading and prosecuting some of the most significant cases across the United States. Its attorneys have recovered over \$4 billion in settlements and successful resolutions for their clients, and the Firm has received many honors, including:

### ★ Firm Awards ★



#### AMERICAN ANTITRUST INSTITUTE

In 2020, Anupama Reddy was recognized by the American Antitrust Institute for “Outstanding Antitrust Litigation Achievement by a Young Lawyer” (for work performed in *In re Capacitors Antitrust Litigation*). In 2017, the Firm was an Honoree for “Outstanding Antitrust Litigation Achievement in Private Law Practice” for its success in *In re Cipro Cases I and II*. In 2015, the Firm was a Finalist for this award for its success in *In re High-Tech Employee Antitrust Litigation*. The awards are part of the American Antitrust Institute’s Antitrust Enforcement Awards, which recognize achievements in antitrust litigation by legal practitioners and economists.

#### BENCHMARK LITIGATION

The Firm was recognized in 2020 as one of the best in California in the “competition/antitrust” and “dispute resolution” practice areas. Partners Joseph Saveri and Steven Williams were honored in the same field as “National Practice Area Stars” and “Local Litigation Stars.”

Benchmark Litigation, based in the United Kingdom, New York City, and Hong Kong, researches and ranks law firms and lawyers based on transactional advice. Research is conducted through extensive interviews with litigators, dispute resolution specialists, and their clients to identify the leading litigators and firms. During these interviews, it examines recent casework handled by law firms and ask individual litigators to provide their professional opinions on peers and practitioners within their jurisdiction or practice area. Each annual research process culminates in the publication of law firm rankings, individual lawyer ratings, and firm editorial content.

★ Firm Awards *Con't*

Joseph Saveri Law Firm, Inc.

**BEST LAWYERS/U.S. NEWS & WORLD REPORT**

Since 2013, the Firm has been annually selected for inclusion in *Best Law Firms*, an annual publication by *U.S. News & World Report* and *Best Lawyers*. It is ranked among the top tiers in "Litigation—Antitrust" nationally, and "Litigation—Antitrust" and "Mass Tort Litigation/Class Actions" in San Francisco. Firms included in the *Best Law Firms* list are recognized for professional excellence with persistently impressive ratings from clients and peers. Achieving a tiered ranking signals a unique combination of quality law practice and breadth of legal expertise. To be eligible for a ranking, a firm must have a lawyer selected by *Best Lawyers* to *The Best Lawyers in America*, a publication which recognizes the top five percent of practicing attorneys in the United States. Joseph Saveri and Steven Williams have been meritoriously selected.

**CHAMBERS AND PARTNERS**

Chambers and Partners has ranked The Firm "Band 1" (highest ranking) in its "Antitrust: Mainly Plaintiff—California" category: currently the only firm in California to receive this honor. Chambers has also ranked the Firm as one of the top 16 U.S. firms in its "Antitrust: Mainly Plaintiff-Nationwide" category. In 2021, it shortlisted the Firm as an "Outstanding Firm for *Pro Bono*" for its Diversity & Inclusion Awards: North America 2021.

Firm partners Joseph Saveri and Steven Williams are currently ranked "Band 1" attorneys by Chambers in its "Antitrust: Plaintiff—USA—Nationwide" and "Antitrust: Mainly Plaintiff—California" categories. Their dual "Band 1" rankings make the Firm one of only two nationwide to contribute multiple "Band 1" designees to these categories. Joseph Saveri has been ranked a "Band 1" attorney in these categories since 2014. Chambers reports him as "smart, fair, and zealous in his advocacy," and as a "great lawyer" who is "hard-working and possesses excellent judgment about how to prosecute antitrust and consumer protection cases." Steven Williams has been ranked "Band 1" or "Band 2" in one or both categories since 2015. Chambers regards him as "a real force in antitrust" who is "dogged in the pursuit of justice for his clients and exercises great judgment in complex litigation." "He is smart, easy to work with, and professional in all aspects of the practice," it added.

London-based Chambers ranks law firms and individual lawyers in bands from 1-6, with 1 being the best. The qualities on which rankings are assessed include technical legal ability, client service, commercial vision and business understanding, diligence, value for money (cost-effective staffing and organization), depth of team, professional conduct, and other factors important to clients.

**DAILY JOURNAL (CALIFORNIA)**

The Firm was recognized as one of the "Top Boutiques in California 2018," a contest that selected and reported on the top 20 boutique law firms in California. The profile highlighted the Firm's recent growth, the addition of partner Steven Williams, and its advancement of antitrust law on prominent cases such as *In re Cipro Cases I and II*. The Firm also received this award in 2016. Joseph Saveri and Steven Williams have received several *Daily Journal* "Top in California" individual awards in various categories.

The Daily Journal Corporation, a Los Angeles-based publishing and technology company, features Interview-based profiles covering judicial philosophy, representative decisions, and recent cases.

## ★ Firm Awards *Con't*



Super  
Lawyers



### LAWDRAGON

Joseph Saveri and Steven Williams have been selected 2019-present for Lawdragon legal media company's "500 Leading Plaintiff Financial Lawyers" online guide. The guide, first published in 2007, presents Lawdragon's recognition of the best of the U.S. plaintiff bar. The 500 lawyers selected bring their cases as individual matters as well as in class actions that are increasingly going global. Lawdragon, based in New York City, provides free online news and editorial features—including its well-known guides to the nation's leading lawyers—as well as content, marketing, and branding services for lawyers and firms.

### THE LEGAL 500

In 2019-present, the Firm was one of a select few nationwide recognized for excellence in the United Kingdom-based research and ranking service's "United States Antitrust Civil Litigation/Class Actions: Plaintiff" category. Its attorneys have also received favorable rankings. The Legal 500 assesses the strengths of law firms in over 150 jurisdictions. Its rankings are based on feedback from 300,000 clients worldwide, detailed submissions from law firms, interviews with leading private practice lawyers, and a team of researchers with unrivaled experience in the legal market.

### MARTINDALE HUBBELL

Two Firm partners have achieved Martindale Hubbell's highest rating—"AV Preeminent." Joseph Saveri has achieved this ranking since 2008; Steven Williams has done likewise since 2002. Martindale-Hubbell's Peer Review Ratings are an objective indicator of a lawyer's high ethical standards and professional ability. Attorneys receive Peer Review Ratings based on evaluations by other members of the bar and the judiciary in the United States and Canada.

### SUPER LAWYERS

Several of the Firm's attorneys have been recognized by *Super Lawyers*, part of Thomson Reuters, which rates outstanding lawyers from more than 70 practice areas who have attained a high-degree of peer recognition, professional achievement, and excellence. The *Super Lawyers* list recognizes no more than five percent of attorneys in each state. Partner Joseph Saveri has been rated a "Super Lawyer" annually since 2006 and was named to the "Top 100 Northern California Super Lawyers" in 2015-2016 and 2019-present. Partner Steven Williams has been annually rated a "Super Lawyer" since 2005 and was named to the "Top 100 Northern California Super Lawyers" in 2016-present.

### WHO'S WHO LEGAL/GLOBAL COMPETITION REVIEW

Firm partners Joseph Saveri and Steven Williams were selected as two of the top plaintiffs' attorneys worldwide in *Who's Who Legal: Competition 2020*, a publication of Who's Who Legal and Global Competition Review. Mr. Saveri was praised as "a distinguished antitrust practitioner on the plaintiff side." Mr. Williams was commended as a "top-notch competition lawyer" and a "highly intelligent strategic thinker." Mr. Saveri was previously selected for this honor in 2015-2019, as was Mr. Williams in 2014-2019. In 2019-present, Joseph Saveri and Steven Williams were also profiled in *Thought Leaders: Competition*, a publication of Who's Who Legal.

Who's Who Legal, a prestigious United Kingdom-based legal ranking service, has identified the foremost legal practitioners and consulting experts in business law based upon comprehensive, independent research. It is dedicated to identifying the world's leading lawyers across multiple practice areas and publishes a series of guides throughout the year. Global Competition Review provides a subscription-based news and resource service (both online and print) and yearly hosts several live events.

# \$4B+

In settlements and resolutions for our clients

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# 100+

Combined Years of Civil Litigation Experience

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# 19

Leadership Positions in Cases Nationwide

With 30 years of civil litigation experience, Mr. Saveri has handled cases involving numerous industries, including: banking and financial services, insurance, energy, pharmaceuticals, agricultural products, computer hardware, computer software, manufacturing inputs, travel and transportation, paper products, cosmetics, and consumer electronics. He has established himself as one of the country's top litigators in the antitrust field.

Mr. Saveri has investigated, prosecuted, and successfully resolved numerous antitrust class actions and other complex cases. He has served both as a court-appointed leader of such efforts and as a valued member of the teams operating under the leadership of others. As lead or co-lead counsel in many of these cases, he has taken a personal leadership role in organizing litigation, setting strategy, establishing and directing teams of lawyers, and assigning specific tasks to teams of attorneys in a way that ensures the efficient use of resources and maximizes the talents of the litigation team. Throughout these cases, he has displayed the energy, vision, and commitment that leadership requires, combined with the ability to listen, share, and work cooperatively so that the litigation team operates equitably, efficiently, and without friction.

Mr. Saveri and the Firm serve or have served as lead counsel in many high-profile cases, including most recently *Capacitors*, *Titanium Dioxide*, *High-Tech Employees*, *Scola v. Facebook, Inc.*, and California's *Cipro* litigation. Over the past decade, his fellow partner Steven Williams has played a lead role in many of the most prominent antitrust class cases and been named lead or co-lead counsel more often than perhaps any other attorney in the United States. Overall, the Firm's attorneys are accomplished and successful in all phases of litigation and have been awarded by the American Antitrust Institute, Chambers and Partners, Martindale Hubbell, The Legal 500, Who's Who Legal, and *Super Lawyers* for their distinguished leadership. They lecture and write on many topics, are actively involved in numerous legal organizations, and are multi-lingual and from diverse backgrounds.

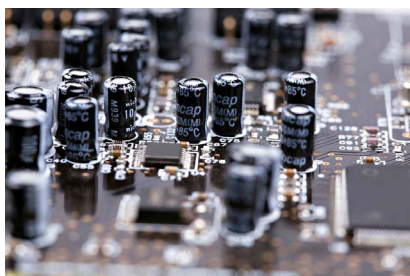
The Firm has a strong commitment to *pro bono* representation. It frequently works with the Northern District of California's Federal *Pro Bono* Project, which operates in conjunction with the Bar Association of San Francisco's Justice and Diversity Center. The JDC provides *pro bono* services to underserved San Francisco residents and communities, and the organizations that serve them. Many Firm attorneys participate in this project and have received Court praise for their successful results achieved for their clients.

## CASE PROFILES

The Firm has been a successful leader in cases covering antitrust, class actions, complex business disputes, consumer protection, and other practice areas, on behalf of national and international consumers, purchasers, and employees across diverse industries.



The Firm handles antitrust cases, class actions, and complex litigation in federal and state courts throughout the United States. Prominent past and current cases in which the Firm or Mr. Saveri serves or has served include:

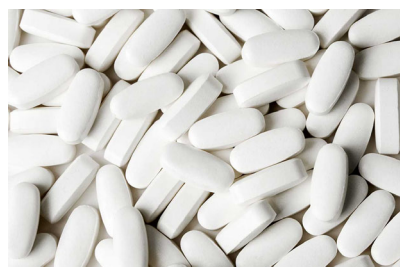


### IN RE CAPACITORS ANTITRUST LITIGATION

No. 3:14-cv-03264-JD, 3:17-md-02801-JD (N.D. Cal.)

The Firm is **sole Lead Counsel** for a class of direct purchasers of capacitors used in electronic devices. Plaintiffs allege that Defendants—over twenty corporations and corporate families—formed a cartel and conspired to fix, raise, and stabilize prices in the multi-billion-dollar market for aluminum, tantalum, and film capacitors. The Firm represents the class as Plaintiffs in a civil class action.

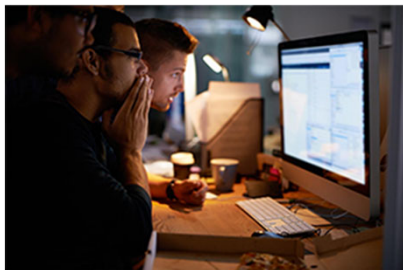
**Settlements totaling \$439.55 million** have been reached with most Defendants. Trial against Defendants who have not settled will occur in 2021. In the criminal case, **eight capacitors manufacturers and two individual executives have pleaded guilty and been sentenced** for violating federal antitrust laws.



### IN RE CIPRO CASES I AND II

J.C.C.P. Nos. 4154, 4220 (San Diego County Sup. Ct.)

The Firm is **Co-Lead Counsel** for consumers who purchased Cipro, a blockbuster antibiotic drug. Plaintiffs alleged that Bayer Corporation, Barr Laboratories, two other generic drug companies, and other Defendants entered into an unlawful agreement to keep a generic version of the drug off the market, which allowed Bayer to sell Cipro at inflated prices. In 2013, the California Superior Court for the County of San Diego approved a **\$74 million class action settlement** between Bayer and the Class. In 2015, the California Supreme Court reversed the judgment of the Court of Appeal and remanded the case for further proceedings. In that decision, the California Supreme Court ruled in Plaintiffs' favor and adopted a "structured" rule of reason as the standard for adjudicating reverse payment antitrust cases. Following remand to the Superior Court, Plaintiffs reached a **\$100 million settlement** agreement with Defendants Hoechst Marion Roussel, The Rugby Group, Inc., and Watson Pharmaceuticals, which the Court approved in 2016. In 2017, on the eve of trial, Plaintiffs **settled** with Barr, the sole remaining Defendant, **for \$225 million**, bringing the **total Class recovery to \$399 million: a record for this type of case.**



### SCOLA V. FACEBOOK, INC.

No. 18CIV05135 (San Mateo County Sup. Ct.)

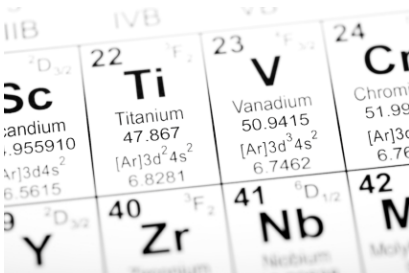
The Firm is co-counsel in an action against Facebook alleging that a Plaintiff Class of content moderators responsible for viewing and removing offensive and disturbing content from Facebook users are suffering from post-traumatic stress disorder and other trauma-related injuries because they were not being properly protected by the social media company. In 2020, the Class reached a ground-breaking **preliminary settlement for \$52 million and workplace improvements**. The settlement provides significant relief to over 10,000 content moderators who worked for Facebook's vendors in California, Arizona, Texas, and Florida.



### IN RE HIGH-TECH EMPLOYEES ANTITRUST LITIGATION

No. 5:11-cv-02509-LHK (N.D. Cal.)

The Firm served as **Co-Lead Class Counsel** for a certified class of over 64,000 employees of leading technology companies against their employers for their alleged agreements to restrict recruiting to suppress wages. In this highly publicized case, Defendants Intuit Inc., Lucasfilm, Ltd., and Pixar agreed to **settlements totaling \$20 million**. Following the Court's denial of their motions for summary judgment, Defendants Google Inc., Apple Inc., Adobe Systems Inc., and Intel Corporation agreed to a **settlement totaling \$415 million**.



### IN RE TITANIUM DIOXIDE ANTITRUST LITIGATION

No. 1:10-cv-00318-RDB (D. Md.)

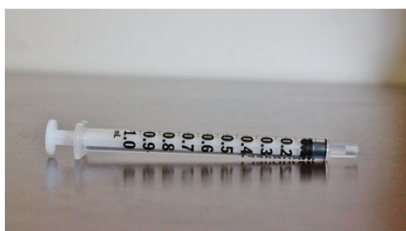
The Firm served as **Co-Lead Counsel** to a class of direct purchasers of titanium dioxide who alleged that several primary suppliers engaged in an unlawful conspiracy to raise, maintain, or stabilize prices for titanium dioxide in the United States. The case produced a **\$163.5 million settlement**.



### IN RE RESTASIS (CYCLOSPORINE OPHTHALMIC EMULSION) ANTITRUST LITIGATION

No. 1:18-md-02819-NG-LB (E.D.N.Y.)

The Firm is **Co-Lead Counsel** for End-Payer Plaintiffs in an antitrust class action filed against Allergan, Inc. for an alleged scheme to delay generic competition to Allergan's blockbuster Restasis drug (used primarily for the treatment of chronic dry eyes). The Firm brought suit on behalf of its client and named class representative, the Self-Insured Schools of California, a Joint Powers Authority providing health benefits to over 300,000 public school district employees and their family members. Plaintiffs allege that Allergan unlawfully extended its monopoly in the market for Restasis through a series of fraudulent and anticompetitive acts. The suit is currently part of a multidistrict litigation pending in the United States District Court for the Eastern District of New York. Class certification has been granted. Settlement is anticipated in 2021.



### IN RE: XYREM (SODIUM OXYBATE) ANTITRUST LITIGATION

No. 5:20-MD-02966-LHK (N.D. Cal.)

The Firm represents Plaintiff, purchaser Self-Insured Schools of California, in a multi-district litigation antitrust suit in which it serves on the **Plaintiffs' Steering Committee**. Plaintiff and a potential class of other purchasers are insurers, health and welfare plans, and consumers seeking relief from indirectly paying for and/or providing reimbursement for purchases of Xyrem (an oral narcolepsy drug) at supra-competitive prices. Facing the impact of competitive market forces, Defendant Jazz (Xyrem manufacturer) allegedly turned to an anticompetitive scheme to delay generic entry and maintain its monopoly. Plaintiffs seek class certification, damages, and other injunctive and equitable relief.



### IN RE LIDODERM ANTITRUST LITIGATION

No. 3:14-md-02521-WHO (N.D. Cal.)

The Firm served as End-Payers' **Liaison Counsel** in a class action lawsuit brought by indirect purchasers of Lidoderm against Endo Pharmaceuticals, Teikoku, and Actavis Inc. Plaintiffs claimed that Defendants entered into an illegal reverse payment agreement in which Endo provided nearly \$100 million worth of branded Lidoderm and additional consideration to Actavis to keep generic lidocaine patches off the market. Plaintiffs alleged that the agreement delayed generic competition and caused Plaintiffs to pay higher prices. In 2017, the Court granted Plaintiffs' motion to certify a class of Lidoderm End-Payers. The **case settled** in early 2018, shortly before trial, **for \$105 million**.



### IN RE OPANA ER ANTITRUST LITIGATION

No. 1:14-cv-10150 (N.D. Ill.)

The Firm represents Plaintiffs in a proposed class action brought by indirect purchasers against brand and generic manufacturers of Opana ER. Plaintiffs allege that Defendants Endo Pharmaceuticals Inc. and Impax Laboratories entered an illegal “pay-for-delay” or reverse payment agreement whereby Endo provided Impax over \$100 million in cash, as well as other valuable consideration, in exchange for Impax’s promise to keep generic versions of Opana ER off the market. Plaintiffs allege that this prevented generic competition and resulted in higher prices.



### MEIJER V. ABBOTT LABORATORIES

Nos. 4:07-cv-5470, 4:07-cv-5702, 4:07-cv-5985 (N.D. Cal.)

Mr. Saveri served as **Liaison Counsel** on behalf of the class of Direct Purchaser Plaintiffs in the Norvir Antitrust Litigation. The case involved claims under Section One and Section Two of the Sherman Act in connection with the sale, marketing, and pricing of the bundled drugs Norvir and Kaletra by Abbott Laboratories. Mr. Saveri participated in all phases of the litigation, including trial. Among other highlights, his work during jury selection of the case resulted in the landmark decision by the Ninth Circuit Court of Appeals in *SmithKline Beecham Corp. v. Abbott Laboratories*, 740 F.3d 471 (9th Cir. 2014), confirming that equal protection prohibits discrimination based on sexual orientation in jury selection and that the Supreme Court’s decision in *Batson v. Kentucky*, 476 U.S. 79 (1986), applies in civil cases. Following jury selection, the Direct Purchasers **settled their claims in full for \$52 million**.



### CUNG LE V. ZUFFA, LLC

No. 2:15-cv-01045-RFB-BNW (D. Nev.)

The Firm is **Co-Lead Counsel** for professional mixed martial arts (MMA) fighters in a class action against MMA promoter Ultimate Fighting Championship (UFC) and its parent company Zuffa LLC. Plaintiffs allege that the UFC illegally acquired and maintained monopoly power in the market for promoting Professional MMA Bouts and monopsony power in the market for Professional MMA Fighters’ Services and used that monopoly and monopsony power to suppress compensation for MMA fighters who fought for the UFC. Motions for class certification and summary judgment are fully briefed. The Court stated at a December 2020 hearing that it would be certifying the Class.



### JONES V. VARSITY BRANDS

No. 2:20-cv-02892 (W.D. Tenn.)

The Firm represents a class of competitive cheer families against Varsity Brands, LLC; Varsity Spirit, LLC; Varsity Spirit Fashion & Supplies, LLC; U.S. All Star Federation, Inc.; and other co-conspirators. Plaintiffs allege Defendants have abused Varsity's market power to raise, fix, and stabilize the prices charged and associated with competitive cheer. As a result, cheer athletes, together with their parents, friends, and families, have been overcharged by the Defendants, who have obtained millions of dollars in supracompetitive illegal profits.



### GIORDANO V. SAKS INCORPORATED

No. 1:20-cv-00833-MKB-CLP (E.D.N.Y.)

The Firm is **Interim Co-Lead Class Counsel** in a "no-poach" class action, alleging that Defendants Saks Incorporated; Saks & Company LLC; Saks Fifth Avenue LLC; Louis Vuitton USA Inc.; Fendi North America, Inc.; Loro Piana & C. Inc.; Gucci America, Inc.; Prada USA Corp.; and Brunello Cucinelli, USA, Inc. agreed not to hire one another's luxury retail employees. Plaintiffs are former sales professionals who sought employment opportunities with other Defendants. Plaintiffs allege the illegal agreements restrain competition for luxury retail employees working for Defendants. Plaintiffs seek damages and injunctive relief.



### JESSICA ROBINSON V. JACKSON HEWITT, INC. AND TAX SERVICES OF AMERICA, INC.

No. 2:19-cv-9066 (D. N.J.)

The Firm is **Interim Co-Lead Counsel** for Plaintiffs in an antitrust class action against Defendants Jackson Hewitt, Inc. and Tax Services of America, Inc. Plaintiffs are individuals who work or have worked for Jackson Hewitt, a tax preparation services provider and franchisor, and for franchise locations of Jackson Hewitt. From approximately January 2000 through December 2018, Defendants and other co-conspirators agreed not to compete for employees and potential employees, including agreements not to solicit, recruit, or hire without prior approval each other's personnel. Plaintiffs seek injunctive relief and recovery of damages arising from Defendants' violations of Section 1 of the Sherman Act.



### JANE DOE V. YOUTUBE, INC.

No. 20-CV-07493-YGR (N.D. Cal.)

The Firm represents Plaintiff and a nation-wide class of content moderators. The suit alleges that content moderators responsible for viewing and removing offensive and disturbing videos and images posted by YouTube users are suffering from psychological trauma and post-traumatic stress disorder, and are not being protected properly by the social media company. Plaintiffs seek workplace improvements and compensation for exposure to objectionable content on YouTube's platform.



### IN RE JANUARY 2021 SHORT SQUEEZE TRADING LITIGATION

No. 3:21-cv-00781 (N.D. Cal.), No. 1:21-md—02989-ALTONAGA/Torres (S.D. Fla.)

The Firm is **Plaintiffs' Lead Counsel** in a suit on behalf of a proposed class of retail investors against Robinhood Markets, Inc. and various brokerages, investment funds, and other co-conspirators who allegedly entered into an illegal scheme designed to shield themselves from massive industry losses they had incurred due to their highly speculative short selling strategies. Plaintiffs allege that they and other retail investors continue to be injured due to a large, overarching conspiracy among Defendants to stop them from buying stocks in open and fair public securities markets. Plaintiffs seek damages recovery and injunctive relief.



### IN RE DENTAL SUPPLIES ANTITRUST LITIGATION

No. 1:16-cv-00696-BMC-GRB (E.D.N.Y.)

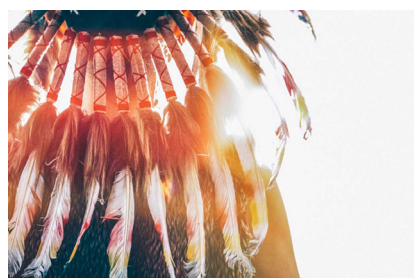
The Firm serves as a **member of the Plaintiffs' Executive Committee** in a class action of direct purchasers against the primary dental product distributors in the United States. Plaintiffs allege that Patterson Companies, Inc., Henry Schein, Inc., and Benco Dental Supply Company illegally boycotted competitor dental product distributors to maintain and extend their dominant position in the market for dental supplies and equipment. As a result, Plaintiffs (and similarly situated dental practices) paid inflated prices for important dental products, including imaging devices, dental chairs, high-tech equipment, sterilization products, and other related materials. **Final judgment and a Court order granting an \$80 million settlement** was reached in 2019.



### IN RE EPIPEN MARKETING, SALES PRACTICES, AND ANTITRUST LITIGATION

No. 17-md-02785-DDC-TJJ (D. Kan)

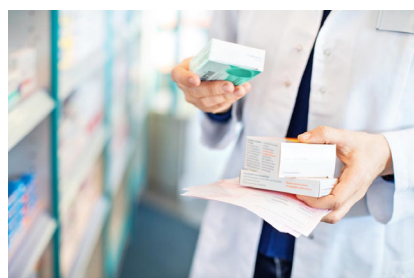
The Firm is on the **Plaintiffs' Steering Committee** in this multidistrict litigation case alleging that Mylan, Pfizer, and their related companies engaged in federal and state antitrust violations, RICO violations, and violations of state consumer protection laws with regard to the EpiPen autoinjector drug device. Defendants raised their prices by hundreds of percent and forced consumers to buy two EpiPens at a time instead of one in order to maximize their profits. In August 2018, the Court denied Defendants' motions to dismiss as to the vast majority of Plaintiffs' claims. Discovery is proceeding. Trial is anticipated late 2021-early 2022.



### PASKENTA BAND OF NOMLAKI INDIANS V. CROSBY

No. 2:15-cv-00538-MCE-CMK (E.D. Cal.)

The Firm is **Co-Lead Counsel** in a suit in which it represents the Paskenta Band of Nomlaki Indians pursuing the recovery of tens of millions of dollars converted by former tribal officials. The Tribe brings civil RICO and various state law claims alleging that these formal tribal officials—with a number of associated individuals, banks, and benefit providers—operated a RICO Enterprise that facilitated the looting of tribal moneys. These former tribal officials spent the Tribe's funds on luxury homes, expensive cars, private jet travel, exclusive entertainment and vacations, and their personal expenses.



### IN RE GENERIC PHARMACEUTICALS PRICING ANTITRUST LITIGATION

No. 2:16-md-02724-CMR (E.D. Pa.)

The Firm is on the **Plaintiffs' Steering Committee** for End-Payor Plaintiffs and its client, the Self-Insured Schools of California, and similarly situated U.S. consumers and insurers, against dozens of generic drug manufacturers in this broad multidistrict litigation. The antitrust suit charges the Defendants with conspiring to fix and raise prices for over 30 different generic pharmaceutical drugs, forcing consumers to pay inflated prices for medication to treat a wide variety of illnesses and diseases.



### SPRADLING V. SURGICAL CARE AFFILIATES, LLC

No. 21-cv-01324 (N.D. Ill.)

As **Interim Co-Lead Counsel**, the Firm represents a potential Class of senior-level employees in an antitrust suit filed against Defendants Surgical Care Affiliates, United Surgical Partners International, and at least one other unnamed healthcare service provider. Plaintiffs allege Defendants entered into “no-poach” agreements not to compete for senior-level employees in the United States. These agreements allegedly accomplished their purpose by reducing competition for Defendants’ senior-level employees and suppressing Defendants’ senior-level employees’ compensation below competitive levels. They also denied their senior-level employees’ access to job opportunities, restricted their mobility, and deprived them of significant information that they could have used to negotiate for better compensation and employment terms. Plaintiffs seek to damages recovery and injunctive relief to prevent Defendants from retaining the benefits of their alleged antitrust violations.



### IN RE JUUL LABS, INC. ANTITRUST LITIGATION

3:20-cv-02345-WHO (N.D. Cal.)

The Firm is **Interim Lead Counsel** for Direct Purchaser Plaintiffs in e-cigarette antitrust lawsuits against Altria Group, Inc. (Altria) and Juul Labs, Inc. (JLI) on behalf of individuals and businesses who purchased JUUL e-cigarette devices directly from JLI. Plaintiffs and the Class seek damages recovery for violations of the Sherman and Clayton Acts. The e-cigarette antitrust claims stem from an allegedly anticompetitive agreement between Altria and JLI, whereby Altria agreed to acquire an ownership interest in JLI in exchange for over \$12 billion. Altria also allegedly agreed not to compete with JLI and to provide JLI valuable retail shelf space in the e-cigarette market. Through this agreement, JLI was able to maintain its dominance in the e-cigarette market and earn monopoly profits. Altria then shared these profits through its ownership stake in JLI.

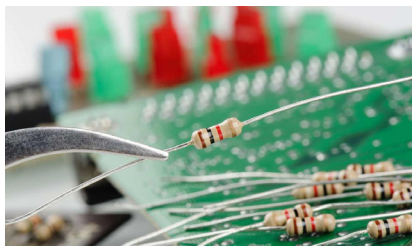


### FOND DU LAC BUMPER EXCHANGE INC. V. JUI LI ENTERPRISE COMPANY LTD.

No. 2:09-cv-00852-LA (E.D. Wisc.)

The Firm represents a class of auto parts distributors who allege that Taiwanese manufacturers of aftermarket sheet metal auto parts colluded to artificially raise prices and eliminate competition. The Court has granted final approval to **settlements by two Defendants totaling \$25 million** and has granted Plaintiffs’ motion for class certification.





### CHIP TECH, LTD. V. AVX CORP.

No. 3:15-cv-03820-JD (N.D. Cal.)

The Firm is counsel for a putative class of direct purchasers of resistors used in electronic devices. Plaintiffs allege that Defendants formed a cartel and conspired to fix, raise, and stabilize prices in the multi-billion-dollar market for resistors.



### MICROSOFT PRIVATE ANTITRUST LITIGATION

Representing businesses and consumers, Mr. Saveri prosecuted multiple private antitrust cases against Microsoft Corporation in state courts across the country, including Florida, New York, North Carolina, and Tennessee. Plaintiffs alleged that Microsoft engaged in anticompetitive conduct and/or violated state deceptive and unfair business practices statutes to harm competition and monopolize the markets for Intel-compatible, personal computer operating system software, as well as word processing and spreadsheet software. In 2006, the New York Supreme Court granted final approval to a **settlement that made available up to \$350 million in benefits** for New York businesses and consumers. In 2004, the Court in the North Carolina action granted final approval to a **settlement valued at over \$89 million**, and the Court in the Tennessee action granted final approval to a **\$64 million settlement**. In 2003, in the Florida Microsoft litigation, the Court granted final approval to a **\$202 million settlement**, one of the largest antitrust settlements in Florida history. Mr. Saveri served as **Co-Lead Counsel** in the New York, North Carolina, and Tennessee cases, and held leadership roles in the Florida case.



### IN RE LUPRON MARKETING AND SALES PRACTICES LITIGATION

MDL No. 1430 (D. Mass.)

In 2005, the Court approved a **settlement** of a class action brought by patients, insurance companies, and health and welfare benefit plans that paid for Lupron, a prescription drug used to treat prostate cancer, endometriosis, and precocious puberty. The **settlement requires the Defendants** Abbott Laboratories, Takeda Pharmaceutical Company Limited, and TAP Pharmaceuticals **to pay \$150 million** to persons or entities that paid for Lupron from January 1, 1985 through March 31, 2005. Plaintiffs charged that the Defendants conspired to overstate the drug's average wholesale price, which resulted in Plaintiffs paying more for Lupron than they should have paid. Mr. Saveri served as **Co-Lead Plaintiffs' Counsel**.



### IN RE BUSPIRONE ANTITRUST LITIGATION

MDL No. 1413 (S.D.N.Y.)

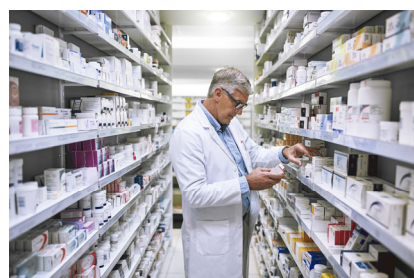
In 2003, Mr. Saveri obtained a **\$90 million cash settlement** for individual consumers, consumer organizations, and third-party payors that purchased BuSpar, a drug prescribed to alleviate symptoms of anxiety. Plaintiffs alleged that Bristol-Myers Squibb Co. (BMS), Danbury Pharmacal, Inc., Watson Pharmaceuticals, Inc., and Watson Pharma, Inc. entered into an unlawful agreement in restraint of trade under which BMS paid a potential generic manufacturer of BuSpar to drop its challenge to BMS's patent and refrain from entering the market.



### CALIFORNIA VITAMIN CASES

J.C.C.P. No. 4076 (San Francisco County Sup. Ct.)

Mr. Saveri served as **Co-Liaison Counsel and Co-Chairman of the Plaintiffs' Executive Committee** on behalf of a class of California indirect vitamin purchasers (in every level of the chain of distribution) against vitamin manufacturers alleged to have engaged in price fixing of particular vitamins. In 2002, the Court granted final approval of a **\$96 million settlement** with certain vitamin manufacturers. In 2006, the Court granted final approval to over **\$8.8 million in additional settlements**.



### PHARMACEUTICAL CASES I, II, AND III

J.C.C.P. Nos. 2969, 2971, and 2972 (San Francisco County Sup. Ct.)

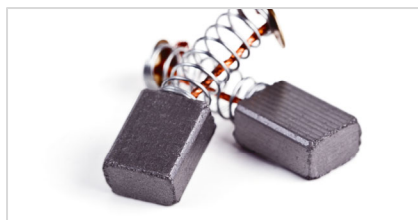
Mr. Saveri served as **Co-Lead and Co-Liaison Counsel** representing a certified class of indirect purchasers (consumers) on claims against the major pharmaceutical manufacturers for violations of the Cartwright Act and the Unfair Competition Act. The class alleged that Defendants unlawfully fixed discriminatory prices on prescription drugs to retail pharmacists in comparison with the prices charged to certain favored purchasers, including HMOs and mail order houses. In 1999, the Court approved a **settlement providing \$148 million in free, brand-name prescription drugs** to health agencies that serve California's poor and uninsured. In 2001, the Court approved a **settlement** with the remaining Defendants in the case, which provided **an additional \$23 million in free, brand-name prescription drugs** to these agencies.



### IN RE BRAND NAME PRESCRIPTION DRUGS

MDL No. 997 (N.D. Ill.)

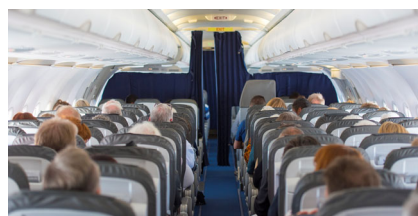
Mr. Saveri served as **Class Counsel** for a class of tens of thousands of retail pharmacies against the leading pharmaceutical manufacturers and wholesalers of brand name prescription drugs for alleged price-fixing from 1989 to 1995 in violation of the federal antitrust laws. Class Plaintiffs charged that Defendants engaged in price discrimination against retail pharmacies by denying those discounts provided to hospitals, health maintenance organizations, and nursing homes. In 1996 and 1998, the Court approved **settlements** with certain manufacturers **totaling \$723 million**.



### IN RE ELECTRICAL CARBON PRODUCTS ANTITRUST LITIGATION

MDL No. 1514 (D.N.J.)

Mr. Saveri represented the City and County of San Francisco and a class of direct purchasers of carbon brushes and carbon collectors on claims that producers fixed the price of carbon brushes and carbon collectors in violation of the Sherman Act.



### IN RE TRAVEL AGENCY COMMISSION ANTITRUST LITIGATION

MDL No. 1058 (D. Minn.)

Mr. Saveri served as **Co-Lead Counsel** for a certified class of U.S. travel agents on claims against the major U.S. air carriers, who allegedly violated the federal antitrust laws by fixing the commissions paid to travel agents. In 1997, the Court approved an **\$82 million settlement**.

# Judicial Praise for the Joseph Saveri Law Firm

“

Through my extensive observations of counsel, I am assured that they are well qualified to litigate this class action.... I have no hesitation that these lawyers will ‘fairly and adequately represent the interests of the class.’”

**JUDGE NINA GERSHON,**  
*In Re Restasis (Cyclosporine Ophthalmic Emulsion) Antitrust Litigation,*  
Master File No. 1:17-cv-06684-NG-LB (E.D.N.Y. 2020)

“

The MDL litigation has been hard-fought by both sides, and required an enormous amount of work to collect evidence in the United States and several overseas countries, bring and defend complex motions, and prepare a sprawling case for a jury trial. Class Counsel prosecuted the case with skill and vigor, and achieved strongly positive results. The Court also appreciated the professionalism and spirit of cooperation that Class Counsel brought to the proceedings.”

**JUDGE JAMES DONATO,**  
*In re Capacitors Antitrust Litigation, Master File No. 3:14-cv-03264-JD (N.D. Cal. 2020)*

“

The docket and the procedural history in this case demonstrate Counsel’s expertise and the Direct Purchaser Plaintiffs’ success to date. Counsel have done much to effectively prosecute the Class’s claims, and to do so efficiently. Counsel have not come by their success in this litigation easily. Defendants—including the Settling Defendants—have hired the best antitrust counsel money can buy to defend them against the Direct Purchaser Plaintiffs’ Sherman Act claims.”

**JUDGE JAMES DONATO,**  
*In re Capacitors Antitrust Litigation, Master File No. 3:14-cv-03264-JD (N.D. Cal. 2017)*

“

Direct Purchaser Plaintiffs’ Counsel vigorously and effectively pursued the Direct Purchasers’ claims. These efforts included factual investigation, drafting complaints, briefing and arguing motions to dismiss and for summary judgment, reviewing and analyzing documents, interviewing witnesses and taking dozens of depositions in the United States and abroad, negotiating the terms of the settlements, and preparing the settlement documents.”

**JUDGE MARIANNE O. BATTANI,**  
*In re Automotive Parts Antitrust Litigation/In re Wire Harness Cases, Master File No. 12-md-02311*  
(E.D. Mich. 2017)

“

The Joseph Saveri Law Firm invested a great deal of time and effort to investigate and develop the potential claims in this action, and it filed the first complaint in this case as a result. . . . The Joseph Saveri Law Firm also has the support of many of the plaintiffs’ counsel, which the Court does find to be a significant factor in the Saveri Firm’s favor [for appointment to Interim Lead Class Counsel].”

**JUDGE JAMES DONATO,**

*In re Capacitors Antitrust Litigation*, Master File No. 3:14-cv-03264-JD (N.D. Cal. 2014)

“

As noted by the Plaintiffs: ‘Since their initial appointment, [the Joseph Saveri Law Firm and other interim co-lead and liaison counsel, and the Plaintiffs’ Executive Committee] . . . have devoted substantial time and resources to this case, including complex legal matters on a variety of motions, case management, discovery planning, and extensive meetings and conferrals with Defendants regarding ongoing discovery. Moreover, proposed Class Counsel have demonstrated their extensive experience and expertise prosecuting antitrust, class action, and complex civil litigation cases and have successfully litigated antitrust class actions and other similar cases in courts throughout the United States.’ Defendants do not object or disagree with the Plaintiffs’ characterization of their representation. This Court has reviewed the [Federal Rules of Civil Procedure] Rule 23(g)(1) requirements, and concludes that Plaintiffs’ proposed co-lead counsel are well qualified to represent the Class in this case.”

**JUDGE RICHARD D. BENNETT,**

*In re Titanium Dioxide Antitrust Litigation*, Civil Action No. RDB –10–0318, 284 F.R.D. 328 (D. Md. 2012), amended, 962 F. Supp. 2d 840 (D. Md. 2013).

## OUR TEAM

The Firm's attorneys are well-regarded for their integrity, experience, and success in all phases of litigation. They have received multiple awards from the American Antitrust Institute, Chambers and Partners, Martindale Hubbell, The Legal 500, Who's Who Legal, and *Super Lawyers*. Partners Joseph Saveri and Steven Williams are recognized as two of the country's top lawyers and leaders in federal antitrust and class action litigation.

## Joseph R. Saveri



### PRACTICE AREAS

Antitrust  
Class Actions  
Complex Business Disputes  
Commercial Litigation  
Intellectual Property  
*Qui Tam* and Whistleblower

### ADMISSIONS

State of California  
US Supreme Court  
US Court of Appeals – Federal Circuit  
US Court of Appeals – First Circuit  
US Court of Appeals – Second Circuit  
US Court of Appeals – Fourth Circuit  
US Court of Appeals – Fifth Circuit  
US Court of Appeals – Seventh Circuit  
US Court of Appeals – Eighth Circuit  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California  
US District Court – Northern District of Illinois  
US District Court – Eastern District of Michigan  
US District Court – Eastern District of Wisconsin

### EDUCATION

University of Virginia Law School, J.D.  
University of California, Berkeley, B.A. History  
and Economics (double major), with Honors



Joseph R Saveri



Mr. Saveri began his career performing general litigation work at the San Francisco law firm of McCutchen, Doyle, Brown & Enersen. In 1992, he joined the plaintiffs' firm Lief Cabraser Heimann & Bernstein (LCHB), where he was the firm's Managing Partner and established its antitrust and intellectual property practice, which was recognized in 2012 as one of the top five practice groups in California. He left LCHB in May 2012 to start his own firm.

Mr. Saveri has performed virtually every aspect of complex and class action litigation, including factual and economic analysis of market conditions and pricing practices, drafting of pleadings, law and motion matters, organizing e-discovery, creating a discovery plan, administering and directing on-line review of documents requiring coordination of dozens of lawyers fluent in English and foreign languages, propounding written discovery, taking and defending percipient and expert witness depositions, organizing the factual record, briefing and arguing summary judgment, and leading trial and appellate work.

From 2010 through 2013, Mr. Saveri was chosen to serve as a Lawyer Representative for the United States District Court for the Northern District of California and the Ninth Circuit Court of Appeals. He has served and serves on several court committees charged with developing rules and programs regarding complex litigation, e-discovery, and a variety of other matters. He was chosen to serve as a member of the Northern District's Civil Rules Advisory Committee from 2009-2012, the committee to establish rules and procedures for expedited trials (which the Court adopted as General Order No. 64, "Expedited Trial Procedures"), and the committee which crafted new e-discovery rules and procedures later adopted by the Court. He is a member of the American Bar Association and the Bar Association of San Francisco.

Mr. Saveri is also a frequent author of articles on antitrust and complex litigation issues, and a frequent lecturer on a variety of matters, including antitrust, complex litigation, class action practice, and discovery. He serves as an author of *California Antitrust and Unfair Competition Law*, the legal treatise published by the State Bar of California's Antitrust and Unfair Competition Section. He is also a member of the Advisory Board of the American Antitrust Institute and a Fellow of the Litigation Counsel of America. In 2019, he was a speaker at the U.S. Department of Justice Antitrust Division's public roundtable to discuss the Antitrust Criminal Penalty Enhancement & Reform Act.

Mr. Saveri has received numerous **ACCOLADES** from an array of legal entities, including:

**Benchmark Litigation:** Honored as National Practice Area Star" and "Local Litigation Star" in competition/antitrust (2020)

**Best Lawyers:** *Best Lawyers in America* (2012-present)

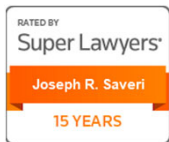
**Chambers and Partners:** Band 1 (top-ranked) plaintiffs' antitrust attorney for California and nationwide (2014-present)



con't Joseph R. Saveri



**Daily Journal (California):** Top Plaintiff Lawyers in California (2018-present); Top 100 Lawyers in California (2016, 2018-2019); Top Antitrust Lawyers in California (2020); CLAY Award—California Lawyer Attorney of the Year (2016); One of California’s Leading Labor & Employment Lawyers (2014)



**Law 360:** Titan of the Plaintiffs’ Bar for his leadership and vision in extending the reach of antitrust cases into new areas such as pharmaceutical reverse payments and “no-poach” agreements by high-tech employers (2014)

**Lawdragon:** 500 Leading Plaintiff Financial Lawyers (2019-present)



**Martindale-Hubbell:** AV Preeminent rating—Top Rated Lawyers (2008-present)

**National Law Journal:** Trailblazers—Mergers & Acquisitions and Antitrust (2015)

**Super Lawyers:** *Super Lawyers Northern California*—Antitrust Litigation (2006-present); *Super Lawyers Top 100 Northern California* (2015-2016, 2019-present)



**Who’s Who Legal:** One of the top plaintiffs’ attorneys worldwide via *Who’s Who Legal: Competition* (publication of Who’s Who Legal and Global Competition Review (2015-present)); profiled in *Thought Leaders: Competition*, a publication of Who’s Who Legal (2019-present)



## Steven N. Williams



### PRACTICE AREAS

Antitrust  
Class Actions  
Commercial Litigation  
Consumer Protection  
*Qui Tam* and Whistleblower  
*Pro Bono*

### ADMISSIONS

State of California  
State of New Jersey  
State of New York  
US Supreme Court  
US Court of Appeals – Second Circuit  
US Court of Appeals – Third Circuit  
US Court of Appeals – Fifth Circuit  
US Court of Appeals – Sixth Circuit  
US Court of Appeals – Ninth Circuit  
US Court of Appeals – District of Columbia Circuit  
US District Court – Eastern District of California  
US District Court – Central District of California  
US District Court – Northern District of California  
US District Court – Southern District of California  
US District Court – Eastern District of Michigan  
US District Court – District of New Jersey  
US District Court – Eastern District of New York  
US District Court – Southern District of New York

### EDUCATION

Fordham University School of Law, J.D.  
New York University, B.A., Russian & Slavic  
Studies



Steven N Williams



In over twenty-five years of practice, Mr. Williams has handled successfully and with distinction all aspects of litigation and trial in state and federal courts and in private arbitration.

Mr. Williams has played a lead role in many of the most prominent antitrust class cases litigated in the United States over the last decade, including *In re Automotive Parts Antitrust Litigation*, *In re Static Random Access Memory Litigation*, *Precision Associates v. Panalpina World Transport*, and *In re Transpacific Air Transportation Litigation*. Over the last decade he has been named lead or co-lead counsel in more antitrust cases than perhaps any other attorney in the United States. He has helped recover more than \$2 billion and has been responsible for new law including ground-breaking decisions narrowing the scope of the Filed Rate Doctrine and permitting civil damage claims in *E. & J. Gallo Winery v. EnCana Corp.*, 503 F.3d 1027 (2007) and *Wortman v. All Nippon Airways*, 854 F.3d 606 (2017), and a ruling that “umbrella damages” are available under California state law. *County of San Mateo v. CSL, Ltd.*, 2014 U.S. Dist. LEXIS 116342 (N.D. Cal. Aug. 20, 2014).

Mr. Williams—previously a long-time partner at Cotchett, Pitre & McCarthy, LLP—practices in the fields of litigation, trial, and client counseling, with an emphasis on representation of civil plaintiffs in antitrust matters. He has served in leadership positions in more than a dozen antitrust class cases throughout the United States. During his career, he has represented claimants in cases involving memory chips, pharmaceuticals, air passenger transportation, air cargo transportation, cathode ray tubes, capacitors, resistors, flash memory, lithium-ion batteries, financial products and services, poultry, and water. He has been appointed to represent both classes and individuals. In non-class cases he has represented the Chief Justice of California, the Judicial Council of California, Consumers Union of United States, Inc., the United Farm Workers, Dolores Huerta, public pension funds, private investment funds, many cities and counties of California, public utilities including water districts, and individual consumers.

Among other cases, Mr. Williams currently represents a Plaintiff Class of content moderators, responsible for viewing and removing offensive and disturbing content from Facebook users, who are allegedly suffering from PTSD and other trauma-related injuries because they were not being properly protected by the social media company. In 2020, the Class reached a ground-breaking preliminary settlement for \$52 million and workplace improvements.

Mr. Williams has written and lectured on various topics including antitrust, multidistrict litigation, complex litigation, e-discovery, MTBE litigation, regulatory developments in environmental law, contractual issues in environmental cleanups, and habeas corpus. He has spoken at many venues, including the American Bar Association Antitrust Section Spring Meeting, the California State Bar Antitrust, UCL and Privacy Section, the New York State Bar Association Antitrust Section, and yearly presentations on civil discovery topics to the Consumer Attorneys of California.

Mr. Williams is the author or co-author of several publications, including: “A Practitioner’s Perspective: Why The Supreme Court Should Not Overturn *Illinois Brick* in *Apple v. Pepper*,” *Competition*, The Journal of the Antitrust and Unfair Competition Law Section of the California Lawyers Association; “Should United States Courts Defer to Foreign Governments?,” *Chambers* and

## con't Steven N. Williams



Partners's *Cartels 2019* global practice guide; "'Apple v. Pepper' Will Enhance Private Antitrust Enforcement by Confirming Bright-Line Rule of 'Illinois Brick,'" May 2019 *The Recorder*; "'Pepper' as a Back Door to 'Illinois Brick' (and 'ARC America')?" and "Should 'Hanover Shoe' and 'Illinois Brick' Be Discarded?," August 2018 *The Recorder*; *Antitrust Law Developments (Eighth)*, American Bar Association; "Federal and State Class Antitrust Actions Should Not Be Tried in a Single Trial," *The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Fall 2014; "Recoveries for Violations of Federal and California Antitrust Statutes Should Not Be Apportioned," *Competition, Antitrust and Unfair Competition Law Section, California State Bar*, Fall 2014; "Antitrust Whistleblowers Get Clarity," *Los Angeles and San Francisco Daily Journal*, 2013; "Courts Rein in the Cost of E-Discovery When Lawyers and Their Clients Won't," *California Lawyer*, April 2012; and *California's 2009 E-Discovery Laws, Text and Analysis*, LexisNexis 2009.

Mr. Williams was appointed by the Consumer Attorneys of California as a member of the California Discovery Subcommittee for revision of California discovery rules and statutes relating to e-discovery and electronically stored information, 2007-2008. He is currently in leadership for the American Bar Association Antitrust Section and is a member of the International Cartel Task Force and the Executive Committee of the Committee to Support the Antitrust Laws. He is an advisor to the Executive Committee of the California Lawyers Association Section on Antitrust, Unfair Competition Law, and Privacy Law, and was chair of the 2017 Golden State Antitrust Institute. He is a Board Member of Public Justice and past Chairman of the Board of Community Gatepath, an organization dedicated to serving the needs of developmentally disabled children and adults. He received the Justice & Diversity Center (JDC) of the Bar Association of San Francisco's Federal *Pro Bono* Project 2020 Crystal Award for "Outstanding Volunteer of the Year," and in 2018, the JDC recognized him as an "Outstanding Volunteer."

Mr. Williams has received numerous professional **ACCOLADES**, including:

**American Antitrust Institute:** Honoree for Antitrust Enforcement Awards for "Outstanding Antitrust Litigation Achievement in Private Law Practice" for his key role in *In re Automotive Parts Antitrust Litigation* (2019)

**Benchmark Litigation:** Honored as National Practice Area Star" and "Local Litigation Star" in competition/antitrust (2020)

**Best Lawyers:** *Best Lawyers in America* (2020)

**Chambers and Partners:** Band 1 or Band 2 plaintiffs' antitrust attorney for California (2015-present) and nationwide (2017-present)

**Daily Journal (California):** Top Plaintiff Lawyers in California (2018-present); Top Antitrust Lawyers in California (2020)

**Lawdragon:** 500 Leading Plaintiff Financial Lawyers (2019-present)

**Martindale-Hubbell:** AV Preeminent rating—Top Rated Lawyers (2002-present)

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**Super Lawyers:** *Super Lawyers Northern California*—Antitrust Litigation Super Lawyer (2005-present); *Super Lawyers Top 100 Northern California* (2016-present)

**Who's Who Legal:** One of the top plaintiffs' attorneys worldwide via *Who's Who Legal: Competition* (publication of *Who's Who Legal* and *Global Competition Review* (2014-present)); profiled in *Thought Leaders: Competition*, a publication of *Who's Who Legal* (2019-present)

## Ronnie Seidel Spiegel



### PRACTICE AREAS

Antitrust  
Class Action  
Consumer Protection  
Securities Litigation and Shareholder Disputes

### ADMISSIONS

State of Pennsylvania  
State of Washington  
Washington Supreme Court  
US District Court – Eastern District of Michigan  
US District Court – Eastern District of Pennsylvania  
US District Court – Western District of Washington

### EDUCATION

Temple University Beasley School of Law, J.D.  
(*Temple Law Review* – Editorial Board)

Boston University, B.A., International Relations

Ms. Spiegel has over two decades of experience litigating and managing all phases of complex antitrust litigation from filing through trial, with a special focus on e-discovery negotiation and case management. She is also a go-to person in the industry regarding translation issues and the use of foreign-language evidence. Her approach to complex case litigation is both substantive and pragmatic. She has a deep understanding of the legal issues and facts involved in her cases, but also strives to set up an efficient framework at the outset of each case so that the case can run smoothly and the best possible result for clients and plaintiff-classes can be achieved.

Ms. Spiegel comes to the Firm after 16 years at Hagens Berman Sobol Shapiro LLP, where she was a partner since 2013. While there, she focused on representing direct purchasers and end-consumers, and played key roles in some of the largest price-fixing, monopolization, and complex litigation cases in the country. Some of her most notable cases included leadership and management of: *In re DRAM Antitrust Litigation*, *In re SRAM Antitrust Litigation*, *In re Cathode Ray Tube Antitrust Litigation*, *In re TFT-LCD (Flat Panel) Antitrust Litigation*, *In re Automotive Parts Antitrust Litigation*, *In re Containerboard Antitrust Litigation*, *In re McKesson Corp. Shareholder Derivative Litigation*, *In re Apple iPhone Litigation*, and *In re Google Android Litigation*.

Ms. Spiegel also previously worked as an associate at Spector, Roseman & Kodroff, where she helped develop the firm's antitrust practice and managed its North Carolina office. While there, she played a significant role in several landmark cases, including: *In re Brand Name Prescription Drugs Antitrust Litigation*, *In re Vitamins Antitrust Litigation*, *In re NASDAQ Market-Makers Antitrust Litigation*, *In re High Fructose Corn Syrup Antitrust Litigation*, *In re Commercial Tissue Paper Antitrust Litigation*, and *In re Flat Glass Antitrust Litigation*.

Ms. Spiegel has received many accolades during her legal career, including being selected as The National Trial Lawyers: Top 100 and by Lawdragon as one of its 500 Leading Plaintiff Financial Lawyers.

Ms. Spiegel is a member of the American Bar Association's Antitrust Section, the Sedona Conference, Working Group 1, and was a member of the drafting team for the Sedona Conference's revised Rule 45 Commentary (published October 2020). She is a current participant in Ladder Down, a networking, mentoring, and executive training program for women leaders in the Seattle legal community. She is also a former Board Member of the MAMAS organization, a resource and networking organization in Seattle for those trying to balance motherhood and a legal career.

## Anna-Patrice Harris



### PRACTICE AREAS

Antitrust  
Consumer Protection

### ADMISSIONS

State of California  
US District Court – Central District of California  
US District Court – Northern District of California

### EDUCATION

North Carolina Central University School of Law,  
J.D., *cum laude*, Dean's List, Civil Procedure  
Book Award

Xavier University of Louisiana, B.A., Political  
Science/Communication Studies

Ms. Harris joined the Firm in 2021. Her practice focuses on complex litigation and antitrust class actions. She is a passionate advocate for the rights of workers and consumers and, using her litigation skills, strives to create a more equitable playing field for all.

Ms. Harris has extensive litigation experience from working as an associate at two Bay Area law firms. She has managed her own caseload and handled complex business disputes in the areas of business litigation and professional liability. She has defended employers in workers' compensation and employment related disputes, including Labor Code violations and contentious death claims. She has appeared in court, researched and drafted pretrial and trial documents, taken and defended depositions, communicated effectively with clients, and negotiated and drafted settlement agreements.

Prior to her associate roles, as a sole practitioner, Ms. Harris provided general legal services focusing on contract, criminal, and personal injury litigation. And as a contract attorney, she worked extensively in all stages of Chapters 7 and 13 bankruptcy cases, including conducting consultations, preparing bankruptcy petitions, counseling clients, and advocating for her clients at hearings.

Ms. Harris is a member of the American Bar Association.

## Katharine Malone



### PRACTICE AREAS

Class Action  
Complex Business Disputes

### ADMISSIONS

State of California  
US Court of Appeals – Ninth Circuit  
US District Court – Northern District of California

### EDUCATION

University of California, Hastings College of the Law, J.D.; CALI Award, Cyberlaw; Albert G. Evans Scholarship in Enterprise Award

George Washington University, B.A., Political Science, Journalism; National Merit Scholar; Atlantic-10 Conference Student-Athlete Honor Roll (varsity crew team)



Ms. Malone joined the Firm in 2020. Her career practice has focused on commercial and class action litigation, representing both plaintiffs and defendants in matters related to information privacy, contract, fraud, breach of fiduciary duties, and employee mobility issues. She has experience litigating in state and federal trial and appellate courts and state supreme courts.

Ms. Malone has a well-established, successful track record as an associate at two San Francisco law firms. She has litigated and advised clients in complex commercial matters—including business disputes, consumer litigation, and employment matters—for public and private companies, from pre-litigation counseling through trial and appeals. She has extensive experience in all phases of motion practice, discovery, and trial procedure, up to and including preparing testifying witnesses for direct and cross-examination at trial. Among her many highlights, she briefed and argued *Lil' Man in the Boat v. Auk Ta Shaa* before the United States Court of Appeals (Ninth Circuit) to uphold a district court dismissal of a contract dispute, prevailing on both procedural and substantive grounds for a corporate client.

Ms. Malone regularly writes and comments on various legal affairs. Her publications include: “Welcome to New York It’s Been Waiting for You . . . But Is Your Business Ready for the New York SHIELD Act?,” *CPO Magazine* (April 1, 2020); “Data Privacy: The Current Legal Landscape 2018 Reviewed,” *Troutman Sanders Insights* (January 15, 2019); “Did the General Contractor on the Death Star Have to Build the Second Death Star for Free?,” *The Legal Geeks* (February 2, 2018); and “Think Twice Before Denying Requests for Admissions,” *California Daily Journal* (September 24, 2015).

Prior to her career as an associate, Ms. Malone was an associate legal editor for the *California Daily Journal*. During law school at Hastings College of the Law, she was editor-in-chief of the *Hastings Communications & Entertainment Law Journal*, where she authored “Parody or Identity Theft: The High-Wire Act of Digital Doppelgangers in California,” 34 *Hastings Comm. & Ent. L.J.* 275.

In 2021, Ms. Malone was selected by *Super Lawyers* as a Northern California “Rising Star” in the antitrust litigation practice area.

Ms. Malone is a member of the Bar Association of San Francisco.

## Kevin Rayhill



### PRACTICE AREAS

Antitrust  
Class Actions

### ADMISSIONS

State of California  
US Court of Appeals – Ninth District  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California

### EDUCATION

University of California Hastings College of the Law, J.D.

Oberlin College, B.A., Religion

Berklee College of Music, Professional Diploma

Mr. Rayhill specializes in antitrust class actions and other complex litigation. He advocates for the rights of workers, taking on some of the biggest employers in professional sports, social media, defense contracting, and luxury retail to fight for competitive wages and safe working conditions. He also fights on behalf of consumers, bringing antitrust claims against manufacturers of pharmaceuticals, laptop computers, car parts, and titanium dioxide, among others. To date, these cases have resulted in settlements exceeding \$300 million.

Prior to joining the Firm, Mr. Rayhill worked as a Legal Research Attorney at the Superior Court of San Francisco (Criminal Division). While in law school, he held internships at the California Attorney General's Office (Environment, Land Use, and Natural Resources Division) and the San Francisco City Attorney's Office (Energy and Telecommunications Team), and an externship with Justice Stuart R. Pollak of the California Court of Appeal (First District).

Mr. Rayhill is a member of the American Bar Association and the Bar Association of San Francisco.



## Anupama Reddy



### PRACTICE AREAS

Antitrust  
*Qui Tam*

### ADMISSIONS

State of California  
US District Court – Northern District of California  
US District Court – Northern District of Illinois

Bar Council of India, Maharashtra & Goa

### EDUCATION

University of California, Berkeley, School of Law, LL.M.

Symbiosis Law School, Pune, Maharashtra, India (B.B.A. LL.B), J.D. Equivalent

Institute of Company Secretaries of India, New Delhi, India, Qualified Company Secretary

### LANGUAGES

Hindi (reading and writing)  
Marathi (speaking)  
Telugu (speaking)



Ms. Reddy's practice focuses primarily on antitrust class actions alleging anticompetitive conduct such as price-fixing and monopolization. She represents businesses and individuals in complex civil litigation throughout the country. In addition to her antitrust practice, she has represented whistleblowers in *qui tam* matters and False Claims Act litigation against companies that have committed fraud against the government. She approaches her practice with diversity of thought, enthusiasm, and diligence.

Ms. Reddy's professional qualifications are exemplified by her invaluable work on the *Capacitors* case and trial. She was heavily involved in pre-trial matters, including drafting pre-trial filings and arguing pre-trial motions. She had an active role in trial strategy, trial stagecraft, preparing and examining witnesses, and presenting evidence to the jury. Prior to trial, she drafted and argued dispositive motions in relation to summary judgment, attorney costs and fees, and opt-out matters.

In addition to her duties for the Firm, Ms. Reddy volunteers for the Federal *Pro Bono* Project of the Bar Association of San Francisco. She currently represents a Plaintiff in a wrongful termination matter against a multinational corporation, in the Northern District of California.

Ms. Reddy graduated from Berkeley Law with a specialization in intellectual property law. She was an associate editor of the *Berkeley Technology Law Journal*, and the promoter and social co-chair of the student-led organization, Women in Tech Law. At Symbiosis Law School in India, she was awarded the American jurisprudence equivalent award for the Law of Evidence.

Prior to joining the Firm, Ms. Reddy was a Law Clerk in the Antitrust Section of the California Department of Justice, Office of the Attorney General (San Francisco), where she reviewed documents, conducted legal research, and drafted memoranda for investigations and litigation involving pharmaceutical and oil and gas companies. In Mumbai, India, she was Legal Counsel for Cipla Limited, where she specialized in contracts and mergers and acquisitions.

Ms. Reddy has been honored as one of the "Rising Stars of the Plaintiffs Bar" in the *National Law Journal's* 2021 Elite Trial Lawyer Awards. Also, in 2021, The Legal 500 named her as a "Rising Star" in the "United States Antitrust Civil Litigation/Class Actions: Plaintiff" category, and *Super Lawyers* selected her as a Northern California "Rising Star" in the antitrust litigation practice area. In 2020, she was selected as an Honoree by the American Antitrust Institute for its 2020 Antitrust Enforcement Awards for Outstanding Antitrust Litigation Achievement by a Young Lawyer. She earned this prestigious award for her key role in *In re Capacitors Antitrust Litigation* (N.D. Cal.).

Ms. Reddy is a member of the American Bar Association and the Bar Association of San Francisco. She serves by appointment on the Executive Committee, and as Vice Chair of the Diversity Committee, of the California Lawyers Association, Antitrust and Privacy Section. She is a co-author of "AI and Interdependent Pricing: Combination Without Conspiracy?" *Competition: The Journal of the Antitrust, UCL and Privacy Section* (August 2020).

## Christopher Young



### PRACTICE AREAS

Antitrust  
Class Action

### ADMISSIONS

State of California  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California  
US District Court – Northern District of Illinois

### EDUCATION

UCLA School of Law, J.D. (specialization in International and Comparative Law)

University of Minnesota Law School (first-year coursework), Dean's List, Dean Distinguished Scholarship, Richardson Scholarship

UCLA, B.A., Economics and Sociology

### LANGUAGES

Cantonese (conversational)  
French (basic)  
German (basic)



Mr. Young specializes in antitrust and class action litigation. He approaches his practice with a diligent and creative attitude while providing clients with high-quality legal representation.

Mr. Young's professional qualifications are exemplified by his invaluable work on the 2020 *In Re Capacitors Antitrust Litigation* trial. He was heavily involved in pre-trial matters, including drafting pre-trial filings and conducting pre-trial depositions. He has also been actively involved in the trial, including providing essential support and preparation for the examination of key witnesses and presenting evidence to the jury.

In addition to his duties for the Firm, Mr. Young volunteers for the Federal *Pro Bono* Project of the Bar Association of San Francisco. He currently represents a Plaintiff in a lawsuit asserting both federal and state causes of actions against park rangers seeking civil recovery for alleged violations of several of the Plaintiff's constitutional rights by the Defendant park rangers. The Plaintiff asserts, among other claims, violations of his Fourth and Fifth Amendment rights against unreasonable searches and seizures and the use of excessive force. In 2021, he was one of the speakers at a webinar co-sponsored by the Bar Association of San Francisco's Justice and Diversity Center, the Asian Law Alliance, and the U.S. District Court for the Northern District of California: "What Can I Do as a *Pro Bono* Attorney in the Northern District?"

Before joining the Firm, Mr. Young was a law clerk for Associate Justice Lamar W. Baker of the California Second District Court of Appeal, Division Five, where he drafted opinions on various issues. In addition, he cite-checked and record-checked drafts and separate opinions for circulation to other chambers, proofread opinions prior to filing, and observed oral arguments to assist Justice Baker in making decisions. Prior to this, he was a post-bar fellow at the Los Angeles County Public Defender's Office, where he drafted motions, conducted legal research, interviewed clients, and assisted with trial efforts.

While attending law school at UCLA, Mr. Young was an Associate Editor of the *UCLA Law Review* and participated in the 2016 American Red Cross Clara Barton International Humanitarian Law Competition, where his team was awarded "Best Overall Team Research and Writing." In addition, he worked as a certified legal intern for the San Diego County Public Defender's Office and focused on complex securities fraud cases, represented clients at arraignment, and participated heavily in a trial, including examination of witnesses.

In 2021, Mr. Young was selected by *Super Lawyers* as a Northern California "Rising Star" in the antitrust litigation practice area.

Mr. Young is a member of the American Bar Association, the Bar Association of San Francisco, and the Los Angeles County Bar Association. He also volunteers his time for the local San Francisco community. He has given talks with local organizations to youth interested in a future legal career and has volunteered as an essay reviewer for students currently applying to colleges.

## Elissa A. Buchanan



### PRACTICE AREAS

Antitrust  
Intellectual Property

### ADMISSIONS

State of California

### EDUCATION

University of San Francisco School of Law, J.D.

Mills College, B.A., French Studies

### LANGUAGES

French (conversational reading and speaking)

Ms. Buchanan's legal expertise focuses on antitrust, construction defect, and corporate securities and shareholder litigation. She plays an active role in deposition and trial preparation and manages a team of document reviewers tasked with analyzing and organizing extensive e-discovery. She works primarily on antitrust drug cases involving pay-for-delay, PBM (pharmacy benefit management or manager) kickbacks, and generic drug company collusion. She takes pride in providing positive outcomes for consumers and overall fairness in the healthcare system.

Ms. Buchanan also has taken the lead role in forming the Firm's "Green Team," a group of employees who have organized personnel and implemented policy changes to ensure that the Firm is environmentally responsible. They have successfully achieved the Firm's designation as a Certified Green Business by the San Francisco Green Business Program.

Prior to joining the Firm, Ms. Buchanan worked as a contract attorney on construction defect litigation and antitrust and personal injury class actions. During law school, she interned at California Lawyers for the Arts, where she worked with clients to find solutions to copyright and trademark issues. She also was a technical editor for the *Journal of Law and Social Justice* and volunteered for Law in Motion, a program that provides opportunities for the law school community to reflect on issues of social justice and access to equal justice through various activities and events.

Ms. Buchanan is a member of the American Bar Association.

## Julie Han



### PRACTICE AREAS

Antitrust  
Class Actions

### ADMISSIONS

State of California

### EDUCATION

University of the Pacific, McGeorge School of Law, J.D.

San Francisco State University, B.S., Business Administration (concentration in International Business)

Chung-Ang University (Seoul), B.A., Architectural Engineering

### LANGUAGES

Japanese (professional level)  
Korean (native level)

Ms. Han focuses on antitrust and consumer class actions, while representing plaintiffs through each phase of antitrust litigation from pre-trial investigation, discovery, dispositive motions, witness selection and interviews, to trial preparation. She understands the goals that need to be reached beyond the complex disputes over antitrust matters. Focused on serving her clients in the best way possible, she aggressively approaches every issue developed during litigation and effectively tackles it to grant her clients a successful resolution.

Prior to joining the Firm, Ms. Han was a project managing attorney for a major international law firm in the San Francisco Bay Area, where she supervised discovery review teams and assisted the firm's intellectual property litigation.

During law school, as a legal intern at the Office of Legislation and Policy of the California Department of Corporations, Ms. Han reviewed legislation proposals on California finance and mortgage lending law and drafted analysis of the state lending issues.

Ms. Han is a member of the American Bar Association and the Bar Association of San Francisco.

## Sean Bockover



### PRACTICE AREAS

Antitrust  
Class Action  
Intellectual Property

### ADMISSIONS

State of California

### EDUCATION

Indiana University Maurer School of Law, J.D.,  
*cum laude*

Cornell-Heidelberg Exchange, Universität  
Heidelberg, Germany

Cornell University, B.A., Biology and German  
Literature, Dean's List

### LANGUAGES

German (fluent)  
Japanese (basic)

Mr. Bockover specializes in antitrust, class action, and intellectual property. He uses his excellent English and German communication abilities and attention to detail to efficiently process evidence in complex litigation. Then, using analytical skill earned in the sciences, plus tenacity and a thirst for justice honed in public defender work, he turns those insights into action.

For his junior year of college, Mr. Bockover studied at the University of Constance in southwestern Germany, where he became fluent in German. After receiving a B.A. from Cornell University, he returned to Germany for a non-degree year at the University of Heidelberg. After attending the Indiana University Maurer School of Law (where he was active in the *Indiana Law Journal*) he spent two years as an associate at a boutique Indiana-based firm, practicing mostly criminal law in indigent defense cases. Mr. Bockover then left Indiana for a career in e-discovery (in English and German) in the Bay Area. For more than a dozen years, he has been reviewing documents for top-tier firms, preparing depositions, reviewing contracts, and other tasks in German for intellectual property and commercial law cases and investigations covering pharmaceuticals, semiconductor, co-location, software, and automotive disputes.

Mr. Bockover is a member of the American Bar Association.

## Heather Du



### PRACTICE AREAS

Antitrust  
Class Action

### ADMISSIONS

State of California  
US District Court – Northern District of California

### EDUCATION

University of San Francisco School of Law, J.D.

University of San Francisco, B.A., Politics, *cum laude*

### LANGUAGES

Vietnamese (reading and writing)  
Cantonese (basic)

Ms. Du specializes in antitrust and class action litigation. She has more than 10 years of e-discovery experience that focuses on complex discovery and document review projects using a variety of e-discovery technologies. She also assists in other aspects litigation, including legal research, interview/deposition preparation, and other analytical assignments to support the Firm in providing the best representation to the clients.

Before joining the Firm, Ms. Du was a contract attorney/document reviewer at several San Francisco top tier law firms, where she reviewed documents in securities, patent litigation, class action, civil investigation, and other related practice areas.

Previously, Ms. Du served as a volunteer attorney for the Volunteer Homeless Advocacy Project (HAP), where she provided limited scope representation at court-mandated settlement conferences and assisted with trial preparation. She assisted individuals and families at the Volunteer Legal Service Program of the Bar Association of San Francisco. She was a law clerk for the Asian Pacific Islander Legal Outreach and performed a clinical internship for the San Francisco-based Eviction Defense Collaborative. She also interned at the San Francisco based Court House Project and HAP.

Ms. Du is a member of the American Bar Association and the Bar Association of San Francisco.

## Nanci Murdock



### PRACTICE AREAS

Antitrust  
Class Action  
Complex Business Disputes

### ADMISSIONS

State of California  
State of New York  
State of Massachusetts  
US Supreme Court  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California

### EDUCATION

Loyola University Law School, J.D., Dean's List

University of Southern California, B.A.,  
English/Humanities

Ms. Murdock specializes in class action, antitrust, and business litigation. She brings her extensive litigation experience to her current position with the Firm where she performs an integral role in analyzing probative documents of clients and participants to identify merits of claims, potential witnesses, and key evidence in complex class actions.

Prior to joining the Firm, Ms. Murdock was a litigator at two major law firms and of counsel at a Los Angeles boutique litigation firm. She has a successful appellate and business litigation background and has crafted winning motions and appeals throughout her career. Her respondents' brief for United States Supreme Court case *Musick, Peeler & Garrett v. Employers Insurance of Wausau*, 508 U.S. 286 (1993), was affirmed in favor of her clients. Another appeal was also affirmed with the California Court of Appeal, which adopted, in entirety, the arguments proffered in her respondent's brief. She won an appeal in a case that had been ongoing for nine years and had been before the California Supreme Court three times. And she had a new trial motion and a judgment notwithstanding the verdict motion granted, overturning a \$3.7 million verdict in a case of first impression interpreting a California statute.

Ms. Murdock also has a substantial intellectual property background. As an IP associate, she worked on various copyright matters and won a partial summary judgment in the Ninth Circuit in a "work for hire" case involving a major rock star. She had a temporary restraining order granted in a trademark dispute involving a well-known leisure-wear manufacturer, and successfully opposed a preliminary injunction in a trade secrets/submission of ideas case before the Second Circuit.

While attending law school, Ms. Murdock was named to the Moot Court Team and won both the Moot Court Best Brief Award and the West Publishing Company Award for Outstanding Brief Writing. She thereafter honed her writing skills clerking for Presiding Justice Joan Dempsey Klein of the California Court of Appeal. Although she originally had a one-year clerkship, after seven months she was asked to stay on as senior attorney and became one of the most junior attorneys ever selected for that position.

Prior to attending law school, Ms. Murdock worked in the Mayor's Office of Los Angeles and the City Community Development Department. In those positions she researched and analyzed city ordinances and federal HUD proposals; authored reports for proposed city legislation; and made legislation recommendations to the city council.

Ms. Murdock is a member of the American Bar Association.

## Esther Oh



### PRACTICE AREAS

Antitrust  
Class Action

### ADMISSIONS

State of New York

### EDUCATION

University of the District of Columbia, David A. Clark School of Law, J.D., Dean's Fellow

New York University, B.S., Social Work

### LANGUAGES

Korean (native level)

Ms. Oh specializes in class actions and other complex civil litigation, with a focus on antitrust. She enjoys working on complex litigation through the process of uncovering facts underneath the evidence presented, and then advocating those facts on behalf of disadvantaged purchasers and consumers.

Ms. Oh uses her knowledge of both information technology and legal processes to analyze clients' electronically stored data to identify merits of claims, potential witnesses, and relevant facts and issues relative to litigation. She also conducts legal research and performs other duties to ensure that clients receive the best and most cost-effective legal solutions.

Prior to joining the Firm, Ms. Oh clerked for the Honorable Gerald Lebovits of the New York State Supreme Court and was a trial attorney at a boutique New York City law firm. Throughout law school, she was a judicial intern to the Honorable Richard Ringell, Karen Howze, Andrea Harnett, and Marisa Demeo of the Superior Court of the District of Columbia. She was also a student attorney at the Took Crowell Institute for At-Risk Youth Clinic in Washington, D.C.

Ms. Oh is a member of the American Bar Association and the Bar Association of San Francisco.



## Randy S. Salenfriend



### PRACTICE AREAS

Antitrust  
Class Action  
Complex Business Disputes

### ADMISSIONS

State of California  
US Court of Appeals – Ninth Circuit  
US District Court – Central District of California  
US District Court – Eastern District of California  
US District Court – Northern District of California  
US District Court – Southern District of California

### EDUCATION

Thomas Jefferson School of Law, J.D./B.S.L.

### LANGUAGES

Spanish (conversing, reading and writing)

Mr. Salenfriend specializes in antitrust, class action, business litigation, and research. His passion for assisting those in need of outstanding legal representation is what drove him to pursue a law career. As a result, he is guided by the principles of ethics, confidentiality, compassion, and loyalty in the practice of law.

In his current role with the Firm, Mr. Salenfriend has played an integral role in analyzing critically important documents, including the communications of participants and others in complex class action cases against dozens of generic drug manufacturers who are accused of fixing the prices of numerous generic drugs.

Mr. Salenfriend has practiced law for several years in the San Francisco Bay Area before countless Federal and State Courts, in both the Northern District and Southern District. He specializes in antitrust, class action, and complex business disputes.

Before joining the Firm, Mr. Salenfriend served as counsel for Attorneys in Motion, working on various legal matters ranging from law and motion hearings, workers' compensation, and status and settlement conferences to taking and defending depositions. He accumulated extensive document review experience as a contract attorney for Fronteo, a publicly traded global technology and services company, and assorted legal staffing agencies.

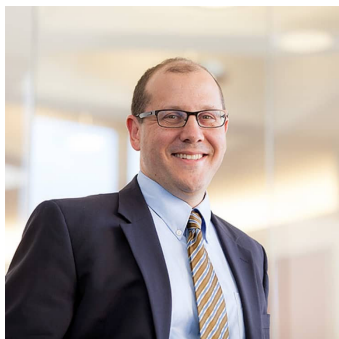
For many years, Mr. Salenfriend was General Counsel and Vice-President & Manager of Legal Affairs for CrossCheck, Inc. (Petaluma, California), a check approval and financial services corporation, and its subsidiary, Optio Solutions. Prior to that, he worked in civil practice for various Bay Area firms and made regular appearances before numerous California courts.

While in law school, Mr. Salenfriend was a Graduate Legal Intern in the Correctional Law Section of the California Attorney General's Office, where he conducted extensive research and drafted memoranda and appellate briefs on behalf of the People of California. In his first year of law school, he also earned the prestigious American Jurisprudence Award for Contracts.

Mr. Salenfriend is a member of the Bar Association of San Francisco. While a resident of San Francisco, he was appointed President of the San Francisco Drug Abuse Advisory Board by unanimous vote of the Board of Supervisors.

Prior to working in law, Mr. Salenfriend was a sportswriter for the *Atlanta Journal-Constitution* and other publications.

## Joshua P. Davis, *Of Counsel*



### PRACTICE AREAS

Antitrust  
Class Action  
Consumer Protection  
Legal Ethics

### ADMISSIONS

State of California  
US District Court – Northern District of California  
Numerous other federal and state jurisdictions

### EDUCATION

Georgetown University, LLM  
New York University School of Law, J.D., Order of the Coif  
Brown University, B.A.

### LANGUAGES

French (conversational)  
Spanish (conversational)  
Hebrew (basic)  
Japanese (basic)

Professor Davis has been involved in class actions in general and in antitrust class actions for over twenty years. He was a partner at Lieff Cabraser Heimann & Bernstein LLP until he joined the law faculty of the University of San Francisco School of Law, where he is currently the Director of its Center for Law and Ethics after serving 2013-2017 as Associate Dean for Academic Affairs.

Professor Davis is one of the foremost scholars in the country on private antitrust enforcement and class certification in antitrust cases. He has done award-winning original empirical and theoretical analysis of private antitrust cases, and his scholarship has been cited by federal appellate and trial courts. He has published dozens of law review articles on such topics as private antitrust enforcement, class certification, legal ethics, jury instructions, and injunctive relief, as well as on free speech doctrine, jurisprudence, and artificial intelligence and the law.

Professor Davis has been retained by plaintiffs' counsel to brief and argue before federal appellate courts in antitrust cases. He has also briefed and argued motions to dismiss, for class certification, to exclude expert testimony, and for summary judgment in *Magnetic Iron Oxide Antitrust Litigation*, *Truck Card Antitrust Litigation*, *In re Lidoderm Antitrust Litigation*, *In re Capacitors Antitrust Litigation*, *In re Restasis Antitrust Litigation*, and *Le v. Zuffa*, among other cases.

Professor Davis regularly presents at academic conferences on civil procedure, class certification, legal ethics, class action ethics, antitrust litigation, and artificial intelligence and the law. He has made presentations, among other places, at the Northern District of California Judicial Conference, the U.S. Department of Justice Antitrust Division, the California Department of Justice, the American Bar Association, the American Antitrust Institute, the Bar Association of San Francisco, the Federal Bar Association, the Practising Law Institute, the Pound Institute, the International Legal Ethics Conference, and various law schools.

Professor Davis regularly provides legal commentary in print, radio and television media. He helped organize the 2019 and 2020 releases of the *Antitrust Report: Class Action Filings in Federal Court*, issued by The Huntington National Bank and the University of San Francisco School of Law, which surveyed the antitrust field of recent years. In 2019, he also spoke at the University of Haifa's (Israel) 3rd International Conference: Dispute Resolution of Consumer Mass Disputes, Collective Redress, Class Action, and ADR. He has testified before Congress on civil procedure and was the reporter for the task force and committee that drafted the California Supreme Court rules governing multijurisdictional practice. He also serves on the Board of the American Antitrust Institute.

Professor Davis serviced as a law clerk to Patrick Higginbotham of the U.S. Court of Appeals for the Fifth Circuit. During law school at New York University, he received the Frank H. Sommer Award for top general scholarship and achievement in class and was Senior Articles Editor of the *New York University Law Review*.

# EXHIBIT A-49

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE INJECTION, USP) MARKETING, SALES PRACTICES AND ANTITRUST LITIGATION	)	Civil Action No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)
_____	)	<b>DECLARATION OF STEPHEN J. FEARON, JR. FILED ON BEHALF OF SQUITIERI &amp; FEARON, LLP IN SUPPORT OF APPLICATION FOR AWARD OF EXPENSES</b>
This Document Relates To:	)	
CONSUMER CLASS CASES.	)	
_____	)	

I, Stephen J. Fearon, Jr., declare as follows:

1. I am Partner in the firm of Squitieri & Fearon, LLP (“S&F” or the “Firm”). I am submitting this declaration in support of the Co-Lead Class Counsel’s application for an award of expenses/charges (“expenses”) in connection with the above-entitled action.
2. This Firm is counsel of record for Plaintiff and Class Representative Suzanne Harwood in this action.
3. The information in this declaration regarding the Firm’s expenses is based on my personal knowledge and the expense reports kept by the Firm in the ordinary course of business.
4. The Firm seeks an award of \$1,682.60 in expenses and charges in connection with the prosecution of the action through June 30, 2021. Those expenses and charges are summarized by category in the attached **Exhibit A**.
5. A Firm resume is attached as **Exhibit B**.



# **EXHIBIT A**

**EXHIBIT A**

*In re Epipen (Epinephrine Injection, USP) Marketing, Sales Practices and Antitrust Litigation,*  
No. 2:17-md-02785-DDC-TJJ (MDL No. 2785)  
SQUITIERI & FEARON, LLP  
Inception through June 30, 2021

<b><i>CATEGORY</i></b>	<b><i>AMOUNT</i></b>
Filing, Witness and Other Fees	\$ 353.00
Transportation, Hotels & Meals	\$1,269.05
Miscellaneous	\$ 60.55
<b><i>TOTAL</i></b>	<b><i>\$1,682.60</i></b>

# **EXHIBIT B**



**SQUITIERI & FEARON, LLP**  
**Attorneys at Law**  
**32 East 57th Street**  
**12th Floor**  
**New York, New York 10022**  
**Tel: 212-421-6492**  
**Fax: 212-421-6553**

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Squitieri & Fearon, LLP represents stockholders, consumers and pension plan participants in complex class actions and individual lawsuits throughout the United States. The partners of Squitieri & Fearon, LLP formed the firm in 2001 and collectively have over 50 years of class action experience.

**SELECT LEAD COUNSEL OR CO-LEAD COUNSEL APPOINTMENTS**

Squitieri & Fearon, LLP is active in diverse areas of class action litigation and has recovered hundreds of millions of dollars for its clients. The firm has been appointed lead counsel or co-lead counsel by courts across the country and has received the highest quality rating of “AV” from Martindale-Hubbell for professional excellence. The following list provides some examples of cases in which the firm has been lead or co-lead counsel for plaintiffs or nationwide classes:

**SAMPLE CURRENT ACTIONS IN WHICH THE FIRM IS LEADING THE LITIGATION**

- In Re: GE ERISA Litigation, Master File No. 1:17-cv-12123-IT (U.S.D.C. D. Mass.) (The Firm is co-lead counsel in an ERISA class action on behalf of GE’s defined contribution 401-K plan alleging that the Plan fiduciaries refused to replace poorly performing expensive proprietary funds offered by GE’s investment subsidiary, GEAM, in order to inflate GEAM’s assets under management in advance of sale of that division to State Street Global Securities for \$500 million. The alleged losses to the Plans exceed \$300 million).
- Farina v. Metropolitan Transportation Authority, et al., Case No. 18-cv-01433 (PKC) (S.D.N.Y.) (the firm asserted innovative claims under the Eighth Amendment to the United States Constitution which survived vigorous opposition at the motion to dismiss. The firm is representing drivers who have been charged fines which are many multiplies of the tolls charged for using New York’s cashless tolling system, such as EZ Pass and Tolls-By-Mail).
- In Re: MetLife Corp. Shareholder Derivative Litigation, Consol. CA. No. 2019-0452-SG (In The Court of Chancery)

of the State of Delaware) (The Firm is co-lead counsel in this shareholder derivative action seeking to hold accountable past and present directors and officers for dereliction of duty leading directly to allegedly inflated financial results from 2013 through 2017. In December 2017 MetLife announced it had been under-reserving for (and not paying) annuity obligations due to MetLife's failure to adopt industry standard beneficiary-identification processes of the type imposed upon MetLife in 2011 with respect to its Life Insurance business under a Regulatory Settlement Agreement with over half a dozen states).

- In Re: Zimmer Biomet Shareholder Derivative Litigation, Consol. CA. No. 2019-01855-LPS (U.S.D.C. D.DE.) (The firm is co-lead counsel in this shareholder derivative litigation to hold accountable Zimmer Biomet's ("ZBH") past and present officers and directors for their dereliction of duty in failing to ensure ZBH complied with United States Food and Drug Administration directives for manufacturing practices at ZBH's major production facilities. The directors and officers also caused/allowed ZBH to make affirmative misrepresentations and omissions about ZBH's business. This action also seeks recovery of almost \$600 million in alleged insider trading profits from private equity funds whose partners were ZBH board members when the funds sold their ZBH holdings while in possession of material adverse non-public information. Upon disclosure that the major ZBH facilities could not produce key revenue generating products, ZBH's share price eventually fell almost 25%).
- In Re: Kraft Heinz Shareholder Derivative Litigation, Consol. CA. No. 2019-0587-AGB (U.S.D.C. D.DE.) (The Firm is co-lead counsel in this shareholder derivative action to recover on behalf of Kraft Heinz ("KHC") approximately \$600 million in insider trading profits from its controlling shareholder, Brazilian based private investment fund 3G Capital. The suit alleges that 3G Capital made its first ever sale of KHC stock while in possession of material adverse non-public internal information about the adverse effect on KHC brand value of consumer trends away from KHC brands.).

## **PAST ACHIEVEMENTS**

### **ERISA CLASS ACTIONS**

- In Re: AIG I ERISA Litigation, 04-CV-9387 (S.D.N.Y.) (recovered \$24 million for 401(K) beneficiaries).
- In Re: AIG II ERISA Litigation, 08-CV-5722 (S.D.N.Y.) (recovered \$40 million for 401(K) beneficiaries).
- In Re SunTrust Banks, Inc. ERISA Litig., 1:08-cv-03384-RWS (N.D. Ga.) (multi-million dollar recovery for a class of retirement plan participants after years of litigation and appeals, as the parties were preparing for trial).
- Veera v. Ambac Plan Administrative Comm. et. al., 10-cv-04191 (S.D.N.Y.) (ERISA action resulting in multi-million dollar cash recovery for participants in Company's 401(k) Plan).
- In re National City Corp. Sec., Deriv. & ERISA Litig., 09-NC-70002-SO (N.D. Ohio) (recovery of \$5.6 million cash settlement for participants in Company's ESOP Plan).
- Taylor v. McKelvey, 06-cv-8322 (S.D.N.Y.) (ERISA Class Action resulting in \$4.25 million recovery for participants in a company-sponsored retirement plan who held the company's stock and alleged that the stock price was artificially inflated because the company had backdated and manipulated certain option grants and made misleading statements).
- Bredthauer v. Lundstrom, 4:10-cv-03132 (D. Neb.) (\$4.5 million recovery for participants in the TierOne Corp. retirement plans).

### **SHAREHOLDER ACTIONS**

- Gurney's Spa Resort Ltd. v. Arzanipour, et al., Index No. 154466/2018 (New York Supreme Court) (In this statutory appraisal under NY BCL 623, after a two day trial, the Court ruled that the corporation had undervalued its assets by approximately 40% and ordered the merger price increased for dissenting shareholders. The Court also ordered Gurney's to pay dissenters' counsel's fee and costs of appraisal).

- DCG&T, et al v. Knight, et al., 3:14-cv-00067 (E.D. Va.) (shareholder action obtained \$12 million of additional consideration in merger transactions for shareholders on the eve of trial).
- Damon Trust v. Ford, 03-CV-135 (W.D. Mich. 2003) (recovery of \$6 million cash in shareholder derivative action just days before trial).
- Laufer v. Lucent Technologies, Inc., 01-CV-5229 (D.N.J.) (recovery of approximately 35% of bond purchasers' losses).
- In Re Schering Plough Corporation Shareholders Derivative Litigation, 01-CV-1412 (D.N.J.) (significant changes to Company's corporate governance structure and management level changes described by Court as "significant" and "substantial" involving "wholesale restructuring of a major corporation's governance and compliance functions.").
- In re Bristol Myers Squibb Company Derivative Litigation, 02-CV-8571 (facilitated recovery of \$200 million on behalf of Company and negotiated the implementation of significant corporate governance enhancements for the Company).

#### **CONSUMER FINANCIAL ACTIONS**

- Fairlie v. Transamerica, No. 18-cv-0032-LTS (N.D. Iowa) (substantial, confidential recovery for universal life insurance policyholders whose cost of insurance was improperly increased, threatening to make the policies prohibitively expensive).
- Rudell v. Heartland Payment Systems, 3:16-cv-02229-AET-LHG (D.N.J.) (multi-million dollar recovery for nationwide class of consumers in a deceptive trade practices class action).
- Gorsuch v. OneWest Bank, N.A., 3:14-cv-152 (successful presentation and resolution of claims for deceptive "force-placed insurance").
- Tanasi v. New Alliance Bank, 1:12-cv-00646 (W.D.N.Y.) (successful prosecution of claims for bank's deceptive overdraft practices).

- Ord v. First National Bank of Penn., 2:12-cv-00766-AJS (W.D. Pa.) (multi-million dollar recovery for bank customers who had been improperly charged for overdraft fees as a result of the bank's reordering scheme).
- Katz, et al. v. Live Nation, et al., 09-CV-5446-MLC-DEA (D. N.J.) (recovery of \$13 million in-kind recovery for class member ticket buyer overcharges).
- In re Jamster Marketing Litigation, MDL No. 1751, Master File No. 05- CV-0819 (S.D. Cal.) (appointed to the Executive Committee for plaintiffs and the Class. Negotiated refunds for a nationwide class of wireless telephone subscribers for unauthorized charges relating to mobile content from Jamster, such as ringtones and wallpaper for mobile phones).

At their former firm, Messrs. Squitieri and Fearon were lead litigators in the following actions:

- In re Seagate Technology, Inc. Shareholders Litigation, C.A. No. 17932- NC (Del. Ch. Ct. 2000) (approximately \$200 million in incremental benefits for shareholders).
- In re Westinghouse Securities Litigation, 91-CV-354 (W.D. Pa. 1999) (\$67 million recovery).
- In re National Health Laboratories Securities Litigation, 92-CV-1949 (S.D.Cal.1995) (\$64 million recovery).
- In re National Medical Enterprises Securities Litigation, 91-CV-5452 (C.D. Cal. 1994) (\$60.7 million recovery).
- In re Coram Healthcare Corp. Securities Litigation, Master File No. 95-N-2074 (D. Colo. 1997) (\$47 million recovery).
- In re Leslie Fay Securities Litigation, Master File No. 92-CV-8036 (S.D.N.Y.) (\$35 million recovery).
- Demint v. Nationsbank of Florida, et al., 94-995-CIV-T-23B (U.S.D.C. Middle District of Florida, Tampa Division 1996) (partial settlement of certain claims for \$25 million, remainder of claims settled for \$30 million).
- In re Sun Healthcare Group, Inc. Litigation, 95-CV-7005 JC/WWD (D.N.M.) (\$24 million recovery).

- In re Caterpillar, Inc. Securities Litigation, 90-CV-1238, 90-CV-1242 (C.D. Ill.) (\$23 million recovery).

Squitieri & Fearon, LLP has handled hundreds of product liability mass tort cases and has successfully recovered millions of dollars for its clients who have been injured by defective pharmaceuticals. The firm was appointed by the court as liaison counsel for plaintiffs in the consolidated mass tort pharmaceutical cases of In Re: New York Phenylpropanolamine (PPA) Products Liability Litigation, Master Index No. 761,000/03 (Supreme Court, New York County) and In Re: New York Rezulin Products Liability Litigation, Master Index Number 752,000/00 (Supreme Court, New York County). In that regard partner Stephen J. Fearon, Jr. was named one of the best mass tort lawyers by The New York Magazine and The Best Lawyers In America and is “AV” rated by Martindale Hubbell.

The partners of the firm have received commendations from many courts before whom they have appeared, including:

- In Taylor, et al., v. McKelvey, et al., 06-CV-8322 (S.D.N.Y. 2009), Judge Alvin K. Hellerstein approved a proposed settlement of an ERISA class action in which the Court commended the lawyers by saying “...this is a complex case. The use of ERISA and the antifraud statute of ERISA is novel, and you exploited that novelty by advancing your case effectively.”
- Damon Trust v. Ford, 03-CV-135 (W.D. Mich. 2003) (J. Quist) \$6 million recovery on behalf of Mackinac Financial Corporation f/k/a North Country Financial Corporation in shareholders derivative action. Case settled just 10 days from jury selection and opening statements. This firm (one of two trial counsel) was lauded by the Court: “. . . the plaintiffs’ lawyers did a good job . . . they were successful almost a hundred percent.”
- In re Waste Management, Inc. Securities Litigation, 97-CV-7709 (N.D. Ill. 1999) (\$220 million settlement) in which United States District Court Judge Wayne R. Andersen favorably commented on the lawyers who actually litigated the case, including Lee Squitieri:

“...[Y]ou have acted the way lawyers at their best ought to act. And I have had a lot of cases ... in 15 years now as a judge and I cannot recall a significant case where I felt people were better represented than they are here ... I would say this has been the best

representation that I have seen. But I really mean that.”

- In Laufer v. Lucent Technologies, Inc., O1-CV-5229 (D.N.J.), Judge Joel A. Pisano in approving a settlement obtained by Squitieri & Fearon as lead counsel noted that Squitieri & Fearon, LLP was “highly experienced in handling complex, sophisticated securities litigation.”
- In In re Seagate Technology, Inc., C.A. No. 17932-NC (Del. Ch. Ct. 2002), Vice Chancellor Leo E. Strine commented: “Clearly, plaintiffs hit upon some-some very interesting facts, and they put in a lot of – a lot of time, and they did highly skilled work against highly skilled opposition.”

The firm’s lawyers are:

**Partners:**

LEE SQUITIERI received a B.A. degree from Rutgers College and received his law degree from New York Law School. Mr. Squitieri is admitted to the New York and New Jersey State Bar, the United States District Courts for the Southern and Eastern Districts of New York, the First, Second, Third, Fifth and Seventh Circuit Courts of Appeal, and the District of New Jersey.

STEPHEN J. FEARON, JR. graduated from Boston University and received his law degree from New York Law School. Mr. Fearon is admitted to the New York bar, the United States District Courts for the Southern, Eastern and Northern Districts of New York, the Eastern and Western Districts of Michigan, the District of Arizona, the Northern District of Georgia, as well as the Second, Fifth, Sixth, Eighth, Ninth, and Eleventh Circuit Courts of Appeals. He had been appointed as a Mediator by the Southern District of New York where he has helped parties resolve complex civil litigation through court-ordered mediation. Mr. Fearon is a member of the National Trial Lawyers Top 100, an invitation-only organization composed of premier trial lawyers who meet stringent qualifications as civil plaintiff trial lawyers. He also has been designated as a "Top 25" of Class Action Trial Lawyers and "Top 25" of Mass Tort Trial Lawyers and is honored to be a member of those invitation-only groups.

**Associates:**

PAUL SWEENEY graduated from La Salle University and received his law degree from Brooklyn Law School. He is admitted to the New York State Bar.

# EXHIBIT A-50





**A.B. DATA, LTD.**

Class Action Administration  
 600 A. B. Data Drive  
 Milwaukee, WI 53217  
 414-961-7523  
 accounting@abdataclassaction.com  
 abdataclassaction.com

KELLER ROHRBACK L.L.P.  
 1201 THIRD AVENUE, SUITE 3200  
 SEATTLE, WA, 98101

**INVOICE**                      INV000300975  
**PAGE**                              1/1  
**DATE**                                6/30/2021  
**CLIENT**                            691241

**INVOICE**

**JOB            54360                      EpiPen**

DESCRIPTION	QTY	PRICE	AMOUNT
Printing and Mailing of Notice Postcard	6,000,000	0.106	\$638,860.95
Postage - Notice Postcards	1	1,467,084.230	\$1,467,084.23
NCOA Address Updating (Minimum Charge)	1	5,000.000	\$5,000.00
Advanced Address Updates	811,959	0.060	\$48,717.54
Email Notice	1	18,000.00	\$18,000.00
Email Appends	8,741,649	0.06	\$524,498.94
Email Verification	1	15,824.11	\$15,824.11
Dynamic Website Maintenance/Hosting (monthly)	8	250.00	\$2,000.00
Interactive Voice Response (IVR) (Per Minute)	13,954	0.44	\$6,139.76
CSRs/Live Operators (Per Hour)	531	48.00	\$25,488.00
800 Number Charges (Per Minute)	24,131	0.12	\$2,895.72
IVR and Line Maintenance (monthly)	8	190.00	\$1,520.00
Document Imaging	22,559	0.15	\$3,383.85
Post Office Box Rental/Renewal (Annual)	1	1,250.00	\$1,250.00
Electronic Storage (Per Page/Per Month)	125,300	0.060	\$7,518.00
Translation Services	1	561.69	\$561.69
Media	1	464,247.77	\$464,247.77

**TOTAL                      \$3,232,990.56**

**MAIL CHECKS TO**

PO Box 170062, Milwaukee, WI 53217  
 Make checks payable to A.B. DATA, LTD.

**SEND WIRES TO**

US BANK, N.A.  
 400 W. Brown Deer Road, Bayside, WI 53217  
 Routing Number 075000022  
 Account Number 182377466541 (AB Data, Ltd.)  
 Swift Code USBKUS44IMT

Glendale Graphics, LLC  
1801 W Glendale Avenue  
Milwaukee, WI 53209  
USA



**INVOICE**

BILL TO  
AB Data, LTD  
600 A.B. Data Drive  
Milwaukee, WI 53217

**INVOICE #** IN00000047  
**DATE** 12/31/2020  
**DUE DATE** 1/30/2021  
**TERMS** NET 30

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<b>CASE NAME</b>	<b>CASE #</b>
Epipen	54360

<b>DESCRIPTION</b>	<b>QTY</b>	<b>RATE</b>	<b>AMOUNT</b>
Printing & Mailing of Notice Postcards	6,000,000	0.106	638,860.95

**BALANCE DUE** \$638,860.95

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> _____	CAAD	<b>Date of Anticipated Withdrawal</b>	11/16/20
<b>Job Name:</b> _____	EpiPen	<b>JOB#:</b> _____	54360
<b>Automatic Debit From</b>	ABD Operating Account	<b>Charge Account:</b> _____	5510528
<b>Amount to be Debited</b>	\$906.50	<b>Actual Used:</b> _____	\$906.50
<b>Reason for check:</b> _____	Postage Permit #3780	<b>Sent to:</b> _____	Accounting
<b>Approved by:</b> _____		<b>Received by:</b> _____	
<b>Date:</b> _____		<b>Date:</b> _____	



**A. B. DATA, LTD.  
CHECK REQUEST**

**Requested by:** CAAD **Date Needed:** 11/17/2020  
**Time Needed:** AM

**Job Name:** EpiPen **JOB#:** 54360

**Payable to:** IMI CT **Charge Account:** 5510528

**Amt. Requested:** \$43.20 **Actual Used:** \$43.20

**Reason for check:** Postage **Sent to:** IMI/Brad Metzke

**Approved by:** \_\_\_\_\_ **Received by:** \_\_\_\_\_  
**Date:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> <u>CAAD</u>	<b>Date of Anticipated Withdrawal</b> <u>11/20/2020</u>
<b>Job Name:</b> <u>EpiPen</u>	<b>JOB#:</b> <u>54360</u>
<b>Automatic Debit From</b> <u>ABD Operating Account</u>	<b>Charge Account:</b> <u>5510528</u>
<b>Amount to be Debited</b> <u>\$257,192.82</u>	<b>Actual Used:</b> <u>\$257,192.82</u>
<b>Reason for check:</b> <u>Postage Permit #3780</u>	<b>Sent to:</b> <u>Accounting</u>
<b>Approved by:</b> _____ <b>Date:</b> _____	<b>Received by:</b> _____ <b>Date:</b> _____

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> <u>CAAD</u>	<b>Date of Anticipated Withdrawal</b> <u>11/20/2020</u>
<b>Job Name:</b> <u>EpiPen</u>	<b>JOB#:</b> <u>54360</u>
<b>Automatic Debit From</b> <u>ABD Operating Account</u>	<b>Charge Account:</b> <u>5510528</u>
<b>Amount to be Debited</b> <u>\$257,221.49</u>	<b>Actual Used:</b> <u>\$257,221.49</u>
<b>Reason for check:</b> <u>Postage Permit #3780</u>	<b>Sent to:</b> <u>Accounting</u>
<b>Approved by:</b> _____	<b>Received by:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> _____	CAAD	<b>Date of Anticipated Withdrawal</b>	11/20/2020
<b>Job Name:</b> _____	EpiPen	<b>JOB#:</b> _____	54360
<b>Automatic Debit From</b>	ABD Operating Account	<b>Charge Account:</b> _____	5510528
<b>Amount to be Debited</b>	\$257,304.40	<b>Actual Used:</b> _____	\$257,304.40
<b>Reason for check:</b> _____	Postage Permit #3780	<b>Sent to:</b> _____	Accounting
<b>Approved by:</b> _____		<b>Received by:</b> _____	
<b>Date:</b> _____		<b>Date:</b> _____	



**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b>	<u>CAAD</u>	<b>Date of Anticipated Withdrawal</b>	<u>11/30/20</u>
<b>Job Name:</b>	<u>EpiPen</u>	<b>JOB#:</b>	<u>54360</u>
<b>Automatic Debit From</b>	<u>ABD Operating Account</u>	<b>Charge Account:</b>	<u>5510528</u>
<b>Amount to be Debited</b>	<u>\$3,853.85</u>	<b>Actual Used:</b>	<u>\$3,853.85</u>
<b>Reason for check:</b>	<u>Postage Permit #3780</u>	<b>Sent to:</b>	<u>Accounting</u>
<b>Approved by:</b>	<u></u>	<b>Received by:</b>	<u></u>
<b>Date:</b>	<u></u>	<b>Date:</b>	<u></u>

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> <u>CAAD</u>	<b>Date of Anticipated Withdrawal</b> <u>12/1/2020</u>
<b>Job Name:</b> <u>EpiPen</u>	<b>JOB#:</b> <u>54360</u>
<b>Automatic Debit From</b> <u>ABD Operating Account</u>	<b>Charge Account:</b> <u>5510528</u>
<b>Amount to be Debited</b> <u>\$363,696.02</u>	<b>Actual Used:</b> <u>\$363,696.02</u>
<b>Reason for check:</b> <u>Postage Permit #3780</u>	<b>Sent to:</b> <u>Accounting</u>
<b>Approved by:</b> _____	<b>Received by:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> <u>CAAD</u>	<b>Date of Anticipated Withdrawal</b> <u>12/4/20</u>
<b>Job Name:</b> <u>EpiPen</u>	<b>JOB#:</b> <u>54360</u>
<b>Automatic Debit From</b> <u>ABD Operating Account</u>	<b>Charge Account:</b> <u>5510528</u>
<b>Amount to be Debited</b> <u>\$5,505.50</u>	<b>Actual Used:</b> <u>\$5,505.50</u>
<b>Reason for check:</b> <u>Postage Permit #3780</u>	<b>Sent to:</b> <u>Accounting</u>
<b>Approved by:</b> _____ <b>Date:</b> _____	<b>Received by:</b> _____ <b>Date:</b> _____

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> _____	CAAD	<b>Date of Anticipated Withdrawal</b>	12/16/2020
<b>Job Name:</b> _____	EpiPen	<b>JOB#:</b> _____	54360
<b>Automatic Debit From</b>	ABD Operating Account	<b>Charge Account:</b> _____	5510528
<b>Amount to be Debited</b>	\$232,338.99	<b>Actual Used:</b> _____	\$232,338.99
<b>Reason for check:</b> _____	Postage Permit #3780	<b>Sent to:</b> _____	Accounting
<b>Approved by:</b> _____		<b>Received by:</b> _____	
<b>Date:</b> _____		<b>Date:</b> _____	

**A. B. DATA, LTD.**  
**Automatic Withdrawal from ABD Operating Account**

<b>Requested by:</b> _____	CAAD	<b>Date of Anticipated Withdrawal</b>	12/16/2020
<b>Job Name:</b> _____	EpiPen	<b>JOB#:</b> _____	54360
<b>Automatic Debit From</b>	ABD Operating Account	<b>Charge Account:</b> _____	5510528
<b>Amount to be Debited</b>	\$77,667.39	<b>Actual Used:</b> _____	\$77,667.39
<b>Reason for check:</b> _____	Postage Permit #3780	<b>Sent to:</b> _____	Accounting
<b>Approved by:</b> _____		<b>Received by:</b> _____	
<b>Date:</b> _____		<b>Date:</b> _____	

EPIPEN

## Postage Meter

Month	Job/Acct No.	Description	Postage Amt	Number Mailed
December-20	54360	EpiPen	\$27.500	55
January-21	54360	EpiPen	\$16.000	32
February-21	54360	EpiPen	\$6.630	13
March-21	54360	EpiPen	\$2.040	4
May-21	54360	EpiPen	\$5.61	11
June-21	54360	EpiPen	\$1.53	3
1/31/2021	CAAD BRM POSTAGE	EpiPen	\$54.36	

**\$113.670**



Validity Inc.  
 200 Clarendon Street  
 22nd Floor  
 Boston, MA 02116  
 www.validity.com  
 +1.617.410.6005

Validity UK  
 22 Upper Ground  
 London SE1 9PD  
 +44.208.004.7138

A.B. Data, Ltd.  
 53217  
 United States of America

Data Verification Service

Invoice No.: 501731  
 Invoice Date: 2020-10-30  
 Due Date: 2020-10-30  
 Terms: credit\_card

Usage Period:	2020-10-01 to 2020-10-30
Verifications:	22272
Unit Price:	0.01
Subtotal:	\$222.72
Taxes:	\$0.00
Total:	\$222.72
Status:	Authorized
Paid At:	2020-10-30 13:11:50 -0400



Validity Inc.  
200 Clarendon Street  
22nd Floor  
Boston, MA 02116  
www.validity.com  
+1.617.410.6005

Validity UK  
22 Upper Ground  
London SE1 9PD  
+44.208.004.7138

A.B. Data, Ltd.  
53217  
United States of America

Data Verification Service

Invoice No.: 512367  
Invoice Date: 2020-11-12  
Due Date: 2020-11-12  
Terms: credit\_card

Usage Period:	2020-11-01 to 2020-11-12
Verifications:	1000305
Unit Price:	0.005
Subtotal:	\$5,001.52
Taxes:	\$0.00
Total:	\$5,001.52
Status:	Authorized
Paid At:	2020-11-11 20:11:53 -0500





Validity Inc.  
 200 Clarendon Street  
 22nd Floor  
 Boston, MA 02116  
 www.validity.com  
 +1.617.410.6005

Validity UK  
 22 Upper Ground  
 London SE1 9PD  
 +44.208.004.7138

A.B. Data, Ltd.  
 53217  
 United States of America

Data Verification Service

Invoice No.: 515526  
 Invoice Date: 2020-11-12  
 Due Date: 2020-11-12  
 Terms: credit\_card

Usage Period:	2020-11-01 to 2020-11-12
Verifications:	1000313
Unit Price:	0.004
Subtotal:	\$3,000.95
Taxes:	\$0.00
Total:	\$3,000.95
Status:	Authorized
Paid At:	2020-11-12 12:11:50 -0500



Validity Inc.  
200 Clarendon Street  
22nd Floor  
Boston, MA 02116  
www.validity.com  
+1.617.410.6005

Validity UK  
22 Upper Ground  
London SE1 9PD  
+44.208.004.7138

A.B. Data, Ltd.  
53217  
United States of America

Data Verification Service

Invoice No.: 515571  
Invoice Date: 2020-11-12  
Due Date: 2020-11-12  
Terms: credit\_card

Usage Period:	2020-11-01 to 2020-11-12
Verifications:	1000312
Unit Price:	0.004
Subtotal:	\$4,001.25
Taxes:	\$0.00
Total:	\$4,001.25
Status:	Authorized
Paid At:	2020-11-12 16:11:59 -0500



Validity Inc.  
200 Clarendon Street  
22nd Floor  
Boston, MA 02116  
www.validity.com  
+1.617.410.6005

Validity UK  
22 Upper Ground  
London SE1 9PD  
+44.208.004.7138

A.B. Data, Ltd.  
53217  
United States of America

Data Verification Service

Invoice No.: 515599  
Invoice Date: 2020-11-12  
Due Date: 2020-11-12  
Terms: credit\_card

Usage Period:	2020-11-01 to 2020-11-12
Verifications:	235819
Unit Price:	0.004
Subtotal:	\$943.27
Taxes:	\$0.00
Total:	\$943.27
Status:	Authorized
Paid At:	2020-11-12 17:12:03 -0500



Validity Inc.  
200 Clarendon Street  
22nd Floor  
Boston, MA 02116  
www.validity.com  
+1.617.410.6005

Validity UK  
22 Upper Ground  
London SE1 9PD  
+44.208.004.7138

A.B. Data, Ltd.  
53217  
United States of America

Data Verification Service

Invoice No.: 559018  
Invoice Date: 2020-12-22  
Due Date: 2020-12-22  
Terms: credit\_card

Usage Period:	2020-12-01 to 2020-12-22
Verifications:	331800
Unit Price:	0.008
Subtotal:	\$2,654.40
Taxes:	\$0.00
Total:	\$2,654.40
Status:	Authorized
Paid At:	2020-12-22 18:11:50 -0500



TRANSPERFECT

54360  
54013-28  
C46160E  
12/7/2020

Please note that our address  
has changed

**Bill To:**

A.B. Data, Ltd.  
Attn: Eric Schachter  
600 A.B. Data Drive  
Milwaukee, WI 53217  
USA

**Requested By:**

Eric Schachter  
A.B. Data, Ltd.  
600 A.B. Data Drive  
Milwaukee, WI 53217  
USA

Invoice #: 2020239

Sales Contact: Mira Ilic (Mlic@transperfect.com)

Invoice Date: 11/30/2020

Payment Terms: Net 30

Invoice Due: 12/30/2020

Contract #: US0859891

Purchase Order #:

**Project Notes:**

EpiPen Long Form

Description	Quantity	Unit	Unit Cost(US\$)	Extended Cost(US\$)
<b>English into Spanish (US)</b>				
Formatting	1.00	Hour	50.000	50.00
Project Management	1.00	Fee	19.810	19.81
Rush Premium	0.35	Fee	416.070	145.62
Trans./Edit/Proof.	1,842.00	Words	0.180	331.56
TM - Exact Matches	294.00	Words	0.050	14.70

**Total to Bill This Contract:** US\$561.69

**Tax Amount:** US\$0.00

**Total Amount Due:** US\$561.69

**PAYMENT INSTRUCTIONS**

Please note, TransPerfect always prefers to receive payments electronically whenever possible.

**Direct Bank Transfer**

**Please remit payment to:**

TransPerfect Translations International Inc.  
Attn.: Accounts Receivable  
1250 Broadway, 32nd Floor  
New York, NY 10001

**Wire Transfer Details:**

Citibank, N.A.  
A/C #: 06541211  
ABA Routing #: 021000089  
SWIFT CODE: CITIUS33

Please reference the Contract # US0859891 and Invoice # 2020239 with your remittance.

Interest will be charged at the rate of 1.5% per month (or the maximum allowed by law) for accounts more than 30 days past due.

TRANSPERFECT TRANSLATIONS INTERNATIONAL, INC.  
TRANSPERFECT GLOBAL HQ • 1250 BROADWAY, 32ND FLOOR, NEW YORK, NY 10001  
T +1 212.689.5555 F +1 212.689.1059 • E-MAIL AR@TRANSPERFECT.COM  
WWW.TRANSPERFECT.COM

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

54360  
54111-28  
C46195

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000175  
DATE 11/13/2020  
DUE DATE 11/13/2020  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
Transperfect Translate to Spanish - Press Release & E	216.56

BALANCE DUE \$216.56



Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



54360  
54111-28  
C46195  
12-4-20

**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000177  
DATE 11/25/2020  
DUE DATE 11/25/2020  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
Twitter 11/25/20 - 12/4/20 Ad Campaign	2,051.19

**BALANCE DUE \$2,051.19**



Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



54360  
54111-28  
C46195  
12-8-20

**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000182  
DATE 11/30/2020  
DUE DATE 11/30/2020  
TERMS DUE UPON RECEIPT

---

CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
ALM Media Digital Ads on Thinkadvisor.com	4,120.43

**BALANCE DUE \$4,120.43**

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

54360  
54111-28  
C46195  
12-7-20

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000179  
DATE 11/30/2020  
DUE DATE 11/30/2020  
TERMS DUE UPON RECEIPT

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**CASE NAME**                      **CASE #**  
EPIPEN                              54360

DESCRIPTION	AMOUNT
Mayson Marketing Advertising Production	3,750.00

**BALANCE DUE**                      **\$3,750.00**

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209

54360  
54111-28  
C46195  
1-6-21



**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000184  
DATE 12/1/2020  
DUE DATE 12/1/2020  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
November Facebook Ad Campaign	36,119.16

**BALANCE DUE \$36,119.16**

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

54360  
54111-28  
C46195  
12-4-20

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000178  
DATE 12/4/2020  
DUE DATE 12/4/2020  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
Meredith 1/3 Page B&W in January 2021 Parents Mag	49,827.06

**BALANCE DUE \$49,827.06**

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



54360  
54111-28  
C46195  
12-8-20

**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000181  
DATE 12/8/2020  
DUE DATE 12/8/2020  
TERMS DUE UPON RECEIPT

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**CASE NAME**                      **CASE #**  
EPIPEN                              54360

DESCRIPTION	AMOUNT
Twiter Ad Campaign 12-6 - 12-8	1,467.89

**BALANCE DUE**                      **\$1,467.89**



Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

54360  
54111-28  
C46195  
1-25-21

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000194  
DATE 12/31/2020  
DUE DATE 12/31/2020  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
Google December Ad Campaign	196,875.00

**BALANCE DUE \$196,875.00**

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

54360  
54111-28  
C46195  
1-25-21

**BILL TO**  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

**INVOICE #** IN000195  
**DATE** 12/31/2020  
**DUE DATE** 12/31/2020  
**TERMS** DUE UPON RECEIPT

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**CASE NAME**                      **CASE #**  
EPIPEN                              54360

DESCRIPTION	AMOUNT
Facebook December Ad Campaign	36,745.14

**BALANCE DUE**                      \$36,745.14



Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



54360  
54111-28  
C46195  
1-20-21

**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000191  
DATE 12/31/2020  
DUE DATE 12/31/2020  
TERMS DUE UPON RECEIPT

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**CASE NAME**                      **CASE #**  
EPIPEN                              54360

DESCRIPTION	AMOUNT
ALM - Thinkadvisor.com Rectangle and LeaderBoard	4,349.41

**BALANCE DUE**                      **\$4,349.41**

Edgewood Media Solutions, LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000197  
DATE 12/31/2020  
DUE DATE 12/31/2020  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
Twitter - Dec 28 Am EX statement	4,179.25

**BALANCE DUE \$4,179.25**





Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

54360  
54111-28  
C46195  
1-20-21

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000186  
DATE 1/15/2021  
DUE DATE 1/15/2021  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
WebMD December Campaign	15,435.80

**BALANCE DUE \$15,435.80**

Edgewood Media LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



**INVOICE**

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

54360  
54111-28  
C46195  
1-20-21

INVOICE # IN000187  
DATE 1/15/2021  
DUE DATE 1/15/2021  
TERMS DUE UPON RECEIPT

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CASE NAME CASE #  
EPIPEN 54360

DESCRIPTION	AMOUNT
WebMD November Campaign	13,975.96

**BALANCE DUE \$13,975.96**

Edgewood Media Solutions, LLC  
1801 W. Glendale Avenue  
Milwaukee, WI 53209



## INVOICE

BILL TO  
A B DATA LTD  
600 AB DATA Drive  
Milwaukee, WI 53217

INVOICE # IN000223  
DATE 1/20/2021  
DUE DATE 1/20/2021  
TERMS DUE UPON RECEIPT

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<b>CASE NAME</b>	<b>CASE #</b>
EPIPEN	54360

DESCRIPTION	AMOUNT
Meredith 11/16/20 - 12/16/20 Digital Campaign Parents	13,872.07

**BALANCE DUE** \$13,872.07





# EXHIBIT B

UNITED STATES DISTRICT COURT  
DISTRICT OF KANSAS

In re EPIPEN (EPINEPHRINE ) Civil Action No. 2:17-md-02785-DDC-TJJ  
INJECTION, USP) MARKETING, ) (MDL No: 2785)  
SALES PRACTICES AND ANTITRUST )  
LITIGATION )  

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 )  
This Document Relates To: )  
CONSUMER CLASS CASES )

DECLARATION OF LAYN PHILLIPS IN SUPPORT OF CLASS PLAINTIFFS' MOTION  
FOR FINAL APPROVAL OF SETTLEMENT

I, Layn R. Phillips, declare as follows:

1. I am filing this Declaration in my capacity as mediator in connection with the class action settlement in the above-captioned matter.

**A. Background and Qualifications**

2. I am a former United States Attorney and former United States District Judge. I resigned from the federal bench in 1991. From 1991 until 2014, I was a partner in the law firm of Irell & Manella LLP, where I practiced complex civil litigation, conducted internal investigations, and presided over alternative dispute resolution matters, primarily mediations. I am the founder and lead mediator at Phillips ADR Enterprises, P.C. (“PADRE”), formed in November 2014. I am a member of the bars of Oklahoma, Texas, California, and the District of Columbia, as well as the U.S. Courts of Appeals for the Ninth and Tenth Circuits and the Federal Circuit.

3. For over 20 years, I have successfully mediated high-stakes civil disputes for Fortune 500 companies nationwide, and I have devoted a considerable amount of my professional life to serving as a mediator and arbitrator in connection with large, complex cases such as this one. I have mediated hundreds of disputes referred by private parties and courts, and have been appointed a Special Master by various federal courts in complex civil proceedings. I am also a Fellow of the American College of Trial Lawyers. In addition, I have been nationally recognized as a mediator by the Center for Public Resources Institute for Dispute Resolution (CPR), serving on CPR’s National Panel of Distinguished Neutrals.

**B. The Parties’ Settlement Negotiations**

4. Counsel for Class Plaintiffs and the Pfizer Defendants retained me to mediate the above-captioned dispute. I was assisted in that work by my mediation support team, which includes Clay Cogman and other experienced attorneys and mediators.

5. The parties' negotiations were conducted in confidence and under my supervision. All participants in the mediation and negotiations executed a confidentiality agreement indicating that the mediation process was to be considered settlement negotiations for the purpose of Rule 408 of the Federal Rules of Evidence, protecting disclosures made during such process from later discovery, dissemination, publication and/or use in evidence.

6. By making this declaration, neither I nor the parties waive in any way the provisions of the confidentiality agreement or the protections of Rule 408. While I cannot discuss the contents of the parties' mediation sessions, the parties have authorized me to inform the Court of the procedural and substantive matters set forth below to be used in support of preliminary approval of the settlement.

7. I conducted numerous negotiations by teleconference, videoconference, and e-mail. After many negotiation sessions, both parties reached an agreement on June 10, 2021, finalizing and signing a settlement term sheet on the same date.

8. Negotiations were particularly hard fought and challenging. At the mediations, the parties provided me with well-argued briefs and presentations, and critical factual information, and they presented that information to me and each other in detailed presentations. They vigorously advocated for their clients during the mediation sessions and our frequent telephone conferences.

9. I instructed the parties to proceed jointly to notify the Court that a resolution had been reached, which I understand they did.

### **C. Conclusion**

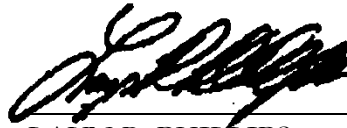
10. Throughout the negotiations involving this high-profile matter, counsel for the parties were often in positions antithetical to each other. While they were courteous and professional, at no time during the mediation process did any of the parties' counsel relent in their advocacy to achieve what in their views were the terms that would most benefit their clients or the class.

11. Based on my experience as a litigator, a former U.S. District Judge, and a mediator, it is my opinion that the settlement reached by the parties is fair, reasonable, and adequate. It represents a fairly negotiated resolution of what would no doubt be expensive, time-consuming, and uncertain litigation, including appeals.

12. Lastly, I have experience with attorneys from the law firms on both sides of this case. The firms are rightfully recognized for their work prosecuting and defending large, complex class actions such as this. In this case, I witnessed from all counsel the creativity, effort, and professionalism that I expected when they engaged me as a mediator.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 3<sup>rd</sup> day of September, 2021, in New York, NY.



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LAYN R. PHILLIPS  
Former United States District Judge

# EXHIBIT C

(AMENDED)



Lead Counsel’s attorney’s fee request; and (3) the reasonableness of the Class Representatives’ request for incentive awards.

4. In forming these opinions, I have reviewed, among other things: (1) pleadings, filings, and orders in this case; (2) the Settlement Agreement; (3) the Declaration of The Honorable Layn R. Phillips (Ret.); (4) the Joint Declaration of Co-Lead Counsel in Support of Class Plaintiffs’ Motion for Final Approval of Settlement and Plan Allocation and Motion for Award of Attorneys’ Fees, Expenses, and Service Awards; (5) and the Declarations of all 35 Representative Plaintiffs.

### **Summary of Opinions**

5. This Declaration sets forth the following opinions:

(a) the Settlement Agreement submitted for approval is fair, reasonable, and adequate;

(b) Co-Lead Counsel’s fee request is appropriate under federal law and would be fair and reasonable under the circumstances; and

(c) the proposed service awards for the Class Representatives are appropriate under federal law and would be fair and reasonable under the circumstances.

### **The Litigation and Settlement**

6. In 2007, you could buy a single EpiPen for about \$57. By 2016, you had to buy a two-pack that now cost over \$600. Why? This lawsuit asserts that it was because the companies that make and distribute the EpiPen engaged in an illegal scheme to suppress competition and inflate the price beyond what an unrigged market would support.

7. The initial complaint in this case was filed in 2016, followed in 2017 by the Coordinated Class Action Complaint (“Class Complaint”). The Class Complaint seeks relief on behalf of individuals and entities that paid for EpiPens at those inflated prices. The Class Complaint asserts claims under the federal antitrust and RICO statutes and state antitrust laws. It



seeks compensatory damages, treble damages, punitive damages, and injunctive relief, plus applicable fees, interest, and costs.

8. Class Counsel have vigorously litigated this case for over four years. During that time, Class Counsel have: (1) resisted Defendants' effort to have the case dismissed; (2) engaged in wide-ranging discovery involving over 150 depositions and the production of over 1.75 million documents totaling over 11 million pages; (3) obtained class certification for RICO and state antitrust claims; (4) carried out the notice program for the certified litigation class; (5) engaged in extensive expert activity; (6) resisted Defendants' efforts to obtain summary judgment; and (7) began preparing for an expected five to seven-week jury trial.

9. In February 2021, Plaintiffs and the Pfizer Defendants<sup>2</sup> began discussing settlement. To assist them, they engaged retired U.S. District Judge Layn R. Phillips as a mediator. Over the next four months, they engaged in multiple mediation activities via Zoom. On June 10, 2021, Plaintiffs and the Pfizer Defendants, with Mediator Phillips' assistance, agreed to settle the claims against Pfizer for \$345 million. *See* Joint Declaration of Co-Lead Counsel, ¶¶ 19-20. On June 14, 2021, the Plaintiffs and the Pfizer Defendants informed the court of their settlement.

10. On July 14, 2021, the Plaintiffs moved for preliminary approval of the settlement with the Pfizer Defendants.

11. On July 23, 2021, the Court entered an Order granting preliminary approval, appointing A.B. Data, Ltd. as Settlement Administrator, and approving the form and manner of notice to the class members. The Order also scheduled a Fairness Hearing for October 27, 2021,

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<sup>2</sup> Pfizer, Inc., Meridian Medical Technologies, Inc, and King Pharmaceuticals, Inc. (n/k/a King Pharmaceuticals LLC).

to address final approval of the settlement and to determine the amount of attorneys' fees and expenses to award to Class Counsel and any service award to the Class Representatives.

**The Settlement is Fair, Reasonable, and Adequate**

12. Under Federal Rule of Civil Procedure 23(e), the court must approve any settlement of a class action. Approval requires the court to find that the settlement is “fair, reasonable, and adequate.” FED. R. CIV. P. 23(e)(2). Because the trial court judge overseeing the case has the best vantage point to consider all of the myriad considerations, the determination of whether a proposed settlement is fair, reasonable, and adequate is committed to the discretion of the district court judge. *See Fager v. CenturyLink Communs., LLC*, 854 F.3d 1167, 1174-75 (10th Cir. 2016); *Rutter & Wilbanks Corp. v. Shell Oil Co.*, 314 F.3d 1180, 1186-87 (10th Cir. 2002).

13. Historically, the Tenth Circuit has identified four factors that must be considered in approving a class action settlement:

- (1) whether the proposed settlement was fairly and honestly negotiated;
- (2) whether serious questions of law and fact exist, placing the ultimate outcome of the litigation in doubt;
- (3) whether the value of an immediate recovery outweighs the mere possibility of future relief after protracted and expensive litigation; and
- (4) the judgment of the parties that the settlement is fair and reasonable.

*Rutter & Wilbanks Corp. v. Shell Oil Co.*, 314 F.3d 1180, 1188 (10th Cir. 2002).

14. In 2018, Rule 23(e) was amended to provide guidance on the factors courts should look to when determining whether a settlement is fair, reasonable, and adequate. Thus, Rule 23(e) currently provides that, when making that determination, courts must consider whether:

- (A) the class representatives and class counsel have adequately represented the class;

(B) the proposal was negotiated at arm's length;

(C) the relief provided for the class is adequate, taking into account:

(i) the costs, risks, and delay of trial and appeal;

(ii) the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims;

(iii) the terms of any proposed award of attorney's fees, including timing of payment; and

(iv) any agreement required to be identified under Rule 23(e)(3), and

(D) the proposal treats class members equitably relative to each other.

15. The Tenth Circuit has yet to address what effect, if any, the 2018 amendments have on the application of the *Rutter* factors.<sup>3</sup> I don't think it matters which test is applied as they both focus on the same core concerns,<sup>4</sup> and it is my opinion that the Settlement is fair, reasonable, and adequate under either approach. Following the guidance of the Committee Note accompanying the 2018 amendments, this declaration will track the current structure of Rule 23(e).<sup>5</sup>

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<sup>3</sup> In an unpublished opinion, the Tenth Circuit applied the *Rutter* factors without mentioning the 2018 amendments to Rule 23(e). *See Elna Sefcovic, LLC v. TEP Rocky Mountain, LLC*, 807 Fed. Appx. 752, 757 (10th Cir. 2020). The Tenth Circuit's most recent Rule 23(e) decision cites to both tests. *See In re Samsung Top-Load Washing Machine Marketing, Sales Practices and Products Liability Litig.*, 997 F.3d 1077, 1087 (10th Cir. 2021).

<sup>4</sup> *See* FED. R. CIV. P. 23(e)(2) advisory committee's note (2018) ("The goal of this amendment [to Rule 23(e)(2)] is not to displace any [circuit case-law] factor, but rather to focus the court and the lawyers on the core concerns of procedure and substance that should guide the decision whether to approve the proposal.").

<sup>5</sup> *See* FED. R. CIV. P. 23(e)(2) advisory committee's note (2018) ("This amendment therefore directs the parties to present the settlement to the court in terms of a shorter list of core concerns, by focusing on the primary procedural considerations and substantive qualities that should always matter to the decision whether to approve the proposal.").

16. The Class Representatives and Class Counsel Have Adequately Represented the Class. First, it is my opinion that the Class Representatives have adequately represented the class. FED. R. CIV. P. 23(e)(2)(A). Each of the Class Representatives has been subjected to discovery. See Joint Declaration of Co-Lead Counsel, ¶ 73; see also Declarations of Class Representatives. They have provided documents, answered interrogatories, and sat through depositions. They kept informed of developments in the case through regular communication with Class Counsel. Through these activities, the class representatives adequately discharged their responsibilities and provided the structural benefits and safeguards required for representative litigation. Further, I am aware of nothing that would suggest any disqualifying conflicts with the absent class members.

17. Class Counsel have also adequately represented the Class. FED. R. CIV. P. 23(e)(2)(A). The lawyers and law firms working for the Class are all experienced and highly regarded class action lawyers. They worked diligently on the case for over four years, resisting Defendants' multiple efforts to end the case via dispositive motions. They conducted timely and appropriate discovery. They sought and obtained certification of a litigation class. They retained appropriate experts to aid them in developing the case and putting it in a position of strength for settlement discussions. Their experience and skill in pursuing high-stakes aggregate litigation undoubtedly contributed to their ability to reach the settlement they achieved.

18. The Settlement Was Negotiated at Arm's Length. Second, it is my opinion that the Settlement was negotiated at arm's-length. FED. R. CIV. P. 23(e)(2)(B). There is nothing about this case to suggest that it was anything other than an adversarial matter. The Parties litigated for over four years. The Plaintiffs sought class certification for a litigation class over two years ago. After certification was granted in February 2020, this case proceeded as a litigation class for a year before the Plaintiffs and the Pfizer Defendants began the settlement discussions with the assistance

of a retired federal judge, Layn Phillips, nationally known for his skill in mediating complex cases. Judge Phillips had a front row seat to observe the negotiations for four months and saw nothing to indicate collusion; just skilled advocates fully and vigorously representing their clients' interests. See Phillips Decl. at ¶¶ 8-10. While not dispositive, the involvement of a neutral mediator strongly supports a finding that the settlement was negotiated at arm's length. See *In re Samsung Top-Load Washing Machine Marketing, Sales Practices and Products Liability Litig.*, 997 F.3d 1077, 1091 (10th Cir. 2021).

19. *The Relief Provided to the Class Is Adequate.* Third, it is my opinion that the relief provided for the Class is adequate. FED. R. CIV. P. 23(e)(2)(C).

20. The first factor listed in Rule 23(e)(2)(C) is whether the relief is adequate "taking into account (i) the costs, risks, and delay of trial and appeal." FED. R. CIV. P. 23(e)(2)(C)(i). This factor captures the fundamental dynamics of settlement. No settlement gives one side total victory. Plaintiffs take less than they would hope for; defendants pay more than they would like to. But in the process, they both avoid the risk of a bad loss later. As the Tenth Circuit itself put it in the class-action approval setting, "[t]hat is the nature of a settlement." *Tennille v. Western Union Co.*, 785 F.3d 422, 435 (10th Cir. 2015).

21. The settlement provides the Class with a cash recovery of \$345 million. While it does not represent a full recovery of the Class's full claimed damages, it is a very significant recovery. By accepting it in settlement of their RICO and state antitrust and unfair competition claims<sup>6</sup> against the Pfizer Defendants, the Class is guaranteed substantial compensation and avoids the risk of recovering much less, and potentially nothing.

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<sup>6</sup> Importantly, the release does not extend to any personal injury or products liability claims. See Settlement Agreement, ¶ 1.26.

22. It was reasonable to accept the immediate and certain benefit of partial payment rather than face the risks that come with continued litigation.

23. While the court has already certified the case for litigation, certification orders can be altered or amended at any time before final judgment. *See* Fed. R. Civ. P. 23(c)(1)(C). The Pfizer Defendants vigorously contested certification and, while they agree that certification for *settlement* is appropriate, they have never conceded that this case may be *tried* as a class action. The settlement avoids any future effort by the Pfizer Defendants to modify or decertify the class for litigation purposes.

24. Settling also avoided the risk of an adverse ruling on the Pfizer Defendants' summary judgment motion. It is reasonable for plaintiffs to factor into their settlement analysis the risk of an adverse ruling on a dispositive motion. And, indeed, on June 23, 2021, after the Plaintiffs and the Pfizer Defendants had signed a binding Term Sheet, the Court granted summary judgment for the Mylan Defendants on the Plaintiffs branded exclusion and RICO claims.

25. Settling also avoided the risk of a less favorable result at trial. The Pfizer Defendants have, at all times, vigorously denied all allegations of wrongdoing or liability. *See* Settlement Agreement, p.3. It seems clear that the Pfizer Defendants would have vigorously defended themselves at trial.

26. Settling also avoided the cost, risk, and delay of an appeal following the trial and entry of a judgment awarding relief to the class.

27. The context in which a settlement is negotiated is also relevant. Pfizer's name has been in the headlines lately for its rapid development of a highly effective COVID-19 vaccine. That work is irrelevant to this case. But any lawyer would have to consider the halo effect Pfizer might have enjoyed had the case progressed to a jury trial.

28. It must also be remembered that the Plaintiffs continue to press their case against the Mylan Defendants, who bear joint and several liability for the wrongdoing alleged in the Class Complaint. Thus, while the \$345 million in cash is a partial recovery, it is also only a partial resolution. The Class Members are still seeking a full recovery of their damages from the Mylan Defendants.

29. Finally, no money will revert to the Pfizer Defendants. *See* Settlement Agreement ¶ 1.4. If there is any money remaining after the initial round of payments, further rounds of payments will be made until it is no longer feasible to do so, at which point any remaining funds are to be given to selected charities.

30. The second “adequacy” factor listed in Rule 23(e)(2)(C) is “the effectiveness of any proposed method of distributing relief to the class, including the method of processing class-member claims.” FED. R. CIV. P. 23(e)(2)(C)(i). This factor also supports approval of the settlement.

31. This is a cash settlement. It does not involve coupons or other discounts. Class Members are able to participate in the settlement without doing any further business with the Pfizer Defendants.

32. The claims process established in the Settlement Agreement is fair, reasonable, and appropriate to the circumstances. The Court has already appointed the firm of A.B. Data, Ltd., an experienced claims administration firm, to administer the claims process.

33. The claims process is fair, reasonable, and appropriate for the class members who are individual consumers. Individuals submit a claim by filing a Consumer Proof of Claim form, which can either be mailed or submitted online. Claimants do not need to provide receipts or other documentation up front. Rather, claimants are asked to state how many EpiPens they bought during

the claim period and how much they spent on them. It is reasonable to ask individual claimants for purchase data in this setting. EpiPens are a major—and likely a memorable—purchase of a life-saving device. (It’s not like asking consumers to identify how many times they went to McDonald’s in the last ten years.) If documentation is required, claimants can choose from a wide range of records likely to be available to them. Indeed, even at the initial claim stage, claimants who want help to recreate their purchase history can refer to the documentation list as a useful guide to the records that might be available to assist them. Claimants may also call a toll-free number for additional guidance.

34. The claims process is fair, reasonable, and appropriate for the class members who are third-party payors. For claims not exceeding \$300,000, the process mirrors that for individual consumers. Claims exceeding \$300,000 require particularized claims data and information. It is reasonable and appropriate to ask third-party payors—sophisticated entities with sophisticated records-management systems—to be prepared to provide supporting documentation when needed and to itemize claims that exceed \$300,000.

35. The third “adequacy” factor listed in Rule 23(e)(2)(C) is “the terms of any proposed award of attorney’s fees, including timing of payment.” *See* FED. R. CIV. P. 23(e)(2)(C)(iii). Class Counsel is seeking attorney’s fees in the amount of one-third of the gross settlement fund. As discussed below, Class Counsel’s fee request is appropriate under the circumstances and is consistent with fee awards approved in similar cases.

36. The fourth “adequacy” factor listed in Rule 23(e)(2)(C) directs the court to consider “any agreement required to be identified under Rule 23(e)(3).” *See* FED. R. CIV. P. 23(e)(2)(C)(iv). To the best of my knowledge, upon inquiry, there are no agreements required to be identified under Rule 23(e)(3) that have not been disclosed.



37. *The Proposal Treats Class Members Equitably Relative to Each Other.* Finally, the Settlement treats the Class Members equitably relative to each other. FED. R. CIV. P. 23(e)(2)(D). The Class Members will be paid according to a plan of allocation being submitted for court approval. The distribution scheme creates two pools, one for Individuals and one for Third-Party Payors. The pools are funded based on estimated damages as calculated by Professor Rosenthal. Within each pool, the funds are distributed on a pro rata basis. Unclaimed funds from one pool pour over to the other pool.

38. This distribution scheme provides for equitable treatment at two levels. First, it treats the two pools equitably by allocating the settlement money according to estimated damages. That ensures that the total sum of money available to the individuals is aligned with their aggregate damages (and doesn't get gobbled up by more aggressive claiming from TPPs, or vice versa.) Second, the distribution scheme treats the members within those pools equitably by distributing damages on a pro rata basis. The end result is that all of the individual claimants get an equal shot at the individual-claimant portion of the damages, and all of the TPPs get an equal shot at the TPP-portion of the damages.

39. In summary, it is my opinion that all of the Rule 23(e)(2) factors clearly point to the Settlement being fair, reasonable, and adequate.

### **The Fee Request**

40. In this common-fund class action, the Court is authorized to make a fee award to Plaintiff's Counsel to recognize the work done on behalf of, and the benefit conferred upon, all Class Members. *See Boeing Co. v. Van Gemert*, 444 U.S. 472, 478 (1980); *see also* GENSLER & MULLIGAN, FEDERAL RULES OF CIVIL PROCEDURE: RULES AND COMMENTARY 687 (2021 ed.).

41. Both case law and Fed. R. Civ. P. 23(h) establish that the standard for setting the fee award is reasonableness. *See Brown v. Phillips Petroleum Co.*, 838 F.2d 451, 453 (10th Cir. 1988); Fed. R. Civ. P. 23(h) advisory committee’s note (2003) (stating that “reasonableness” is the customary measurement for common fund fees). That is to say, the amount the Court awards as a fee must be reasonable. The fee decision “is a matter uniquely within the discretion of the trial judge.” *Brown*, 838 F.2d at 453.

42. These federal common law standards apply in this case because federal RICO claims were asserted and carry with them federal question jurisdiction. The Tenth Circuit’s opinion in the *Chieftain v. Enervest* case, holding that federal courts must look to state fee law in *diversity* class actions, does not apply.

43. Since 1988, the Tenth Circuit has instructed district courts to analyze the reasonableness of fee awards under the factors developed in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). *See Brown*, 838 F.2d at 454-55. The *Johnson* factors are:

- (1) the time and labor required;
- (2) the novelty and difficulty of the questions presented by the case;
- (3) the skill requisite to perform the legal services properly;
- (4) the preclusion of other employment by the attorneys due to acceptance of the case;
- (5) the customary fee;
- (6) whether the fee is fixed or contingent;
- (7) any time limitations imposed by the client or the circumstances;
- (8) the amount involved and the results obtained;
- (9) the experience, reputation and ability of the attorneys;

(10) the undesirability of the case;

(11) the nature and length of the professional relationship with the client; and

(12) awards in similar cases. *Id.*

44. The Tenth Circuit has also made clear that the preferred method for determining the reasonableness of a fee award in a common fund case is the percentage of recovery method. *See Gottlieb v. Barry*, 43 F.3d 474, 483 (10th Cir. 1994); *Rosenbaum v. MacAllister*, 64 F.3d 1439, 1445 (10th Cir. 1995); *see also* AMERICAN LAW INSTITUTE, PRINCIPLES OF THE LAW OF AGGREGATE LITIGATION § 3.13(b) (2010) (endorsing the percentage of recovery method for common fund cases).

45. Thus, when awarding fees in a common fund case, the general practice is for the district court to award a percentage-based fee using the *Johnson* factors as a guide to what percentage to award.

46. Because the *Johnson* factors were developed in the context of statutory fee-shifting, the Tenth Circuit held that the scheme should be modified when applied in a common fund case. *See Brown*, 838 F.2d at 453. Not all of the factors will apply in every case. *Id.* at 456; *Gudenkauf v. Stauffer Commc'ns, Inc.*, 158 F.3d 1074, 1083 (10th Cir. 1998) (trial courts need not specifically address each factor in every case). And the weight to be given each factor varies when the court is awarding fees from a common fund. *Brown*, 838 F.2d at 456.

47. *The Result Achieved*. In a common fund case, the result obtained is the most important factor and deserves the greatest weight. *Brown*, 838 F.2d at 456. As the Advisory Committee later put it when adopting the 2003 amendments to Rule 23, “[f]or a percentage fee approach to fee measurement, results achieved is the basic starting point.” FED. R. CIV. P. 23(h) advisory committee’s note (2003).

48. In my opinion, the result achieved supports Class Counsel’s request for a fee award of \$115 million, an amount that represents one-third of the cash settlement.

49. First, the settlement represents a substantial, guaranteed recovery for the class. Could the Class Plaintiffs have received more if they continued litigating? It’s possible. But they also might have received less, or maybe nothing at all. To see the risk of continued litigation, one need look no further than the court’s summary-judgment rulings as to the claims still pending against the Mylan Defendants.<sup>7</sup>

50. Even when a party has strong claims, it is reasonable to accept the immediate and certain benefit of partial payment rather than face the risks already known—or expose itself to future unexpected setbacks—that come with future litigation. As the Tenth Circuit appreciates, “[t]hat is the nature of a settlement.” *Tennille v. Western Union Co.*, 785 F.3d 422, 435 (10th Cir. 2015). Given the risks posed by continued litigation, the recovery of \$345 million in cash is a strong result.

51. Second, the \$345 million settlement is all cash with no reversion. We know exactly how much the Pfizer Defendants will be paying: \$345 million. The amount is not inflated by the value of coupons that will never be redeemed. Nor is there any risk that the Pfizer Defendants will end up paying less because some of it gets returned on the back end as unclaimed funds.

52. *Time and Labor.* The “time and labor” factor of the *Johnson* test supports approval of Plaintiff’s Counsel’s fee request. Co-Lead Counsel invested an enormous amount of their time and money litigating this case for four years with no guarantee of reimbursement or recovery. The pretrial process included motions to dismiss, extensive discovery, extensive expert work (including

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<sup>7</sup> I understand that Class Plaintiffs have sought reconsideration of that ruling. The Court’s ruling illustrates the risk of continued litigation even if the Court reconsiders all or part of it.

motions to exclude experts), and motions for summary judgment. Having run the federal pretrial gauntlet, Co-Lead Counsel had turned to preparing for the upcoming trial when the case settled as the trial date drew closer.

53. A lodestar analysis is not needed when assessing the “time and labor” factor in a common fund case. The Tenth Circuit made clear in *Brown* that a lodestar analysis is not required in a common fund case. Rather, the court may make a general finding, based on the record, that class counsel instrumentally contributed to the result achieved for the Class Members. *Brown*, 838 F.2d at 456.

54. The Tenth Circuit’s use of a “crosscheck” in the *Samsung* decision earlier this year is not to the contrary. In *Samsung*, the Tenth Circuit wrote that “[a] district court, after carefully reviewing billing records and performing the traditional lodestar analysis, should crosscheck the fees and costs against both the value of the settlement and the estimated actual cost to the defendant.” *In re Samsung Top-Load Washing Machine Marketing, Sales Practices and Products Liability Litig.*, 997 F.3d 1077, 1091 (10th Cir. 2021). That case, however, did not involve a common fund fee. Rather, Samsung was paying class counsel’s fees pursuant to their settlement.<sup>8</sup> And as is customary in the fee-shifting setting, the district court used the lodestar method to determine the fee that Samsung would have to pay. Because the settlement agreement had a “kicker” and a “clear sailing” clause, the Tenth Circuit held that the putative fee had to be “crosschecked” against the actual value of the settlement to make sure that class counsel hadn’t used those devices to purchase the defendant’s acquiescence about where the settlement money

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<sup>8</sup> See *In re Samsung Top-Load Washing Machine Marketing, Sales Practices and Products Liability Litig.*, No. 17-MDL-2792, June 1, 2018 (Dkt. # 92) (Settlement Agreement, p. 45).

would go. The Tenth Circuit did not, however, order a *lodestar crosscheck* in the traditional sense of comparing a percentage-fee award to what class counsel’s lodestar would have been.

55. It is my opinion that *Brown* controls in this case. *Brown* is the earlier precedent, and nothing in *Samsung* purports to displace it. Like *Brown*, this case involves a common fund fee award, whereas *Samsung* involved a contractual fee-shifting provision. And the settlement in this case does not include either a “kicker” or a “clear sailing” agreement.

56. Under the *Brown* test, it is clear that “the recovery [in this case] was highly contingent and that the efforts of counsel were instrumental in realizing recovery on behalf of the class.” *Brown*, 838 F.2d at 456.

57. But even if a lodestar crosscheck is used, it confirms that Co-Lead Counsel’s fee request is reasonable. A one-third percentage fee in this case is \$115 million. Co-Lead Counsel’s lodestar for their four years of litigation—a soup-to-nuts pretrial process replete with the full range of motions and discovery, heading to trial preparation—is over \$90 million. *See* Joint Declaration of Co-Lead Counsel, ¶¶ 60-63. That yields a multiplier of 1.27, which is well within the range of multipliers approved by district courts in the Tenth Circuit. *See, e.g., In re Urethane Antitrust Litig.*, No. 04-1616-JWL, 2016 WL 4060156, at \*7 (D. Kan. July 29, 2016) (resulting in a 3.2 multiplier).

58. *Awards in Similar Cases*. The one-third fee request is also well within the range of awards in similar cases. In the *Samsung* decision from this summer, the Tenth Circuit wrote that a fee-and-costs award of one-third of the maximum value of the settlement was “well within the range of reasonable and permissible fees and costs awards in class action litigation.” *In re Samsung Top-Load Washing Machine Marketing, Sales Practices and Products Liability Litig.*, 997 F.3d 1077, 1095 (10th Cir. 2021). A one-third fee award is also consistent with fee awards granted in

similar cases in the District of Kansas. *See, e.g., In re Syngenta AG MIR 162 Corn Litig.*, 357 F. Supp. 3d. 1094, 1113-14 (D. Kan. 2018) (awarding one-third fee of \$1.51 billion settlement fund); *In re: Urethane Antitrust Litig.*, 2016 WL 4060156, at \*8 (awarding one-third fee from \$835 million settlement fund); *Hershey v. ExxonMobil Oil Corp.*, No. 07-1300-JTM, 2012 WL 5306260, \*1, 7-8 (D. Kan. Oct. 26, 2012) (awarding one-third fee from \$54 million settlement); *Eatinger v. BP America Prod. Co.*, No. 07-1266-EFM (D. Kan. Sept. 17, 2012) (Dkt. No. 375) (awarding one-third fee from \$19 million settlement); *In re Universal Serv. Fund Tel. Billing Pracs. Litig.*, No. 02-MD-1468-JWL, 2011 WL 1808038, at \*2 (D. Kan. May 12, 2011) (awarding one-third fee from \$16.9 million judgment); *In re Urethane Antitrust Litig.*, No. 04-MD-1616-JWL (D. Kan. Dec. 13, 2011) (Dkt. Nos. 995 and 2210) (awarding one-third fee of \$142.9 million combined settlement funds); *Williams v. Sprint/United Mgmt. Co.*, No. 03-2200-JWL, 2007 WL 2694029, at \*6 (D. Kan. Sept. 11, 2007) (awarding 35% of \$57 million settlement fund); *In re United Telecommc 'ns Sec. Litig.*, No. 90-2251-0, 1994 WL 326007, at \*3-4 (D. Kan. June 1, 1994) (awarding one-third from \$28 million settlement fund); *see also In re Hill's Pet Nutrition, Inc. Dog Food Products Liab. Litig.*, 19-MDL-2887 (D. Kan. July 30, 2021) (Dkt. No. 132) (awarding 32% fee of \$12.5 million settlement fund); *Koehler v. Freightquote.com, Inc.*, No. 12-2505-DDC-GLR, 2016 WL 3743098, at \*7 (D. Kan. July 13, 2016) (one-third award is within “the customary percentage of the fund approved by this Court”) (quoting *Barbosa v. Nat'l Beef Packing Co., LLC*, No. CIV.A. 12-2311-KHV, 2015 WL 4920292, at \*11 (D. Kan. Aug. 18, 2015)).

59. *The Other Johnson Factors*. The following other *Johnson* factors further support Co-Lead Counsel’s request for a one-third fee award:

- a. This case involved substantive and procedural issues that were complex and difficult (*Johnson* factor #2);

- b. Co-Lead counsel are skilled, experienced, and highly regarded class action litigators who possess the rare combination of resources and experience to take on a case of this scale and pursue it to a successful end (*Johnson* factors #3, #9, and #10);
- c. Dedicating the resources needed to litigate this case through the full pretrial gauntlet, and trial if needed, necessarily precluded Co-Lead counsel from pursuing other employment (*Johnson* factor #4);
- d. The one-third fee sought by Co-Lead counsel is well within the range of fee awards sought in similar class actions and is equal to or less than any fee provisions agreed to in advance by Class Representatives (*Johnson* factor #5); and
- e. Co-Lead counsel worked on a contingency fee basis with no guarantee of any payment for years of work (*Johnson* factor #6).

#### **Service Awards to the Class Representatives**

60. Class Counsel are seeking a \$5,000 service award for each of the class representatives. It is my opinion that service awards are warranted in this case and that the amount requested is reasonable and appropriate.

61. As the Tenth Circuit has recognized, it is customary for class representatives to be granted a service award (or incentive award) out of the common fund recovery. *See Chieftain Royalty Co. v. EnerVest Energy Institutional Fund XIII-A, L.P.*, 888 F.3d 455, 467 (10th Cir. 2017). *See generally* William B. Rubenstein, *Newberg on Class Actions* §17:1 (5th ed.) (“Empirical evidence shows that incentive awards are now paid in most class suits and average between \$10-15,000 per class representative.”)



62. Service awards serve two primary purposes. They compensate class representatives for the service they provide to the class and provide an incentive for class representatives to undertake the burdens and risks associated with serving as a class representative. *See* Newberg, §17:3; *see also Chieftain*, 888 F.3d at 467-68 (discussing rationale for service awards). Reasonable service awards do not run afoul of Rule 23(e)'s norm that similarly-situated class members be treated equally because class representatives undertake burdens that distinguish them from absent class members. *See* Newberg, §17:3 (explaining that “the justifications for the awards illuminate the fact that the class representatives are not similarly situated to other class members”).

63. In *Chieftain*, the Tenth Circuit assessed the incentive award in that case solely on what would be appropriate to compensate the named plaintiffs for the work they performed. *Chieftain*, 888 F.3d at 468. That was because it was limiting itself to the grounds cited by the district court. The Tenth Circuit made clear, however, that the plaintiffs could attempt to incorporate the factors of risk, burden, and the need for an incentive for recruiting purposes in their presentation to the district court on remand. *Id.* at 467-68.


64. The class representatives in this case are seeking service awards of \$5,000 each. In their affidavits, they describe the work they have done and estimate the hours they devoted to the class action. On average, the class representatives contributed 63 hours of effort, which calculates to approximately \$79 per hour. These are hours spent in an arena that, for most people, is unfamiliar and quite stressful.

65. Alternatively, if one begins with an hourly rate of \$50 per hour, the service awards based solely on the time spent factor would average \$3,150. It would be reasonable to add, as an estimate, \$1,850 for risk, burden, and the positive impact of service awards on recruiting individual claimants to serve as class representatives.

66. In total, the service award request for all 35 class representatives amounts to \$175,000, or about 0.05% of the settlement amount.

67. All 35 class representatives played an important role in this case—and indeed were essential—in order to adequately represent the range of individual payors and the third-party payors within the class and throughout the 33 states for which state antitrust claims were asserted.

**I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.**



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Steven S. Gensler  
September 14, 2021

# **EXHIBIT C-1**

**STEVEN S. GENSLER**

Gene and Elaine Edwards Family Chair in Law  
University of Oklahoma College of Law  
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**ACADEMIC APPOINTMENTS**

UNIVERSITY OF OKLAHOMA COLLEGE OF LAW  
*Gene and Elaine Edwards Family Chair in Law* (2018-current)  
*Welcome D. & W. DeVier Pierson Professor* (2009-2017)  
*President's Associates Presidential Professor* (2006-current)  
*Professor* (2005-current)  
*Associate Professor* (2000-2005) (on leave 2003-2004)

*Associate Dean for Academic Affairs* (2020-current)  
*Associate Dean for Research and Scholarship* (2012-2015)

UNIVERSITY OF ILLINOIS COLLEGE OF LAW  
*Visiting Assistant Professor* (1998-2000)

UNIVERSITY OF NEVADA LAS VEGAS, WILLIAM S. BOYD COLLEGE OF LAW  
*Visiting Professor* (Fall 2017)

**JUDICIAL FELLOWSHIPS**

UNITED STATES SUPREME COURT  
*Supreme Court Fellow*, Administrative Office of the U.S. Courts (2003-2004)

**JUDICIAL CLERKSHIPS**

THE HONORABLE DEANELL REECE TACHA  
U.S. Court of Appeals, Tenth Circuit (Lawrence, KS)  
*Law Clerk* (1992-1993)

THE HONORABLE KATHRYN H. VRATIL  
U.S. District Court, District of Kansas (Kansas City, KS)  
*Law Clerk* (1993-1994)

**LAW PRACTICE**

MICHAEL, BEST & FRIEDRICH, LLP (Milwaukee, WI)  
*Associate* (1996-1998)

REINHART, BOERNER, VAN DUREN, NORRIS & RIESELBACH S.C. (Milwaukee, WI)  
*Associate* (1994-1996)

## EDUCATION

UNIVERSITY OF ILLINOIS COLLEGE OF LAW, J.D. *summa cum laude*, May 1992  
Valedictorian (Class Rank: 1/189)  
Editor-in-Chief, University of Illinois Law Review

UNIVERSITY OF ILLINOIS (URBANA-CHAMPAIGN), B.S. (Biology), June 1988

## PUBLICATIONS

### Books:

FEDERAL RULES OF CIVIL PROCEDURE: RULES AND COMMENTARY (Thomson Reuters/West)  
▪ Comprehensive two-volume practice treatise on the Federal Rules of Civil Procedure  
▪ Revised and updated edition published annually  
▪ Annual editions to date: 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021

MOORE'S FEDERAL PRACTICE, Volume 11 (3d. ed. 2012) (with Jeffrey W. Stempel)  
▪ Covering Summary Judgment under Rule 56

THE 2015 AMENDMENTS TO THE FEDERAL RULES OF CIVIL PROCEDURE (Lexis/Nexis 2015) (monograph prepared and distributed as part of MOORE'S FEDERAL PRACTICE)

FEDERAL COURTS: CASES, COMMENTS AND QUESTIONS (9<sup>th</sup> ed. Forthcoming Spring 2022) (with Martin H. Redish, Suzanna Sherry, James E. Pfander, and Adam Steinman)

GILBERT'S LAW SUMMARY ON CIVIL PROCEDURE (West Academic Publishing) (added as new co-author for 19<sup>th</sup> edition) (with Rick Marcus and Tom Rowe)

### Journal Articles:

*The Million Dollar Diversity Docket*, forthcoming *BYU L. REV.* (Summer 2022) (with Roger Michalski)

*The Privacy-Protection Hook in the Federal Rules*, forthcoming *105 JUDICATURE* 77 (Fall 2021) (with the Honorable Lee H. Rosenthal)

*Expedited Trial Programs in Federal Court: Why Won't Attorneys Get on the Fast Track?*, *55 WAKE FOREST L. REV.* 525 (Fall 2020) (with Jason A. Cantone)

*Better by the Dozen: Bringing Back the Twelve-Person Civil Jury*, *104 JUDICATURE* 46 (Summer 2020) (with the Honorable Patrick E. Higginbotham and the Honorable Lee H. Rosenthal)

*Form Fights: Battles Over Content and Proportionality*, *26 PRETRIAL PRACTICE & DISCOVERY* 15 (Spring 2018) (with the Honorable Xavier Rodriguez)

*Breaking the Boilerplate Habit in Civil Discovery*, 51 AKRON L. REV. 683 (2017) (with the Honorable Lee H. Rosenthal) (Symposium on the impact of the 2015 Civil Rules Amendments)

*Discovery: What the Form Are We Fighting For?*, 80 TEX. B.J. 774 (Dec. 2017) (with the Honorable Xavier Rodriguez)

*A Report from the Proportionality Roadshow*, 100 JUDICATURE 14 (Winter 2016) (with the Honorable Lee H. Rosenthal)

*From Rule Text to Reality: Achieving Proportionality in Practice*, 99 JUDICATURE 43 (Winter 2015) (with the Honorable Lee H. Rosenthal)

*Four Years After Duke: Where Do We Stand on Calibrating the Pretrial Process?*, 18 LEWIS & CLARK LAW REVIEW 643 (2014) (with the Honorable Lee H. Rosenthal) (Symposium honoring Judge Mark Kravitz)

*Measuring the Quality of Judging: It All Adds Up to One*, 48 NEW ENGLAND LAW REVIEW 475 (2014) (with the Honorable Lee H. Rosenthal) (Symposium on “Benchmarks: Measurements for Evaluating Judicial Productivity”)

*The Reappearing Judge*, 61 KANSAS LAW REVIEW 849 (2013) (with the Honorable Lee H. Rosenthal) (Symposium on “Advocacy under the Federal Rules of Civil Procedure”)

*Ed Cooper, Rule 56, and Charles E. Clark’s Fountain of Youth*, 46 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 593 (2013)

*Managing Summary Judgment*, 43 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 517 (2012) (with the Honorable Lee H. Rosenthal) (Symposium on the 25<sup>th</sup> Anniversary of the Supreme Court’s 1986 Summary Judgment trilogy)

- Reprinted in 62 DEF. L.J. 1 (2013)

*Special Rules for Social Media Discovery?* 65 ARKANSAS LAW REVIEW 7 (2012) (Symposium on “Facebook and the Law”)

*Judicial Case Management: Caught in the Crossfire*, 60 DUKE LAW JOURNAL 669 (2010) (Symposium publishing papers selected from the 2010 Duke Conference on Civil Litigation)

*Oklahoma’s New E-Discovery Rules*, 81 OKLAHOMA BAR JOURNAL 2427 (Nov. 2010)

*Must, Should, Shall*, 43 AKRON LAW REVIEW 1141 (2010) (Symposium issue publishing papers selected for presentation at the 2010 AALS Section on Litigation program on “The Future of Summary Judgment”)

*The Other Side of the CAFA Effect: An Empirical Analysis of Class Action Activity in the Oklahoma State Courts*, 58 KANSAS LAW REVIEW 809 (2010) (Symposium on Class Actions)

*A Bull’s-Eye View of Cooperation in Discovery*, 10 SEDONA CONFERENCE JOURNAL 363 (Fall 2009 Supp.) (invited contribution to Special Edition on The Sedona Conference Cooperation Proclamation)

*Some Thoughts on the Lawyer's E-volving Duties in Discovery*, 36 NORTHERN KENTUCKY UNIVERSITY LAW REVIEW 521 (2009) (invited contribution to Symposium on E-Discovery)  
▪ Reprinted in 60 DEF. L.J. 1 (2011)

*Justness! Speed! Inexpense! An Introduction to The Revolution of 1938 Revisited: The Role and Future of the Federal Rules*, 61 OKLAHOMA LAW REVIEW 257 (2008) (Introduction to AALS Civil Procedure Section 2008 Annual Meeting Symposium)

*Driving Misjoinder: The Improper Party Problem in Removal Jurisdiction*, 57 ALABAMA LAW REVIEW 779 (2006) (with Laura J. Hines)

*Diversity Class Actions, Common Relief, and the Rule of Individual Valuation*, 82 OREGON LAW REVIEW 295 (2003)

*Class Certification and the Predominance Requirement under Oklahoma Section 2023(B)(3)*, 56 OKLAHOMA LAW REVIEW 289 (2003)

*Bifurcation Unbound*, 75 WASHINGTON LAW REVIEW 705 (2000)

*Prejudice, Confusion, and the Bifurcated Civil Jury Trial: Lessons from Tennessee*, 67 TENNESSEE LAW REVIEW 653 (2000) (invited contribution to Symposium: Communicating with Juries)

*Wrongful Discharge for In-House Attorneys: Holding the Line Against Lawyers' Self-Interest*, 1991 UNIVERSITY OF ILLINOIS LAW REVIEW 515 (Student Note)

**Other Publications:**

*Better by the Dozen: Bringing Back the Twelve-Person Jury*, Volume 4, Issue 7, NYU Civil Jury Project Newsletter (July 2020)

*Survey Results: Why Won't Lawyers Get on the Fast Track?*, Volume 4, Issue 8, NYU Civil Jury Project Newsletter (August 2019)

*Second Circuit Distinguishes Abandonment from Default in Summary Judgment*, 99 JUDICATURE 45 (2015) (brief case note)

*A Tribute to Robert Spector: "It Started With Jurisdiction"*, 63 OKLAHOMA LAW REVIEW i (2011)

FEDERAL RULES OF CIVIL PROCEDURE: 2007 STYLE PROJECT COMPARISON CHARTS (West)  
▪ Companion publication to the 2008 edition of treatise listed above

SEALED SETTLEMENT AGREEMENTS IN FEDERAL DISTRICT COURT, Federal Judicial Center (2004) (with Robert Timothy Reagan, Shannon R. Wheatman, Marie Leary, Natacha Blain, George Cort, and Dean Miletich)

*Developments in the Federal Rules of Civil Procedure*, Association of American Law Schools Civil Procedure Newsletter (2003, 2005, 2006, 2007, 2008)

## PROFESSIONAL AND PUBLIC SERVICE

### AMERICAN LAW INSTITUTE

- Council (2015 – present)
- Member (2006 – present)
- Adviser for Restatement (Third) of Conflict of Laws
- Members Consultative Group for the Principles of Aggregate Litigation Project
- Members Consultative Group for Restatement (Third) U.S. Law of International Arbitration

### UNITED STATES JUDICIAL CONFERENCE ADVISORY COMMITTEE ON CIVIL RULES

- Member (2005 – 2011)
- Appointed June 2005 by Chief Justice William H. Rehnquist
- Reappointed August 2008 by Chief Justice John G. Roberts, Jr.

### UNITED STATES JUDICIAL CONFERENCE FEDERAL-STATE JURISDICTION COMMITTEE

- Lead Academic Consultant (2017 – present)

### NATIONAL CONFERENCE OF BAR EXAMINERS, MBE CIVIL PROCEDURE DRAFTING COMMITTEE

- Invited participant (Summer 2017, Winter 2017)
- Member (Spring 2018 – present)

### LOCAL RULES COMMITTEE, UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

- Member (2008 – present)

### OKLAHOMA STATE BAR ASSOCIATION COMMITTEE ON CIVIL PROCEDURE

- Member (2005 - present)
- Vice-Chair (2009 - 2017)
- Chair, E-Discovery Subcommittee (2009)

### OKLAHOMA UNIFORM JURY INSTRUCTION COMMITTEE (CIVIL)

- Appointed March 21, 2016 by Oklahoma Supreme Court Chief Justice John F. Reif

### THE SEDONA CONFERENCE

- Member (2008 – present)
- Advisory Board (April 2012 – present)
- Working Group 1: Electronic Discovery
- Working Group 6: International Electronic Information Management, Discovery and Disclosure
- *Founding Member*: ROI Project for Information Asset Management (exploratory group to identify principles and best practices for maximizing “information assets”)

### CIVIL JURY PROJECT (NYU LAW SCHOOL)

- Academic Advisor (2016-present)

### AMERICAN BAR FOUNDATION

- Fellow (2016-present)



JAMES F. HUMPHREYS COMPLEX LITIGATION CENTER

- Steering Committee Member and Board of Editors for Project on “Assessing Proportionate Relevancy and Cost ESI Model

GUIDELINES AND PRACTICES FOR IMPLEMENTING THE 2015 DISCOVERY AMENDMENTS TO ACHIEVE PROPORTIONALITY

- Co-Reporter (with the Honorable Lee H. Rosenthal) (2014-2017)
- Project Sponsored by the Duke Center for Judicial Studies

2010 CONFERENCE ON CIVIL LITIGATION (“DUKE CONFERENCE”)

- Member, Planning Committee (2009-2010)

ASSOCIATION OF AMERICAN LAW SCHOOLS SECTION ON CIVIL PROCEDURE

- Executive Committee Chair (2007)
- Executive Committee Member (2005 - 2009)

**PRESENTATIONS**

*The Million Dollar Diversity Docket*

- Conference on Federal Diversity Jurisdiction
- Center on Federalism and Intersystemic Governance, Emory University School of Law
- March 19, 2021 (online)

*Current Issues in Federal Procedure and Jurisdiction*

- Judicial Retreat, U.S. District Court, W.D. Okla.
- October 21, 2019, Watonga, OK

*Why Won't Lawyers Get on the Fast Track? The Persistent Failure of Expedited Trial Programs in Federal Court*

- OU College of Law Work-in-Progress Series
- October 14, 2019, Norman, OK

*Report From the Washington, D.C. Bench-Bar Group Meeting*

- Bolch Judicial Institute (Duke Law) Program on “Evaluating the 2015 Rule 26 Discovery-Proportionality Amendments and Bolch-Duke Guidelines and Best Practices”
- June 20, 2019, Arlington, VA

*Why Won't Lawyers Get on the Fast Track? The Persistent Failure of Expedited Trial Programs in Federal Court*

- NYU Civil Jury Project Colloquium
- April 24, 2019, New York, NY

*So You Want to Be a Class Action Lawyer? (Recent Changes to Fed. R. Civ. P. 23)*

- Presenter and Program Moderator
- Federal Bar Association, OKC Chapter, Class Action Seminar
- December 12, 2018, Oklahoma City, OK

*Electronic Discovery: Tips from a Professor*

- OELA Annual Seminar
- December 7, 2018, Oklahoma City, OK

*Special Focus Meeting: Bench-Bar Experiences with the 2015 Discovery Proportionality Amendments*

- Program Facilitator
- Bolch Judicial Institute, Duke Law School
- July 13, 2018, Washington, D.C.

*Breaking the Boilerplate Habit in Civil Discovery*

- Akron Law Review Symposium on Civil Discovery
- April 6, 2018, Akron, OH

*Sedona Conference eDiscovery Negotiation: Practical Cooperative Strategies*

- Faculty Member
- February 22-23, 2018, New York, NY

*Technology Assisted Review (TAR) Best Practices*

- Program Moderator
- Duke Law Center for Judicial Studies, Bench-Bar-Academy Distinguished Lawyers' Series
- September 8-9, 2017, Arlington, VA

*Federal Rules Update*

- 2017 Judicial Conference of the Fifth Circuit
- May 9, 2017, Grapevine, TX

*The Virtual Reality: Litigating in the 21<sup>st</sup> Century*

- Kansas Legal Revitalization Conference
- February 2, 2017, Kansas City, MO

*Big Deal or Big Distraction? Which Recent FRCP Developments Really Matter and Why*

- Kansas Legal Revitalization Conference
- February 2, 2017, Kansas City, MO

*The New Rules for E-Discovery: What Do They Impact?*

- Kansas Legal Revitalization Conference
- February 1, 2017, Kansas City, MO

*How E-Discovery Brought All Discovery Back to Its Senses*

- University of Florida College of Law, E-Discovery Distinguished Speaker Series
- October 10, 2016, Gainesville, FL

*The 2015 Amendments to the Federal Rules of Civil Procedure*

- Westfield Insurance Annual Counsel Meeting
- August 9, 2016, Westfield Center, OH

*The 2015 Amendments to the Federal Rules of Civil Procedure*

- Eighth Circuit Judicial Conference

- May 4, 2016, Rogers, AR

*Federal Rules Amendment Process: How Does It Work? Trends and Predictions.*

- Wichita Bar Association Civil Practice CLE
- April 21, 2016, Wichita, KS

*Sedona Conference eDiscovery Negotiation: Practical Cooperative Strategies*

- Faculty Member
- March 1-2, 2016, Washington, D.C.

*IAALS Fourth Civil Justice Reform Summit*

- Panelist and Planning Committee Member
- February 24-25, 2016, Denver, CO

*ABA “Roadshow” on Proportionality and the New 2015 Rules*

- Fall 2015 through Spring 2016
- Presentations at U.S. Courthouses in 17 cities (New York, Philadelphia, Newark, St. Louis, Atlanta, Chicago, Washington D.C., Los Angeles, San Francisco, Denver, Phoenix, Dallas, Miami, San Diego, Seattle, Boston, Detroit)

*What Do the 2015 Amendments to the Federal Rules of Civil Procedure Really Mean for Judges and Lawyers*

- 2016 Southern District of Georgia Attorney Advisory Committee Meeting
- January 29, 2016, Amelia Island, FL

*The 2015 Amendments to the Federal Rules of Civil Procedure*

- Federal Bar Association, Federal Practice Series
- November 24, 2015, Oklahoma City, OK

*Proportionality and the New 2015 Rules*

- Judicial Training Symposium co-sponsored by Federal Judicial Center and the Electronic Discovery Institute
- October 14, 2015, New Orleans, LA

*Proportionality and the New 2015 Rules*

- ABA Section on Litigation Fall Leadership Meeting
- October 9, 2015, Memphis, TN

*The 2015 Amendments to the Federal Rules of Civil Procedure*

- Kansas City Metropolitan Bar Association Bench, Bar, & Boardroom Conference
- May 15, 2015, Branson, MO

*Proportionality and the New 2015 Rules*

- National Conference for U.S. Magistrate Judges
- April 21, 2015, Seattle, WA
- July 9, 2015, Boston, MA

*Proportionality is Officially Part of Discovery: Now What?*

- Washington & Lee University School of Law Faculty Speaker Series
- April 6, 2015, Lexington, VA

*Sedona Conference eDiscovery Negotiation: Practical Cooperative Strategies*

- Faculty Member
- March 4-5, 2015, Atlanta, GA

*Duke Center for Judicial Studies Conference on Implementing Discovery Proportionality Standard*

- Faculty Member and Panelist
- November 13-14, 2014, Arlington, VA

*Four Years After Duke: Where Do We Stand on Calibrating the Pretrial Process?*

- Civil Rules Advisory Committee Meeting; Program Honoring Judge Mark Kravitz
- April 10, 2014, Portland, OR

*Hot Topics in Discovery Sanctions: Spoliation and Rule 26(g)*

- Judges Retreat, U.S. District Court for the Western District of Missouri
- March 7, 2014, Kansas City, MO

*Sedona Conference Cooperation Training Program*

- Faculty Member and Panelist
- February 12-13, 2014, Chicago, IL

*Amendments to Rule 45*

- Presentation to District Judges of the Western District of Oklahoma
- December 2, 2013, Oklahoma City, OK

*Cooperation in Practice*

- Georgetown Law Advanced eDiscovery Institute
- November 21, 2013, Washington, D.C.

*Pretrial Bench Presence*

- New England Law School Symposium: “Benchmarks: Evaluating Measurements of Judicial Productivity”
- November 8, 2013, Boston, MA

*Unlocking E-Discovery: Educational Summit for State Court Judges*

- Faculty member for e-discovery program for state-court judges from around the country.
- Co-hosted by the National Judicial College and the Institute for the Advancement of the American Legal System (“IAALS”)
- September 19-20, 2013, Denver, CO

*Cooperation and Professional Responsibility*

- The Sedona Conference Cooperation Training Program
- February 21, 2013, Phoenix, AZ

*Search Wars: Predictive Coding and the Battle for Control of the Search Process*

- University of Kansas School of Law Symposium: “Advocacy Under the Federal Rules of Civil Procedure After 75 Years”
- November 9, 2012, Lawrence, KS

*New Approaches to Civil Case Management from Around the Country*

- Workshop for Judges of the Fifth Circuit
- May 10, 2012, Santa Fe, NM

*Ed Cooper, Sherpa Guides, and Procedural Discretion*

- Civil Rules Advisory Committee Meeting, Program Recognizing Reporter Ed Cooper
- March 22, 2012, Ann Arbor, MI

*Effective Case Management*

- Judges Retreat, U.S. District Court for the District of Kansas
- February 17, 2012, Topeka, KS

*Closing the Guidance Gaps Under the Federal Rules*

- Presented at the William S. Boyd School of Law, University of Nevada Las Vegas
- January 26, 2012, Las Vegas, NV

*Electronic Discovery and the Sensible Harvest*

- Boston E-Discovery Summit 2011
- December 8, 2011, Boston, MA

*Social Media and the Continuing Evolution of the Discovery Rules*

- University of Arkansas School of Law Symposium: “Facebook and the Law”
- November 4, 2011, Fayetteville, AR

*Discovery After Iqbal: Where Do We Go From Here?*

- Multidistrict Litigation Panel Transferee Judge’s Conference
- November 1-2, 2011, West Palm Beach, FL

*Summary Judgment and Case Management: Each in Service of the Other*

- Seattle University School of Law Colloquium: “25<sup>th</sup> Anniversary of the Summary Judgment Trilogy: Reflections on Summary Judgment”
- September 16, 2011, Seattle, WA

*Civil Rules and Appellate Rules: What’s New and What’s on the Horizon*

- Judicial Conference of the Fifth Circuit
- May 3-4, 2011, San Antonio, TX

*The Rulemaking Response to Twombly and Iqbal*

- University of Baltimore School of Law Colloquium Presentation
- April 15, 2011, Baltimore, MD

*Knowledge in the Public Interest: Consideration of Incidents Where Scientific and Technical Knowledge Is Kept From the Public Because of Sealed Settlements and Other Restrictive Arrangements*

- Panelist, National Academy of Science, Committee on Science, Technology, and Law
- April 11, 2011, Washington, DC

*Complex Litigation XIII: The Future of Civil Litigation 2*

- Panelist, 13<sup>th</sup> Annual Sedona Conference on Complex Litigation
- April 7-8, 2011, Del Mar, CA

*The 2010 Amendments to Rule 26 and Rule 56*

- Kansas Association of Defense Counsel Annual Meeting
- December 3, 2010, Kansas City, MO

*The 2010 Amendments to Rule 56*

- LEXIS/NEXIS Webinar
- November 23, 2010

*Incorporating E-Discovery Rules Into State Practice*

- Panelist, Tulsa County Bar Association CLE Program on Electronic Discovery
- November 12, 2010, Tulsa, OK

*Federal Judicial Roundtable on Electronic Discovery*

- Moderator, Oklahoma Bar Association Symposium on Electronic Discovery
- November 5, 2010, Oklahoma City, OK

*Incorporating E-Discovery Rules Into State Practice*

- Panelist, Oklahoma Bar Association Symposium on Electronic Discovery
- November 5, 2010, Oklahoma City, OK

*Report from the 2010 Conference on Civil Litigation: Where We Are and Where We Are Going*

- Panelist, Sedona Conference Webinar Series Presentation
- June 22, 2010

*Cooperation in Discovery: A 90-Year View*

- Northern Illinois University Law Review Symposium: “What It Means to Be a Lawyer in the Digital Age”
- April 16, 2010, DeKalb, IL

*The Future of Civil Litigation: Legislative and Behavioral Changes*

- Panelist, 12<sup>th</sup> Annual Sedona Conference on Complex Litigation
- April 8-9, 2010, Phoenix, AZ

*Federal Rules of Civil Procedure: What’s Coming in December 2010*

- Co-presenter (with The Honorable Lee H. Rosenthal)
- DRI Product Liability Conference
- April 7, 2010, Las Vegas, NV

*Codifying Mediation 2.0*

- Panelist, The Ohio State Journal of Dispute Resolution Symposium 2010
- February 5, 2010, Columbus, OH

*Must, Should, Shall*

- AALS Section on Litigation Program
- January 10, 2010, New Orleans, LA

*Procedure a la Carte*

- AALS Section on Civil Procedure
- January 9, 2010, New Orleans, LA

*E-Discovery: Searching the Virtual File Cabinets*

- Presenter, NBI Seminar
- Forthcoming November 13, 2009, Oklahoma City, OK

*Federal Rules of Civil Procedure: Changes Effective December 1, 2009*

- OBA/CLE Webcast Seminar
- November 10, 2009

*The First Year of the Cooperation Proclamation*

- Panelist, The Sedona Conference Webinar
- November 4, 2009

*The Other Side of the CAFA Effect: An Empirical Analysis of Class Action Activity in the Oklahoma State Courts*

- Kansas Law Review 2009 Symposium: “Aggregate Justice: Perspectives 10 Years After *Amchem* and *Ortiz*”
- October 30, 2009, Lawrence, KS

*Judicial Management Strategies to Encourage Cooperative, Non-Adversarial Discovery*

- Workshop for U.S. Magistrate Judges II
- July 15 and 16, 2009, Milwaukee, WI

*Some Thoughts on the Lawyer’s E-volving Duties in Discovery*

- Northern Kentucky Law Review Symposium on E-Discovery
- February 28, 2009, Cincinnati, OH

*Privilege Waiver Under New Federal Rule of Evidence 502*

- Presenter, NBI Seminar: *Keeping Up with E-Discovery*
- November 13, 2008, Oklahoma City, OK

*E-discovery in Oklahoma*

- Presented to the Kingfisher County Bar Association
- August 28, 2008, Kingfisher, OK

*The Revolution of 1938 Revisited: The Role and Future of the Federal Rules*

- Moderator, AALS Civil Procedure Section Program
- January 4, 2008, New York, NY

*E-discovery: New Adventures in Client Babysitting?*

- Presented at the Kansas University School of Law
- October 19, 2007, Lawrence, KS

*Bell Atlantic v. Twombly: Pleading Standards and Court Access*

- “Brown bag” presentation at the University of Oklahoma College of Law
- June 20, 2007, Norman, OK

*What’s Coming Next? A Look Into the Rules Amendment Pipeline*

- Presented at *Winning the Federal Case Before Trial*
- December 15, 2006, Oklahoma City, OK

*Recent Developments in Federal Subject Matter Jurisdiction*

- Presented at *Winning the Federal Case Before Trial*
- December 9, 2005, Oklahoma City, OK

*Driving Misjoinder: The Improper Party Problem in Removal Jurisdiction*

- “Brown bag” presentation at the University of Oklahoma College of Law
- May 25, 2005, Norman, OK

*The Relatively Underguided Erie Analysis*

- University of Oklahoma College of Law
- February 9, 2005, Norman, OK

*Federal Civil Rules Amendments: A Look Into the Pipeline*

- Presented at *Winning the Federal Case Before Trial*
- January 14, 2005, Dallas, TX

*Discretionary Dismissal Based on Post-Jurisdictional Events*

- Presented to United States Judicial Conference Committee on Federal-State Jurisdiction
- June 10, 2004, New York City, NY

*Oil and Gas Class Actions: Issues and Outcomes in Oklahoma*

- Presented at the *Eugene Kunz Conference on Natural Resources Law and Policy*
- November 2002, Oklahoma City, OK

**UNIVERSITY OF OKLAHOMA SERVICE**

Member, Faculty Appeals Board (2012-2016)  
Research Liaison, Office of the Vice President for Research (2012-2015)  
Member, Small Executive Committee, Faculty Senate (2002-2003)  
Member, Faculty Senate (2001-2002)  
Chair, Campus Disciplinary Council I (2007-2009)  
Chair, Campus Disciplinary Council II (2001-2002)

**UNIVERSITY OF OKLAHOMA COLLEGE OF LAW SERVICE**

Chair, Committee A (2019-2020)  
Member, Committee A (2018-2019)



Member, Committee on Endowed Positions (2017)  
Chair, Scholarship and Creative Activity Strategic Planning Committee (2012-2015)  
Member, New Programs Committee (2012-2015)  
Chair, Foreign Studies Program Committee (2011-2015)  
Director, Oxford Summer Program (2011-2015)  
Chair, Curriculum Committee (2016-2017)  
Member, Curriculum Committee (2013-2014)  
Member, Curriculum Committee (2011-2012)  
Member, Committee on Research and Scholarship (2011-2016)  
Chair, Committee A (2009-2010)  
Member, Dean Search Committee (2009-2010)  
Member, Committee A (2008-2009)  
Faculty Advisor, Oklahoma Law Review (2002-2003, 2004-2007, 2011-2018)  
Chair, Mentoring Study Committee (2005-2006)  
Chair, Code of Academic Responsibility Appeals Board (2004-2005; 2015-2017)  
Chair, Academic Appeals Board (2015-2017)  
Member, Externship Subcommittee (2004-2005)  
Chair, Personnel Committee (2006-2007)  
Member, Personnel Committee (2002-2003)  
Member, Personnel Committee (2000-2001)  
Member, Competitions Committee (2001-2003)  
Member, Legal Writing Committee (2001-2002)  
Member, Judicial Clerkships Program (2000-2010)  
Faculty Advisor, Phi Alpha Delta (2001-2003)

**BAR MEMBERSHIPS**

United States Supreme Court (2003)  
State of Wisconsin (1992)  
Eastern District of Wisconsin (1992)  
Western District of Wisconsin (1993)  
District of Colorado (1995)

# EXHIBIT D

<b>TABLE 1   Fee Awards of 33.33% or Greater Within District of Kansas</b>		
<b>Case</b>	<b>Recovery Amount</b>	<b>Fee Percentage</b>
<i>In re Syngenta AG MIR 162 Corn Litig.</i> , 357 F. Supp. 3d 1094, 1113-14 (D. Kan. 2018)	\$1.51 billion	33.33%
<i>In re: Urethane Antitrust Litig.</i> , No. 04-16161-JWL, 2016 WL 4060156, at *8 (D. Kan. July 29, 2016)	\$835 million	33.33%
<i>Hershey v. ExxonMobil Oil Corp.</i> , No. 07-1300-JTM, 2012 WL 5306260, *1, 7-8 (D. Kan. Oct. 26, 2012)	\$54 million	33.33%
<i>Eatinger v. BP America Prod. Co.</i> , No. 07-1266-EFM (D. Kan. Sept. 17, 2012) (Dkt. No. 375)	\$19 million	33.33%
<i>In re Universal Serv. Fund Tel. Billing Pracs.</i> , No. 02-MD- 1468-JWL, 2011 WL 1808038, at *2 (D. Kan. May 12, 2011)	\$16.9 million	33.33%
<i>In re Urethane Antitrust Litig.</i> , No. 04-MD-1616-JWL (D. Kan. Dec. 13, 2011) (Dkt. No. 2210) (Huntsman & BASF)	\$84 million	33.33%
<i>In re Urethane Antitrust Litig.</i> , No. 04-MD-1616-JWL (D. Kan. July 29, 2009) (Dkt. No. 995) (Bayer)	\$58.9 million	33.33%
<i>Williams v. Sprint/United Mgmt. Co.</i> , No. 03-2200-JWL, 2007 WL 2694029, at *6 (D. Kan. Sept. 11, 2007)	\$57 million	35%
<i>In re United Telecommc'ns Sec. Litig.</i> , No. 90-2251-0, 1994 WL 326007, at *3-4 (D. Kan. June 1, 1994)	\$28 million	33.33%

<b>TABLE 2   Fee Awards of 33.33% or Greater Within Tenth Circuit</b>		
<b>Case</b>	<b>Recovery Amount</b>	<b>Fee Percentage</b>
<i>Cecil v. BP America Prod. Co.</i> , No. 16-CV-410-KEW, 2018 WL 8367957, at *4-8 (E.D. Okla. Nov. 19, 2018)	\$147 million	40%
<i>Chieftain Royalty Co. v. XTO Energy, Inc.</i> , No. CIV-11-29-KEW, 2018 WL 2296588, at *4 (E.D. Okla. Mar. 27, 2018)	\$80 million	40%
<i>Chieftain Royalty Co. v. QEP Energy Co.</i> , No. CIV-11-212-R, 2013 WL 12090676, at *3 (W.D. Okla. May 31, 2013)	\$155 million	39%

**TABLE 3 | Fee Awards of 33.33% or Greater Outside Tenth Circuit**

<b>Case</b>	<b>Recovery Amount</b>	<b>Fee Awarded</b>
<i>Haddock v. Nationwide Life Ins. Co.</i> , No. 01-cv-01552-SRU (D. Conn. Apr. 9, 2015) (Dkt. No. 601)	\$140 million	35%
<i>In re U.S. Foodservice, Inc. Pricing Litig.</i> , No. 07-md-01894 (D. Conn. Dec. 9, 2014) (Dkt. No. 521)	\$297 million	33.33%
<i>Standard Iron Works v. ArcelorMittal</i> , No. 08-cv-05214, 2014 WL 7781572, at *1 (N.D. Ill. Oct. 22, 2014)	\$164 million	33.33%
<i>In re Neurontin Antitrust Litig.</i> , No. 2:02- cv-01830 (D.N.J. July 6, 2014) (Dkt. No. 114)	\$190 million	33.33%
<i>In re Plasma-Derivative Protein Therapies Antitrust Litig.</i> , No. 09-CV-07666 (N.D. Ill. 2014) (Dkt. Nos. 693, 697, 697-1, and 701)	\$128 million	33.33%
<i>In re Flonase Antitrust Litig.</i> , 951 F. Supp. 2d 739, 747-751 (E.D. Pa. 2013)	\$150 million	33.33%
<i>In re Se. Milk Antitrust Litig.</i> , No. 07-CV-208, 2013 WL 2155387, at *8 (E.D. Tenn. May 17, 2013)	\$158.6 million	33.33%
<i>In re Titanium Dioxide Antitrust Litig.</i> , No. 10-cv-00318 (D. Md. Dec. 13, 2013) (Dkt. No. 555)	\$163.5 million	33.33%
<i>In re Apollo Grp. Inc. Sec. Litig.</i> , No. 04-cv- 02147-PHX-JAT, 2012 WL 1378677 (D. Ariz. Apr. 20, 2012)	\$145 million	33.33%
<i>In re Initial Pub. Offering Sec. Litig.</i> , 671 F. Supp. 2d 467 (S.D.N.Y. 2009)	\$510 million	33.33%
<i>In re Tricor Direct Purchaser Antitrust Litig.</i> , No. 05-cv-00340-SLR (D. Del. Apr. 23, 2009) (Dkt. No. 543)	\$250 million	33.33%
<i>In re OSB Antitrust Litig.</i> , No. 06-cv-00826 (D. Pa. Dec. 9, 2008) (Dkt. No. 947)	\$120.7 million	33.33%
<i>In re Relafen Antitrust Litig.</i> , No. 01-cv-12239-WGY (D. Mass. Apr. 9, 2004) (Dkt. No. 297)	\$175 million	33.33%
<i>In re Buspirone Antitrust Litig.</i> , No. 01- md-01413-JGK (S.D.N.Y. Nov. 18, 2003) (Dkt. No. 171)	\$220 million	33.33%

<i>DeLoach v. Phillip Morris Co.</i> , No. 00- cv-01235, 2003 WL 25683496 (M.D.N.C. Dec. 19, 2003)	\$212 million	33.33%
<i>In re Vitamins Antitrust Litig.</i> , No. 99-197, 2001 WL 34312839 (D.D.C. July 16, 2001)	\$365 million	34.06%
<i>In re Merry-Go-Round Enterprises, Inc.</i> , 244 B.R. 327 (Bankr. D. Md. 2000)	\$185 million	40%
<i>In re Combustion, Inc.</i> , 968 F. Supp. 1116 (W.D. La. 1997)	\$127 million	36%